Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 22 SEPTEMBER 1879

LEGISLATIVE ASSEMBLY.

Monday, 22 *September*, 1879.

Motion for Adjournment.—Privilege.—Custody of Parliamentary Buildings.—Supply—report from committee.—Licensing Boards Bill—Council's amendments.—Divisional Boards Bill—committee.—Steamer Passes to Members.—Claim of Dr. Purcell.—Formal Motions.—Suspension of Chief Inspector of Distilleries.—Compensation to A. M. Hutchinson.—Grants to Agricultural Societies.—Bills of Exchange Bill.—Civil Service Disqualification Bill.—Case of H. M. Clarkson.

The SPEAKER took the chair at half-past 3 o'clock.

MOTION FOR ADJOURNMENT.

Mr. MACFARLANE (Ipswich) said he had a grievance against the *Hansard* reporters, and wished to make a statement in connection with it. He was not in the habit of making long speeches, but, on the other hand, spoke briefly in order to economise the time of the House, and also because he considered that when an hon. member had anything to say he could say it as well in few words as in many; but he found that the shorter an hon. member made his speeches the shorter they would be made. The reporters had it in their own hands to make the speeches of hon. members what length they chose; but if they would report the short speeches in full, and cut down the long speeches, it would tend to short speeches becoming the rule of the House. The same rule being applied to long and short speeches, the latter were now brought down to almost nothing. The Sunday train question was before the House last Thursday, and it was a question in which his constituents were very much interested. They were all against it.

Mr. O'SULLIVAN: No, no!

Mr. MACFARLANE said he ought to have been more fully reported. He had no complaint against the reporters except that the short speeches were cut down almost to nothing. He had never made this complaint before, and he hoped he should not have cause to do so again. He moved the adjournment of the House.

Mr. LOW had the same complaint to make. The last time he spoke not half of what he did say was taken down, and what was down was not what he had said.

Mr. HENDREN said it appeared to be the rule throughout the session that speeches should sometimes be cut down. Individual members of the House might have reason to complain, but he did not complain

that they were not fully reported, because it was a regular thing all round and everyone was treated alike.

Question put and negatived.

PRIVILEGE.

The Hon. S. W. GRIFFITH said there had been a great number of select committees during the session on private Bills, and early in the session his attention had been called to a statement that it had been the practice for the promoters of private Bills to pay fees to the members of select committees. It appeared to him to be an extremely improper thing, but he was informed that it was said to be the practice of the House of Commons. He had endeavoured to discover what authority there was for the payment of fees, and had said that he would take the first opportunity of bringing the matter before the House. He could find no authority for a practice which seemed to be inconsistent with the functions of a select committee, who were appointed to act as an impartial tribunal, to whom a Bill was referred to see and report whether it ought to become law or not. If fees were permitted the members of committee would, instead of being a tribunal, become advocates for the Bill. He asked the Speaker whether it was consistent with the duties of a member of a select committee to take fees? There was a wide-spread impression at the beginning of the session that the practice was allowed, and some members had informed him that under that belief they had in previous sessions received fees.

The PREMIER (Mr. McIlwraith) did not know of any case of the kind. Some time ago he himself sat on a committee in which the question was raised. The manager of the Bank of New South Wales was jocularly asked by the Colonial Secretary (Mr. Palmer) to send down a cheque for the fees to the committee at the rate of £3 3s. for each member per sitting. The manager did not see it was a joke and sent the cheque; but it was at once sent back. He knew of no other case in which fees had been tendered. He differed from the opinion of the hon. gentleman (Mr. Griffith), as he believed the members of committee were entitled to remuneration for the time they gave up to forward private business.

Mr. AMHURST said that in the case of the Maryborough Gas Company's Bill the members of the committee received fees.

Mr. SCOTT said he had been member of a committee last session or the session before in which fees were offered, but it being the first case in which fees had been offered they agreed that the money should not be taken, and it was sent back. He had ascertained since that fees had been paid to committeemen, and also that it was the practice of the House of Commons. Every member of the House of Commons sitting on a private Bill received, he believed, a guinea a sitting. That had been the practice for many years, and there was a regular scale of charges. This was only right, for without some such system the fees might be unlimited.

Mr. O'SULLIVAN said that at the time there was a select committee on the Tramways Bill, Messrs. Pring and Lilley were paid; but whether it was for drawing the Bill, or what, he did not know.

The Hon. J. DOUGLAS said there had been cases in which fees had been paid. He spoke positively, because in one case a member of the committee mentioned the fact that it was customary in the House of Commons, and that it would be desirable if such was the case here. Certain members were paid in proportion to the number of sittings they attended at a guinea a sitting. It was the practice of the House of Commons, and it was on that assumption the money was paid.

The COLONIAL SECRETARY (Mr. Palmer) did not recollect a case in which members of committee were paid, except in the case when he, in joke, told the manager of the Bank of New South Wales that he had better pay the members of the select committee. Being a Scotchman, the manager could not understand the joke, and sent down a cheque which was sent back to him. He did not, however, see there could be any objection to the practice, for if hon. members gave up their time to attend to private business they should be allowed to receive fees for doing so. As to taking a bribe, he (Mr. Palmer) only wished someone would send a cheque for 100 guineas, and he would, as a member of a select committee, stick to it; but the promoters would not get their Bill if they ought not to get it. There could be no objection to the practice of members receiving fees; they gave up plenty of time for public business, and if they gave up time for private business why should they not be paid if they liked to receive the money?

The SPEAKER said that he did not find anything in "May" in reference to members receiving fees for sitting on committees on private Bills. The only reference to anything bearing on it was on pages 97 and 98, where it stated that, in 1695, the Speaker of the House was expelled for receiving a gratuity of a thousand guineas from the city of London after passing the Orphans Bill, and the chairman of committees was also expelled for receiving twenty guineas for his pains and service as chairmaning the committee of the Orphans Bill. Other references were also made to cases of a similar nature; but there was nothing to enable them to decide whether members were entitled to receive fees or not. There was nothing in their Standing Orders referring to the practice, and he would therefore

suggest that it be referred to the Standing Orders Committee, who, if they found it necessary, would bring up a Standing Order to carry out the views of the House.

Mr. DOUGLAS, with the permission of the House, said that, as the Speaker had suggested the propriety of referring this matter to the Standing Orders Committee, there was another matter which might also be brought under their notice in reference to moneys paid into the Treasury for the purpose of covering the incidental expenses connected with private Bills. How far that money was taxed for the purpose of paying the expenses he did not know; but in most cases he believed the money to be returned without deduction and the object of the deposit was not met. If the other matter were referred, this might very well be considered also.

CUSTODY OF PARLIAMENTARY BUILDINGS.

The COLONIAL SECRETARY moved—

1. That, in the opinion of this House, it is desirable that the members of the two Houses, constituting respectively the Buildings Committee, the Refreshment Rooms Committee, and the Library Committee, should continue to control during the recess the several matters committed to their management as such committees during the session.

2. That the foregoing resolution be transmitted to the Legislative Council, for their concurrence, by message in the usual form.

He had put this motion on the paper in accordance with the wishes of a number of hon. members who had spoken to him on the subject. It was notorious that during the recess there was really no one in responsible charge of the buildings, the refreshment-room, or the library. The practice had been for the Speaker to use his authority with respect to this end of the House, and the President of the Legislative Council with respect to the other end. Very often, between the two, little had been done, and it was very desirable that during the recess the Speaker and the President should be assisted by the committees, the same as if Parliament was in session. Objection might be taken that the House had hardly the power to give such authority, for as soon as Parliament was prorogued their functions ceased. That difficulty could be very easily got over, for, if necessary, the Government could give authority by Executive minute to the committees to continue their duties. It was highly desirable that the building should be under permanent and defined control, and with that object in view he moved the resolution he had just read.

Mr. GRIFFITH said that when the motion was called over he cried "Not formal," simply in order that so important a matter should not pass in a merely formal manner. He quite agreed with the Colonial Secretary as to the desirableness of the course proposed, if it could be properly carried out, and saw no reason why these committees should not continue to exercise their authority during the recess.

Mr. DOUGLAS said he would just add a word or two on the subject. It was generally supposed that during the recess the buildings were under the care of the Minister for Works. If they were to be transferred to the Parliamentary Buildings Committee, the Minister for Works must, by some Executive act, delegate his authority to them. There was no difficulty in the other two committees continuing to discharge their duties by the authority of the House.

Question put and passed.

SUPPLY—REPORT FROM COMMITTEE.

The resolutions arrived at in Committee of Supply — Supplementary Estimates— were read at length by the Clerk, and, on the motion of the PREMIER, adopted.

LICENSING BOARDS BILL—COUNCIL'S AMENDMENTS.

On the motion of the COLONIAL SECRETARY, the House went into Committee to consider the Legislative Council's amendments in this Bill.

The amendments in clause 1, inserting definitions of "municipality," "council," and "mayor," were agreed to.

Of the amendments in clause 2, the Committee disagreed to the majority, the most important being the disqualification of the agent of any brewer, distiller, owner, or landlord of a licensed house from being a member of a licensing board.

Clause 3—Appointments to be annual—was agreed to with an amendment omitting the date on or before which appointments must be made.

On clause 7—Quorum of board—the Legislative Council's amendments, requiring that no license should be granted unless a majority of the members of the board concurred, and omitting the words "nor unless a majority of the whole number of members present so concur," were disagreed to.

On clause 8—Renewal of application—

The COLONIAL SECRETARY said he objected to any provision which prevented a man from renewing his application for a license during six months, because in a country like this, where townships sprang up so rapidly, a license might not be obtainable until the trade of the town had shifted to another part.

Mr. RUTLEDGE said this clause was not similar to one he had moved on a previous occasion. There might be very good grounds for refusing an individual which, perhaps, would not lie against the house.

Mr. O'SULLIVAN said a house might be very objectionable this week, and be made all right next week.

Mr. RUTLEDGE said there would be no reason, then, why another individual should not make application for the same house.

Mr. GRIFFITH said there was some force in the argument of the hon. member for Enoggera. As an amendment, he moved the insertion of the words—" on the ground that he is unfit to hold a license."

Question put and passed, and the clause, as amended, agreed to.

The Legislative Council's amendments in clause 11, making an alteration in the provisional certificate to be granted to applicants, were agreed to.

The Bill was reported to the House, and ordered to be transmitted to the Legislative Council with message in the usual form.

DIVISIONAL BOARDS BILL—COMMITTEE.

On the motion of the PREMIER, the House went into Committee to consider the Legislative Council's amendments to this Bill.

The PREMIER said the amendment in the first line of clause 8—One-third the board to retire annually—was purely verbal, and he would move that it be agreed to; at the same time, he preferred the clause as it stood originally.

Mr. GRIFFITH agreed with the hon. gentleman that the clause would be preferable if left as passed by the Assembly. As amended by the Council it did not say when one-third the board should go out of office.

The PREMIER said that, as he intended dissenting from the addition made at the end of the first paragraph, he would withdraw his motion, and move that all the amendments to clause 8 be disagreed to.

Mr. MOREHEAD hoped the word "fewest" would be retained, to show the amount of intelligence there was in the other Chamber.

Question put and passed.

The amendments in clauses 19, 21, 25, 28, and 30, were agreed to.

On the PREMIER moving that the amendment in clause 33—Removal of ballot-box—be agreed to,

Mr. GRIFFITH said he had intended taking exception to the amendment which had just been agreed to in clause 30. He could not see what the object was of changing the hour before which the returning officer might issue a duplicate ballot-paper from four to three o'clock. He had no objection to the amendment now before the Committee.

Mr. MOREHEAD thought that they should have stuck to clause 30 as passed by them.

Mr. RUTLEDGE believed there was a little utility in the amendment; a man might otherwise dawdle about and bring the paper in too late.

Mr. MOREHEAD said the same objection applied to the amendment.

Question put and passed.

The PREMIER moved that the amendments in clause 34—Scrutiny of votes and declaration—be agreed to.

Mr. HENDREN said that unless some provision was made authorising the board to hand over the rate-book and voters' list, there might be great difficulty in the returning officer complying with the amendment made by the Council, that at the time of opening the ballot-papers they should be produced by him.

Question put and passed.

The amendment to clause 40—Intruders into scrutiny-room—was passed.

The PREMIER said he saw no reason why clause 49—Allowance to chairman—should be struck out. He believed it would be a very useful provision, and would move that the Council's amendment be disagreed to.

Mr. MESTON agreed with the amendment. The chairman should not be paid a fraction; he did not incur more expense than any other member of the board, and the services of all should be given gratuitously.

The PREMIER said the clause only gave the board power to allow personal expenses; it rested entirely with the board.

Mr. GRIMES said there were cases in which it would be well that the board should have power to grant a small remuneration. In small municipalities, where boards might not be able to pay a surveyor, the chairman would very likely have to go round and see that contracts were carried out properly, losing some time and being at some expense.

Question put and passed.

The amendments to clause 53—Duties and responsibilities of boards—were agreed to.

The PREMIER moved that the new clause 56—Mode in which board may enter into contracts, and effect thereof—be agreed to; it was a transcript of a clause in the Local Government Act.

Question put and passed.

The PREMIER moved that the amendments in clause 58—What shall be rateable property—be disagreed to. They altered the principles of taxation, and were, in his opinion, infringements upon the powers and privileges of the Assembly. According to the Standing Orders of both the Assembly and the Council, the practice of the Imperial Parliament was to be resorted to in all cases not provided for in their Constitution. This was one of the cases to which they went to the practice of the Imperial Parlia-

ment, and they would find that the Council, in making the amendment, had entirely infringed upon the privileges of the Assembly. In "May," page 574, it said:—

"The Lords were not originally precluded from amending Bills of supply; for there are numerous cases in the journals in which Lords' amendments to such Bills were agreed to; but, in 1671, the Commons advanced their claim somewhat further by resolving, *nem. con.*, 'That in all aids given to the King by the Commons the rate or tax ought not to be altered;' and, in 1678, their claim was urged so far as to exclude the Lords from all power of amending Bills of supply. On the 3rd of July, in that year, they resolved, 'That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants—which ought not to be changed or altered by the House of Lords.'

"It is upon this latter resolution that all proceedings between the two Houses in matters of supply are now founded. The principle is acquiesced in by the Lords, and, except in cases where it is difficult to determine whether a matter be strictly one of supply or not, no serious difference can well arise. The Lords rarely attempt to make any but verbal alterations, in which the sense or intention is not affected; and even in regard to these, when the Commons have accepted them, they have made special entries in their journal, recording the character and object of the amendments, and their reasons for agreeing to them. So strictly is the principle observed in all matters affecting the public revenues that where certain payments have been directed by a Bill to be made into and out of the consolidated fund, the Commons have refused to permit the Lords to insert a clause providing that such payments should be made under the same regulations as were applicable by law to other similar payments.

"In Bills not confined to matters of aid or taxation, but in which pecuniary burthens are imposed upon the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of the rate or charge whether by increase or reduction; its duration, its mode of assessment, levy, collection, appropriation, or management; or the persons who shall pay, receive, manage, or control it; or the limits within which it is proposed to be levied."

The amendment they were considering violated all those conditions. Then again—

"As illustrative of the strictness of this exclusion, it may be mentioned that the Lords have not been permitted to make compensation to officers of the Court of Chancery out of the Suitors' fund, nor to amend a clause prescribing the order in which charges on the revenue of a colony should be paid. But all Bills of that class must originate in the Commons; as that House will not agree to any provisions which impose a charge of any description upon the people, if sent down from the Lords, but will order the Bills containing them to be laid aside. Neither will they permit the Lords to insert any provisions of that nature in Bills sent up from the Commons; but will disagree to the amendments, and insist in their disagreement; or, according to more recent usage, will lay the Bills aside at once.

"In cases where amendments have affected charges upon the people incidentally only, and have not been made with that object, they have been agreed to. So, also, where a whole clause, or series of clauses, has been omitted by the Lords, which, though relating to a charge and not admitting of amendment, yet concerned a subject separable from the general objects of the Bill. On the 30th July, 1867, it was very clearly put by Earl Grey and Viscount Eversley, that the right of the Lords to omit a clause which they were unable to amend, relating to a separate subject, was eqivalent to their right to reject a Bill which they could not amend without an infraction of the privileges of the Commons."

Again, at page 579—

"When any amendments of the Lords, though not strictly regular, do not appear materially to infringe the privileges of the Commons, it has been usual to agree to them with special entries in the journal; as, that 'they were only for the purposes of making the dates uniform in the Bill;' that 'they only filled up blanks which had not been filled, with the sums which were agreed to by the House, on the report of a clause;' that 'they were for the purpose of rectifying clerical errors'; or were merely verbal; 'were in furtherance of the intention of the House of Commons;' 'were to make the schedule agree with the Bill;' 'to render one clause consistent with another;' 'were rendered necessary by several Acts recently passed;' or 'were in furtherance of the practice of Parliament.'"

The amendment they were considering did not come within that category; and in proof of the strictness with which the rule was carried out in the House of Commons he would point out that an exception was made in private Bills, although it would be more applicable to amendments further on—

"In regard to private Bills, however, the Commons agreed, in 1858, to an important relaxation of their privileges; and will accept 'any clauses sent down from the House of Lords which refer to tolls and charges for services performed, and which are not in the nature of a tax.'

"So strictly had the right of the Commons been maintained in regard to the imposition of charges upon the people, that they denied to the Lords the power of authorising the taking of fees, and imposing pecuniary penalties, or of varying the mode of sueing for them, or of applying them when recovered; though such provisions were necessary to give effect to the general enactments of a Bill. A too strict enforcement of this rule, in regard to penalties, was found to be attended with unnecessary inconvenience; and, in 1831, the Commons judici-

ously relaxed it; and again, in 1849, they introduced a further amendment of their rules by the adoption of the following Standing Orders :—

"That with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with amendments, whereby any pecuniary penalty, forfeiture, or fee, shall be authorised, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases :

"1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.

"2. Where such fees are imposed in respect of benefit taken, or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the treasury or exchequer, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

"3. When such Bill shall be a private Bill for a local or personal Act."

To show how closely the practice of this House had been identical with that of the Imperial Parliament, these Standing Orders were embodied in our own Standing Orders. By the exceptions in the 268th Standing Order they maintained the exclusive right to deal with taxation. The subject was again taken up at page 582 of "May" :—

"The functions of the House of Lords in matters of supply and taxation being thus reduced to a simple assent or negative, it becomes necessary to examine how far the latter power may be exercised without invading the privileges of the Commons. The legal right of the Lords, as a co-ordinate branch of the Legislature, to withhold their assent from any Bill whatever to which their concurrence is desired is unquestionable; and, in former times, their power of rejecting a money Bill had been expressly acknowledged by the Commons: but the Lords had for centuries forborne to exercise this power. They had, indeed, rejected numerous Bills concerning questions of public policy, in which taxation was incidentally involved; but Bills exclusively relating to supply and ways and means they had hitherto agreed to respect. At length, however, in 1860, the Commons determined to balance the ways and means for the service of the year by increasing the property-tax and stamp duties and repealing the duties on paper. The increased taxation had already received the assent of Parliament, when the Lords rejected the Paper Duties Repeal Bill, and thus overruled the financial arrangements voted by the Commons. The House was naturally sensitive to this novel encroachment upon its peculiar privileges; but, as the Lords had exercised a legal right, and their vote was irrevocable during that session, it was judiciously resolved, after full inquiry and consideration, to maintain the privileges of the House, not by vain remonstrances, but by an assertion of its paramount authority in the imposition and repeal of taxes, at once dignified and practical. Accordingly, on the 6th of July, resolutions were agreed to affirming—1st. 'That the right of granting aids and supplies to the Crown is in the Commons alone.' 2nd. That the power of the Lords to reject Bills relating to taxation 'was justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the supplies, and to provide the ways and means for the service of the year;' and 3rd. 'That to guard, for the future, against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes and to frame Bills of supply that the right of the Commons as to the matter, manner, measure, and time may be maintained inviolate." The significance of these resolutions was illustrated in the next session when the Commons, without exceeding their own powers, were able to repel the recent encroachment of the Lords and to vindicate their own financial ascendancy. They again resolved that the paper duties should be repealed; but, instead of seeking the concurrence of the Lords to a separate Bill for that purpose, they included the repeal of those duties, in a general financial measure, for granting the property-tax, the tea and sugar duties, and other ways and means for the service of the year, which the Lords were constrained to accept. The financial scheme was presented, for acceptance or rejection, as a whole; and in that form the privileges of the Commons were secured. And the budget of each year has since been comprised in a general or composite Act."

Under these resolutions the power of the Commons was clearly laid down; and anyone looking at the amendment made on this Bill in the other Chamber would see at once that it was an infringement of those rules. He had referred to sufficient authority to make it very clear that it would be inconsistent for that House to permit the other House to alter a Bill of this character, especially in a clause directly relating to taxation. The point had been raised before in the Legislative Assembly, when they refused to assent to the other Chamber to alter Bills imposing taxes, or the increase of taxation. He moved that the amendment be disagreed to.

Mr. GRIFFITH said the passages cited by the hon. gentleman related entirely to the practice of the House of Commons in regard to Supply; he had not cited any authority relating to local taxation, where the taxes would go into a local fund. It would, indeed, appear from one passage that all matters of valuation or assessment, whether for local purposes or otherwise, were excepted from the jurisdiction of the House of Lords. The passage said :—

"In 1857 an amendment to the Valuation of Lands (Scotland) Bill was agreed to, it appearing that the same relates to the evidence admissible in certain cases, and does not alter or otherwise any valuation or assessment."

He had, however, referred to the particular Act there mentioned, and found that it was a measure dealing with the Consolidated Revenue—relating to a land tax—and not to the revenue of local bodies. He had looked with care through the passages quoted by the hon. gentleman, but he could not see anything covering the case, and he did not remember a case of the kind occurring here before. He should be always one of the first to maintain the privileges of that House—that it had the exclusive right to deal with all matters of supply; but he did not think it would be wise to attempt to extend their claims beyond what had been conceded in Great Britain, and at present he was unable to see that the authorities cited by the hon. gentleman at the head of the Government applied to this Bill, which was one relating to local government, where the taxes did not go into the Consolidated Revenue. If any authority could be found for that view he should gladly support the hon. gentleman, but he had not been able to find any. In former times supply was always spoken of as "aids" to the Queen or King. The Standing Order referred to said that the House would not insist on its privileges in cases where the fees were not made payable to the Treasury or in aid of the public revenue, so that a distinction was made where money was not payable into the Treasury, and where it went into the Consolidated Revenue. The authorities cited referred to taxation for purposes of revenue, and this did not come within that rule. There might be some other rule which had not been referred to, and if it could be found he should support the hon. gentleman; but he had been rather careful in watching these things, and he was not aware of any other rule. It was also stated in "May":—

"The House are no less strict in proceedings for levying a tax than in granting money; and it is the practice, without any exception, for all Bills that directly impose a State charge upon the people, to originate in a Committee of the Whole House. To bring a proposition under this rule, however, it must directly involve a charge upon the people, it not being sufficient that it would diminish the public income. Thus, on the 30th June, 1857, a Bill was brought in to repeal section 27 of the Superannuation Act, which required an abatement to be made from official salaries; it being held, after consideration of the point, that this was merely a diminution of public income similar to the reduction of a tax, and was not an increase of the salaries nor of the public charge in respect of salaries. Nor has this rule been held to apply to Bills authorising the levy or application of rates for local purposes by local officers or authorities representing or acting on behalf of the ratepayers. On the 15th July, 1858, objection was taken to the introduction of a Bill for the main drainage of the metropolis, without a preliminary committee, as it was alleged to be a Bill for imposing charges upon the people; but as it appeared that the expense of the proposed works was to be paid out of local rates upon the metropolis, and that it was intended to propose a resolution, in a Committee of the Whole House, for a Treasury guarantee for the repayment of money borrowed on the security of those rates, it was ruled that the Bill could at once be brought in—local rates never having been regarded as coming within the Standing Order. On the 16th July, 1858, exception was taken to a clause in the Corrupt Practices Prevention Bill, that it imposed a charge upon country and borough rates; but the chairman held that such a charge, not being for public revenue, could regularly be proposed in Committee on the Bill without a preliminary resolution. Neither has the rule been construed to apply to Bills imposing charges upon any particular class of persons for their own use and benefit. Thus, in 1848, the Merchant Seamen's Fund Bill, imposing a duty of a shilling a-ton on all ships in the Merchant Service, for raising a fund for the support of aged seamen and the maintenance of lights, was brought in without any previous vote of a committee authorising such duty. And again, in 1850, a similar Bill was introduced authorising a deduction from the wages of masters, seamen, and apprentices, to form a fund for their relief. The rule has generally been held to apply to Bills authorising the imposition or appropriation of taxes in the colonies; though such Bills would rather appear to fall within the principle of local taxation."

Nothing could be plainer to show the distinction between the supply granted to Her Majesty and local taxation where the taxes went into a local fund for local purposes. The only way in which the principle might be made to apply to this Bill would be that, by changing the mode of rating, a difference might be made in the amount to be paid out of the Consolidated Revenue to supplement the rates.

The PREMIER said it was quite clear that, although the chapter was headed "Supply," the passages he had read not only applied to Acts of Supply, but also to acts imposing burdens on the people. However, in order to make the matter more clear, he had another authority he would quote to show that he had rightly summarised the passages he had read from "May." "Dwarris," at page 340, said:—

"The following propositions are supposed by Mr. Hatsell to contain nearly the whole of the Commons' undeniable pretensions:

"First: That in Bills of aid and supply, as the Lords cannot begin them, so they cannot make any alterations either as to the *quantum* of the rate, or the disposition of it; or, indeed, any amendment whatsoever, except in correcting verbal or literal mistakes; and even these the House of Commons direct to be entered specially in their journals, that the nature of the amendments may appear, and that no argument pre-

judicial to their privileges may be hereafter drawn from their having agreed to such amendments.

"Secondly—

And this was what he wished to direct the hon. gentleman's attention to more particularly—

"That in Bills which are not f r the Special Grant of Supply, but which, however, impose pecuniary burthens upon the people—such as Bills for turnpike roads, for navigation, for paving, for managing the poor, &c., for which purposes tolls and rates must be collected; in these, though the Lords may make amendments, these amendments must not make any alteration in the *quantum* of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it. In all the other parts and clauses of these Bills, not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments.

"Thirdly: Where the Bill, or the amendments made by the Lords, appear to be of a nature which, though not immediately, yet in their consequences, will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced.

"And, lastly, the Commons assert that the Lords have no right to insert in a Bill pecuniary penalties or forfeitures, or to alter the application or distribution of the pecuniary penalties or forfeitures which have been inserted by the Commons."

Mr. KING said that at page 507 of "May" it was stated that—

"In Bills not confined to matters of aid or taxation, but in which pecuniary burdens are imposed on the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of the rate or charge, whether by increase or reduction, its duration, its mode of assessment, levy, collection, appropriation, or management, or the persons who shall pay, receive, manage, or control it, or the limits within which it is proposed to be levied."

The whole of that paragraph clearly showed that the Commons refused to accept amendments with reference to local rates in a Bill such as that now before the Committee. The second clause of the Constitution Act settled the question, as it provided that all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax, or impost, should originate in the Legislative Assembly. In the clause before the Committee the Council proposed to originate a new rate, and in that respect it proposed to originate taxation of that particular class which was decidedly opposed to the second clause of the Constitution Act. The Assembly had before now expressed an opinion on the subject, and had made a declaration of what it considered its rights; for instance, in 1876, on the 11th October, it had under its consideration some amendments made by the Council in the Stamp Duties Amendment Bill; and this was the message in which the Assembly refused to accept those amendments—

"This House is of opinion that in practice the power of imposing, varying, or repealing taxes should be maintained as the exclusive privilege of that House which is elected by the people."

There was no doubt that the second clause of the Constitution Act referred to rates as well as to taxes; and that being the case, he did not see that there was any occasion to go beyond the Constitution Act, which provided that no rate should be levied by the Legislative Council.

Mr. BEOR said he would also direct the attention of the Committee to page 466 of "May," in reference to the practice of the House of Commons in regard to public Bills. Referring to Poor Law Bills, "May" said:—

"But amendments involving the principle of a charge upon the people have frequently been made to such Bills by the Lords, which, on account of the extreme difficulty of separating them from other legislative provisions to which there was no objection, have been assented to by the Commons. Such amendments, however, ought not to interfere with regard to the amount of the tax, the mode of levying or collecting it, the persons who shall pay or receive it, the manner of its appropriation, or the persons who shall have the control and management of it. In any of these cases the Commons may insist upon their privileges, and it is only by waiving them in particular instances, and under special circumstances, that such amendments have ever been admitted."

Mr. GRIFFITH said that the passage quoted by the hon. member referred to the matter plainly enough, as it was just the sort of thing which was under the consideration of the Committee at the present time, as it referred to the Municipal Corporations of Ireland Act. No doubt, on reference to *Hansard*, the ruling given by the Speaker on that particular Bill would be applicable to the case in point. With regard to the case quoted by the hon. member for Maryborough (Mr. King)—namely, that of the Stamp Duties Bill—it was a question involving an interference with the Consolidated Revenue.

The PREMIER said that there was a case two years ago in which the same privilege was asserted by the Assembly, and that was with regard to the payment of members. In that case the Council made several amendments which were rejected by the Assembly, the reason given by the Treasurer being

"because the Bill is a Bill imposing a pecuniary burden upon the people, and the amendments of the Legislative Council alter the intention of

the Legislative Assembly with respect to the amount charged, its duration, and the persons who shall receive the benefit of it."

Mr. BEOR said that the debate referred to by "May," in the passage he had cited a few minutes ago, was on the Municipal Corporations of Ireland Act—

"Lord John Russell said that, before he proceeded to call the attention of the House to the Lords' amendments to this Bill generally, he wished to have the opinion of the Chair upon one of them in particular. The Bill, as it had passed the Commons, contained clauses giving certain powers which were hitherto exercised by the grand juries in Ireland to the municipal bodies instituted or reformed by the Bill. It appeared that the House of Lords had struck out those clauses, whereby in effect those powers hitherto exercised by grand juries, which were taxing powers, and powers of levying money, were continued to those grand juries, as they had by law hitherto exercised them. That was exactly the nature and effect of the Lords' amendment; and without offering any opinion upon the question, he should be glad to hear the opinion of the Chair before he proceeded to propose any further steps.

"The Speaker said that if he correctly understood the question, it had reference to those clauses in the Bill which transferred certain powers of taxation held under the existing law, by the grand juries of the several counties in Ireland, to the newly-created councils in the proposed municipal boroughs, the Lords' amendment upon which he did not think the House of Commons could agree to. It had always been most jealous of any interference on the part of the other House in cases of this description. It did not even allow the House of Lords to change the name of a single trustee in a Turnpike Bill. If a Bill passed the Commons for the collection of rates, it never consented, and never would consent, to any alteration being made by the other House respecting the body which was to have the control of those rates. He apprehended, therefore, that the Commons having decided that these powers of taxation were hereafter to be exercised by the new municipal councils, and the House of Lords having so amended the Bill as to retransfer those powers to the grand juries of the counties in Ireland, that the House of Commons could not, consistently with the proper maintenance of its privileges, agree to that amendment."

Mr. RUTLEDGE said that in the extracts which had been read from "May," it did not appear that the amendments made by the Lords referred to the subject matter of taxation. Supposing that in the present case of the Divisional Boards Bill a clause had been introduced exempting the residences of members of the Upper House from taxation, would the members of that House have the authority to strike out that clause? He did not think that "May" went so far as to deal with the subject matter.

Mr. BEOR said the hon. member's objection was met by the clause which was read by the hon. member for Maryborough (Mr. King) which spoke of the duration of a tax, its mode of assessment, levy or appropriation, or management, &c., or the limits within which it was proposed to be levied.

Mr. KING said he had found another ruling which bore on the question. It was given by the Speaker of the House of Commons, on the 24th May, 1841, on the Order of the Day for the second reading of the Drainage of Towns Bill being read. The Speaker then said—

"I have to inform the House that the effect of the Bill will be to give to the Commissioners of Sewers additional powers to tax the people, and that, therefore, it is not a Bill which can properly originate with the House of Lords."

Mr. GRIFFITH said that the authority just read by the hon. gentleman, and the authority quoted by the hon. member for Bowen, were conclusive of the practice of the House of Commons, that the Lords should not originate or amend any Bill relating to a local tax. He should always be one to maintain the privileges of the Assembly, and he must say that as he regarded the rulings which had been read as conclusive in the present instance, he must agree with the objection which had been taken by the Premier.

Question—That the amendments in clause 58 be disagreed with—put and passed.

The PREMIER moved that the amendments made by the Legislative Council in clause 59—Valuation—be disagreed with, for the same reason as that given in regard to clause 58.

Mr. GRIFFITH said he was obliged to allow—although he very much regretted it—that the rule which had just been laid down compelled them to disagree with the amendment in this clause also. He regretted that such should be the case, as the Council had proposed that in the case of pastoral runs the owners should pay according to their value, instead of at the reduced rate proposed by the Government. It was a great pity that they were in such a case precluded from doing justice to the country. With respect to country lands, he saw that the Council had proposed an amendment which would in effect take off the additional burden on industry proposed to be imposed by the Bill, and farmers and others would no longer be compelled to pay extra for every pound spent on improvements. He much regretted that consistently with the privileges of the House a division could not be taken on the amendment of the Council, as that, if carried, would have done more to remove the hostility to the Bill outside than anything else.

The PREMIER: The hon. member has had an opportunity of testing the opinion

of this Committee already on this question, and it was rejected.

Question put and passed.

On the motion of the PREMIER, the amendment of the Legislative Council in clause 68 was agreed to.

On clause 74, sub-section (d)—Repayment of loans—

The PREMIER moved that the amendment be agreed to. He had had doubts as to whether the amendment was not subject to the same objection as clauses 58 and 59, and he had consulted the Attorney-General on the subject, but that gentleman was doubtful on the point. If it was not objectionable on constitutional grounds he (the Premier) would like to see it passed.

Mr. GRIFFITH could not understand why the Premier should think there was not the same objection to this amendment as to the others. The clause referred to money lent to corporations out of revenue, and provided in what way these debtors should repay the loan. It was decidedly dealing with the Consolidated Revenue, and was quite as objectionable as if the clause proposed that the interest paid should be 10 instead of 5 per cent.

The PREMIER said that, after hearing the arguments on the other side, he had come to the conclusion that the amendment could not be put, and therefore moved that it be disagreed to.

Amendment disagreed to accordingly.

On clause 75—Board may impound cattle—

Mr. GRIFFITH said that the amendment, by inserting the word "roads," put it in the power of any country municipality to impound all straying cattle which might happen to go anywhere over their boundary in the division.

Amendment disagreed to.

On the motion of the PREMIER, original clause 76 was reinstated, and new clause 76—Compensation for damages—disagreed to.

New clause 77—Rates for markets, &c.—was disagreed to, as was likewise an amendment in the following clause.

An amendment in clause 78, substituting "a majority of the ratepayers" for "not less than one-third the total number," was agreed to; and amendments in schedules 2 and 3 were agreed to.

The resolution of the Committee was reported to the House, and the Bill was ordered to be transmitted to the Legislative Council with the usual message.

STEAMER PASSES TO MEMBERS.

Mr. O'SULLIVAN, in moving—

1. That, in the opinion of the House, members should receive a free pass by steamers from Brisbane to and from the Northern ports twice in each year;

2. That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of an address to the Governor, praying that His Excellency will cause provision for the carrying out the above resolution to be made on the Supplementary Estimates—

said he had simply put the motion on the paper because he had always noted that there was a sort of unfairness in their mode of proceeding. It cost Northern members a great deal of time and money to come down to the House, whilst Southern members had the advantage of having their fares paid, receiving free passes on the railway. It was not asking too much when members gave a great deal of their time and money to fulfil their duties as representatives of the people, that they should have, at any rate, their travelling expenses paid. What he was asking for was not a new idea. In New Zealand there was a Government steamer to bring members from their constituencies to the seat of Government, and to return them; and in New South Wales all the Western members had free passes on the railway, and where there were no railways, he was informed, they got coach fares. He was also told that the A.S.N. Co. gave free passes to the Northern members of New South Wales; but they had not extended their liberality to this colony. The present state of things prevented members visiting their constituents occasionally. It cost a great deal of money to travel, and they were not all rich. The motion was so obviously fair that he would not say more upon it.

Mr. MOREHEAD wondered whether a more absurd motion was ever intended to be put on the records. The first part of the resolution said—

"That in the opinion of the House members should receive a free pass by steamers from Brisbane to and from the Northern ports twice in each year."

It would be a very good thing, indeed, for members of the House to have a trip to the North at the expense of the country. If the resolution was intended to apply to the Northern members only, why was it not expressed; but as drafted it applied to all members. Were members to be compelled to accept this privilege and travel twice to the North in each year? The resolution seemed to be an absurdity, for it did not apply to Northern members solely, as was evidently intended by the hon. mover's speech, but he (Mr. Morehead) decidedly objected to its being altered. If the House were prepared to carry out the idea, he and others, no doubt, would have trips to the North in winter at the expense of the State.

Mr. AMHURST said the privilege was made applicable to all members on the same grounds that the privilege of free railway passes was extended to all mem-

bers. Why should not Northern members enjoy the privilege of travelling to the seat of Government free as well as Southern members? They had two mail contracts —with the A.S.N. Company and the E. and A. Company, and it would be a very easy thing for them to carry members backwards and forwards free. The objections as to the phraseology of the motion were childish. It was not absurd that all members should have the privilege of travelling to the Downs by railway free, but it was said to be so when it was proposed that all members who wished to travel to the north should have free passes.

The PREMIER said he had no doubt that the meaning put on the motion by the member for Mackay was in accordance with its wording, but he (Mr. McIlwraith) did not understand that the intention of the hon. mover was to make it applicable to all members. The reason given in support did not justify the House carrying a motion of this kind. He looked upon it as a motion to give the Northern members the means of travelling to and from Brisbane twice in each year at the expense of the State, and viewed in that light it was an approach towards payment of members, which principle had often been mentioned in that Chamber. He had been a strong advocate for payment of members, but it was one of those political doctrines which he had lived to repent of. On theoretical grounds better reasons could be given for than against it; but they had had the opportunity of seeing it in operation in the other colonies, and the results would bear out the contention that it would be a hazardous thing to adopt here. If the matter of payment of members should come before the House he would do all in his power to resist it. The motion sought to insert the thin end of the wedge, and he did not wish to see that done, and should therefore oppose it. If the Northern members should have the privilege of visiting their constituencies free, why should not Western members have the opportunity of getting by Cobb's coach to the Warrego and other districts at the expense of the State?—and, when they came to extend the privilege in that way, it would be very expensive upon the country. If the motion was passed in the form moved, most members would take advantage of it.

Mr. REA said the Premier had made a sweeping objection, but it had occurred to him that unless they got members more acquainted with the distant districts and the legislation required for them it would not be long before they should have separation of some of the northern parts. Even Ministers had admitted that they had not been able to go north to make themselves acquainted with the requirements of the selectors there. Members of the House would not be likely to put their hands in their pocket to make themselves better acquainted with those districts; but, if they had the option at some convenient period of the year to judge by their own personal observation what the requirements of those localities were, they would be better able and more likely to come to a clear and honest consideration of questions that had a bearing upon the general interests of the colony. From this aspect of the matter, the hon. mover ought to be thanked for introducing the motion even at this late period of the session. He had done wisely in wording it as he had, because if the motion were carried members of the House generally would have no excuse for not making themselves better acquainted with the outlying districts; and as the railway works of the colony progressed it would be very desirable if hon. members were to see for themselves whether the expenditure was properly carried out, so as to be in a position to make comments during the sitting of the House.

Mr. DOUGLAS said there was no doubt that at the present time the choice of the constituent body was very much limited by the difficulties that they found in obtaining the services of gentlemen who were able to attend here during a considerable portion of the year. On that ground a great deal might be said at the present moment for payment of members and the offering of such facilities as the motion proposed, because it was not on theoretical grounds this statement was made. It was on actual grounds that it was most desirable the people should be represented in the manner that they thought best; and if their choice was limited, their wishes and expectations could hardly be represented as they could desire. Whether as time rolled on these difficulties would be diminished he could not say. In time, of course, there would be a larger number of men of leisure and means who would be able to devote their time to politics, but there were very few such at present, and the choice of constituents was unwholesomely limited — in some constituencies there was, in fact, no choice. They must take the men who could come here and give five months of their time at their own expense, for very often they had not the means or the opportunity of obtaining the services of anyone except such as offered. On these grounds, therefore, and in the early stages of the colony, there seemed some justification for payment of members. That justification would cease in time when there was a larger number of men of leisure and means. Parliament should be composed, as far as possible, of men who could devote their time voluntarily to the State. However, he felt inclined to support the motion, and if there was any objections to the wording of it it could be altered in committee,

The practice in New Zealand was to pay the expenses of members to and from their district, and they were paid a daily honorarium for their attendance, and he was not aware that there was any information in the records of the New Zealand Parliament which would justify them in coming to the conclusion that the principle there recognised had been productive of bad results. It had been the custom to refer to Victoria as illustrative of the bad working of payment of members, but he was far from admitting that such was the case. Whatever might be the present political condition of Victoria, he did not think it necessarily followed to impute that condition to the fact that hon. members there were paid. In Canada members were paid, and without that payment it would be difficult to get a Parliament there at all—in a poor country embracing a very large area. By means of some system of this kind, great advantage might result from hon. members making themselves acquainted with the different portions of the country. For these reasons he should support the resolutions, and although it was late in the session he saw no reason why, in principle and practice, it should not be hereafter adopted.

Mr. ARCHER said he agreed so often with the hon. member for Stanley that he regretted that he must disagree with him on this occasion. The hon. member for Maryborough (Mr. Douglas) had stated that he did not attribute the present condition of Victoria to payment of members; and if that were a solitary instance, he (Mr. Archer) should not draw any deduction from it; but they had only to go to America to see the evil effects of that system. As had been said, if this was not payment of members it was the thin end of the wedge; and it was impossible to foresee what they might come to in time, if they once commenced the system. In America members were not only paid, but had likewise the privilege of a passage to and from Washington twice a-year; and he knew the case of one member who, although paid mileage to San Francisco and back, remained in Washington, and drew some 5,000 or 6,000 dollars a-year as travelling allowance. In Queensland they might degenerate into the same state, if they once initiated this system. He hoped they had not fallen so low as the Americans in that respect; but they were all human, and it was as well to keep the temptation out of reach. It was true, as stated by the hon. member for Maryborough, that at present the choice of men who might be returned to the House was limited, because men could not spare the time nor the money to attend the House; but it was a thing which year by year would better itself, and no doubt when the colony became more thickly populated there would be a larger choice of men who could afford the time to attend the House. He did not think they should try to better their position by this means, and was sorry that he could not support the motion, because, as a rule, he had great pleasure in voting for measures introduced by the hon. member for Stanley.

Mr. SCOTT said he had always opposed payment of members, and he thought if this was anything of the sort he should certainly oppose it. But at the same time, he did not see why one set of members should be placed in a different position from others. They should be all placed on the same footing. He did not know whether the motion was worded so that it would carry that out, but if not it could be altered to the effect that each member should have a free pass to and from his own district once a-year. Northern and Western members would then be placed in something the same position as Southern members.

Mr. MCLEAN could not agree with the hon. member for Blackall (Mr. Archer) or the Premier with regard to this motion. It had been said that it was the thin end of the wedge and would lead to payment of members, but they had the thin end of the wedge already in the free railway passes issued to members, and this would only be going a little further. He believed few members of the House would avail themselves of this privilege if the motion were carried. No doubt Northern members would take advantage of it once, and, perhaps, sometimes twice a-year, when they might wish to consult their constituents upon any particular question: but those cases would be exceptional. In Victoria it was part of the mail contract that members should be conveyed to and from their own districts, but not to other districts. He thought they were entitled to something of the same kind here, and if the hon. member for Stanley would make the free-pass once a-year he would support it. He believed it would be of great service to Southern members if they had a free-pass to the Northern ports once a-year, because they would be able to see the character of the country and be better able to understand questions connected with it when brought forward in the House. He believed it would make a great difference in the legislation of the House. It was not likely to result in any great expense to the country; few Southern members would have time to avail themselves of the opportunity offered by a free-pass up north; and he did not see any necessity for passes twice a-year.

Mr. O'SULLIVAN, in reply, said that if he thought the enormous results stated by the hon. member for Blackall could possibly spring from the motion, he (Mr. O'Sullivan) would withdraw it in a moment, as the hon. member had drawn

such a fearful picture of members in America drawing immense sums of money from the State and doing nothing for it. But, after all, the motion affirmed a very simple thing—namely, that the passage of members to the North should be paid twice a-year, and it had nothing whatever to do with the payment of members that he was aware of, although he should not be afraid to discuss that question, as he believed he could make out as good a case in favour of it as others could make against it. The hon. member for the Mitchell said that, if the resolution was carried, members would be making a perpetual picnic when the House was not sitting; but those who could afford to do that could do the same now, as even if the passages of members were paid they would have to maintain themselves whilst in the North. As to the motion being an insertion of the thin end of the wedge for payment of members, it was nothing of the kind, as members who lived in the Western districts already had free passes by the railway, and there was no reason why the same consideration should not be shown to those living in the North. The matter had been very fairly put by the hon. member for Maryborough (Mr. Douglas) who said that at present the Northern constituencies were limited in their choice of representatives, owing to the few people living in the North who could afford the time and money to come to Brisbane, and that therefore those constituencies were compelled to elect as their members people living in the South. Again, as had been stated by the hon. member for the Logan, it would be a great advantage to Southern members to visit the North occasionally and to become acquainted with its people and requirements. The motion did not propose to pay large sums of money to hon. members for doing nothing, but simply to give them free passages twice a-year. He was willing to accept the suggestion of the hon. member for Logan, and limit the passage to once a-year, but only as regarded Southern members; in the case of members residing in the North, it might be necessary for them to go North twice a-year. His own opinion was that if the country paid his passage to the North once a-year he should not be much in its debt.

Mr. GRIFFITH apologised for following the hon. member after he had replied, and said he was strongly in favour of payment of members, as he believed that that House would never be a thoroughly representative body until that system prevailed. He did not mean payment of salaries to members, but merely payment of their expenses whilst from home, and he should very cordially support such a measure whenever it was introduced, which he hoped would be next session. He did not see his way clear to support the present resolutions, as they were too small an instalment of the system, and because he was afraid that they would tend rather to interfere with the adoption of payment of members than assist it.

The MINISTER FOR WORKS said that, without entering into the subject of payment of members, he should support the motion if it was confined to Northern and Central members; but he did not feel inclined to give free passes to Southern members to enable them to travel about for their own pleasure. If the resolution was amended so as to place Northern and Central members more on an equality with members living along the railway line, he would support it; but he could not agree to giving a free-pass twice a-year to all members.

Mr. KINGSFORD said they were constantly being told of the inability of the Southern members to legislate for the North, and it was a matter of policy that the resolution should be passed in order that Southern members might be able to post themselves up in Northern matters. He should himself like to have an opportunity of doing so; and, at the risk of being considered selfish, he should support the motion.

Mr. MESTON said there was no comparison between giving railway passes and paying passages by steamer up North, as in the one case the railway was in the hands of the Government, whilst in the other it would cost them a great deal of money. Were the Government in the habit of running a steamer up North, then hon. members might have a free ride. No doubt there were many good men who were not financially in a position to incur the expense of representing a constituency, but in such a case a constituency should subscribe his expenses, and not ask the country to pay him. If they did not think such a man's services sufficiently valuable, then they should elect an inferior man who could pay his own expenses. He could not see his way clear to vote for the motion, as he did not see on what ground it was justified.

Question put.

The House divided:—

AYES, 15.

Messrs. Macrossan, Perkins, Stevens, Grimes, Low, Amhurst, Douglas, McLean, O'Sullivan, Hendren, Kingsford, H. W. Palmer, Hamilton, Rea, and J. Scott.

NOES, 13.

Messrs. Griffith, Dickson, Baynes, Paterson, McIlwraith, Palmer, Meston, Rutledge, Archer, Stevenson, Morehead, Hill, and Norton.

Question resolved in the affirmative.

CLAIM OF DR. PURCELL.

Mr. RUTLEDGE moved—

That the House will, at its next sitting, resolve itself into a Committee of the Whole to

consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates a sum not exceeding £115 10s., in satisfaction of the claim of Dr. Herbert Churchill Purcell, for services rendered to the Government by him in the capacity of Medical Officer of the Quarantine Station, Fitzroy Island.

He said he had undertaken the duty of moving the motion with considerable pleasure, as he was convinced that the claim was perfectly just. The facts of the case were briefly these: In April, 1877, Dr. Purcell was at Cairns, Trinity Bay, and had arranged to make a short trip as far as Green Island, with Mr. Spence, the Sub-collector of Customs; but in Trinity Bay they sighted the "Egmont," steamer, bound south from Cooktown; they steamed over, and Mr. Spence, Dr. Purcell, and Mr. Smart, of the Queensland National Bank, went on board. While in the saloon the steam-launch of the "Galley of Lorne," which had just arrived at Fitzroy Island with disease on board, came alongside flying the yellow flag. When she got alongside a packet of letters was thrown on board. The person in charge of the launch was a Mr. Reid, and as the packet of letters was thrown down he picked them up, and after perusing them, called out "Is Dr. Purcell on board?" Mr. Smart said, "Yes." Quoting from one of the letters which he had opened, Reid said to Dr. Purcell, "You are appointed to take charge of the Quarantine Station at Fitzroy Island as medical officer?" Dr. Purcell answered, "By whose instructions?" and Reid said, "By the instructions of Mr. Howard St. George, the Police Magistrate at Cooktown." Dr. Purcell then asked if the letter was an official one, and Reid said, "Yes, it is." The conversation was heard by Mr. Smart and another gentleman, whose affidavits he held in his hand. It was impossible for Reid, under the quarantine regulations, to hand up the letter to Dr. Purcell, and the latter went on board, and, acting on the instructions, went to Fitzroy Island, and found there a number of Chinese who had arrived by the "Galley of Lorne," the "Normanby," and another steamer, to the number of 1,700. They were afflicted with such ailments as dysentery, diarrhœa, mumps, and scabies. Dr. Purcell attended these people a considerable time, and performed his duties in a satisfactory manner. Reid acted under his orders, and there was no disposition to call in question the authority under which Dr. Purcell acted until something happened which caused Dr. Purcell to report Reid to Mr. St. George. When the quarantine had expired, Dr. Purcell came to Cooktown and asked payment for services rendered. Mr. St. George did not at that time raise any objection that the duties had not been performed or that the doctor had not been appointed. He signed the vouchers made out by Dr. Purcell, to the amount of £115 10s.; and, subsequently to this, Mr. St. George made application to the agents of the "Normanby" and the "Galley of Lorne," at Cooktown, for payment of the services rendered by Dr. Purcell to the Chinese. After this, when Mr. St. George was corresponding with the authorities, when he found there was some hitch and that he was likely to be charged with having on his own responsibility given the instructions appointing Dr. Purcell, he then found a way of escape from that by stating the letter read by Reid was not an official letter. If Reid had not instructions from Mr. St. George to require Dr. Purcell to go to Fitzroy Island, it was strange that the letter could not be produced; if Dr. Purcell were not regularly employed, it would be easy to disprove it by the production of the letter. Dr. Purcell had made several applications for it, but it was never shown to him; and, when Mr. St. George made application for it he was told by Mr. Reid that the letter had been lost. However, the services had been performed and Dr. Purcell had not been paid. He had not let the matter sleep; he had applied twice, but difficulties were raised, and he had been told there was some irregularity in the commencement of the business. The papers relating to the case were laid on the table of the House in 1877, and he (Mr. Rutledge) had copies of the correspondence; he also had documentary proof, though it was not necessary to trouble the House with it, which went to show that several persons heard the conversation with Reid, and from it they understood Dr. Purcell to be duly appointed. In common justice they could not do less than vote the money. Mr. Walsh, the member for Cook, had also written a letter certifying that Mr. St. George had stated that Dr. Purcell had performed these services. He appealed to the sense of justice and propriety inherent in the House to vote the money.

The COLONIAL SECRETARY said that, although he should be obliged to oppose the motion on the part of the Government, he should have been glad if some member of the late Ministry, who refused to recognise Dr. Purcell's claim, and knew more about it than he did, had given the House the reason why they refused to acknowledge it. The whole thing seemed to be a regular jumble. He had seen a voucher for Dr. Purcell's services, signed by Mr. St. George, the police magistrate. On the other hand, Mr. St. George denied that he ever appointed Dr. Purcell, and insinuated, if he did not say it plainly, that he went there entirely on his own account. In any case the country was not responsible for these expenses but the owners of the ships in quarantine, which should not have

been allowed to leave until the claims were settled. Any claim which Dr. Purcell might put forward could only be grounded on the fact—which Mr. St. George denied—that he was appointed by the police magistrate on behalf of the Government. That the services were performed there was very little doubt;—although he knew nothing of the case except from the papers that had been put before him. The only thing he felt certain of was, that Dr. Purcell had no claim on the country for the performance of those services. The written evidence he had seen showed that Dr. Purcell was appointed in some irregular way; but the payment for his services ought, as he had just said, to have been paid by the ships in quarantine before they were allowed to leave the island. He should oppose the motion, because he did not think Dr. Purcell had a proper claim on the country for the money.

Mr. GRIFFITH said he was sorry the hon. member for Darling Downs (Mr. Miles), who was the Colonial Secretary at the time, was absent, for he knew more about the matter than any of the other members of the then Government. There was no doubt that Dr. Purcell acted as doctor in charge of the quarantine station at Fitzroy Island when the "Galley of Lorne" was there; but whether he went there on a picnic, or on an appointment from the Government, was a question in dispute. He was certainly not appointed directly by the Government, and Mr. St. George distinctly denied that he appointed him. Under those circumstances what were the Government to do? There was a great deal of correspondence about the matter, and after such an interval he could hardly trust his recollection as to what occurred at the time. As far as he could recollect, the impression produced on his mind by the whole correspondence was that Dr. Purcell went up from Brisbane with the idea derived from some source—not from Mr. Miles—that he would be appointed—that on his way up he intimated to somebody that he was going to be appointed—that this got to the ears of Mr. St. George, who wrote to somebody to say he had heard Dr. Purcell was going to be appointed—and that somebody told Dr. Purcell he had seen a letter from Mr. St. George saying he was appointed. That was his (Mr. Griffith's) individual impression. There was no authority for the appointment, and consequently Dr. Purcell had no claim upon the country for his services.

Mr. HENDREN said that Dr. Purcell, as a professional man, would scarcely volunteer his services on such an occasion. It was stated that Mr. St. George did not authorise the appointment, although he certified to the services having been performed. There seemed to be some inconsistency about that. As to the argument that the Government did not appoint Dr. Purcell, how was it possible for the Government to appoint a man at such a distance, except through the resident police magistrate there?

Mr. GRIFFITH: He went up from Brisbane.

Mr. HENDREN said that was a different thing, but it was quite evident the appointment must have been authorised, or Dr. Purcell would never have given his services voluntarily. In any case, the duties were performed, and although two years had elapsed Dr. Purcell had not yet been paid for them. The probability was that had not Dr. Purcell been on the spot many lives would have been lost; and on the grounds of humanity the money should be paid. He should vote for the motion.

Mr. HAMILTON said that although it was the Colonial Secretary's opinion that the claim should have been paid by the owners of the ships in quarantine, his opinion was that the claim should be on the person who made the appointment. Dr. Purcell on that occasion, he believed, personally examined 1,700 Chinamen from three ships, every one of whom required the services of a doctor. It was shown from affidavits that the appointment was made by the authorised officer of the Government, and the hon. member for Cook (Mr. Walsh) told him that Mr. St. George acknowledged that Dr. Purcell had performed those services and was entitled to payment for them. It was only fair, therefore, that Dr. Purcell should be paid for the work he had done.

Mr. O'SULLIVAN said he had never heard a greater cock-and-bull story than that told by the hon. member (Mr. Griffith), who said he believed Dr. Purcell went up among these sick Chinamen on speculation, and that when he got there an idea got into his head that he had been appointed by the police magistrate. As to the assertion that the claim ought to have been paid by the owners or captains of the ships, and that they ought not to have been allowed to leave until the claim was settled, he could only say that the power to prohibit them from sailing lay, not with Dr. Purcell, but with the Government. Was it likely that Dr. Purcell would have done this work without authority? The reference made to Mr. Miles, the Colonial Secretary at the time, explained the whole affair. That hon. gentleman, as on a previous well-known occasion, had had too much whisky in him and forgotten all about the circumstance. No doubt, after making the appointment, the authorities up North, fearful lest they had overstepped their authority, told the Colonial Secretary that Dr. Purcell undertook the work without authority. He would not say that was a gross lie, because when he used the phrase on a former occa-

sion it was objected to as being unparliamentary. But it was a swindle, and for two years this gentleman, who risked his life in his work, had not been paid. If a vote of his could give it him he would vote for the motion.

Mr. REA said Mr. St. George was not a man who would shrink from his word after giving it, and he would sooner stand by a statement from Mr. St. George than from Dr. Purcell. Even if Dr. Purcell did go up on speculation, it was not inconsistent in Mr. St. George certifying that the work had been done. That was a very different thing from giving him the appointment.

Mr. DOUGLAS said he had nothing to do, personally, with the case, and without an accurate knowledge of the particulars it was difficult to express an opinion. He, however, entertained the opinion that Dr. Purcell was led to understand that he would receive that employment, although not authorised officially to undertake those duties. The notice given by Mr. St. George through Mr. Reid did not seem to have been intended to act in such a way as to induce Dr. Purcell to proceed as he did. Afterwards the Colonial Secretary declined to recognise the authority of Mr. St. George in the matter. He was convinced that Mr. Miles had never given any authority. It appeared to him, however, that someone acting under the Colonial Secretary had induced Dr. Purcell to go to Fitzroy Island, and the doctor having done the work should have been paid before the ship left. The work was done for the ship, and he (Mr. Douglas) did not see how it could be made a charge against the country. Dr. Purcell might have claims against some subordinates in the Colonial Secretary's Office, but nothing more than that. He had nothing in the shape of a legal claim, though he might have some equitable claim.

Mr. RUTLEDGE said the conflicting views expressed on the subject might be reconciled. If the gentleman representing the Government in the North employed Dr. Purcell the Government were bound by the act of their representative; and if the Government or Mr. St. George allowed the ship to go away without being required to pay what was due from it, the fault was either that of the Government or of those employed by the Government. He did not wish to appeal to the sympathies of hon. members, but to their sense of justice; and he would quote from some of the published correspondence on the subject. Dr. Purcell, in a letter to the Colonial Treasurer, dated June 14, 1877, said—

"The Colonial Secretary requires me to produce the letter from which Mr. Reid gave me my instructions to take charge of Fitzroy Island. I shall take it as a favour if you will kindly instruct Mr. Fahey, Sub-collector at Cooktown, to procure the letter from Mr. Reid which he read out to me from the launch of the "Galley of Lorne" as official. At the same time, I should feel greatly obliged if you would ask Mr. Fahey to state if I ever represented to him, or, as far as he knows, to Mr. St. George, that I was appointed to take charge of Fitzroy Island quarantine station by the Colonial Secretary."

The Under-Secretary forwarded the letter to Mr. Fahey, requesting him to comply with the requests of the writer. Mr. Fahey, in his reply, dated June 30, said that no correspondence, official or otherwise, had ever passed between Mr. Reid and himself, and that he was unable to obtain from Mr. Reid the letter referred to and required by Dr. Purcell. He called the attention of the House to the fact that there had been no denial by Reid that he communicated with Dr. Purcell on board the "Egmont," or that he was acting under instructions from Mr. St. George. But if any doubt remained on the minds of hon. members it would be dispelled by the affidavit of Mr. Smart, of the Queensland National Bank, Cairns, who declared that in April, 1877, he was on board the "Egmont," in Trinity Bay, and saw the steam-launch with the yellow flag flying; that he saw Reid receive letters, and immediately tell Dr. Purcell to go to Fitzroy Island and take charge of the quarantine station there as medical officer; and that, on the doctor asking by whose instructions, Reid replied "Mr. St. George's." From what letter could those instructions have been read? If it had been lost, why was not an affidavit by Reid brought forward to contradict these statements? The fact was, if the Government had been done out of the money they should deal with the officer who had not done his duty, and not deprive Dr. Purcell of what he was legally and equitably entitled to. He left the matter in the hands of hon. members, believing they would do justice.

Mr. SCOTT said he had heard a little of the circumstances of the case some years ago, and he believed Dr. Purcell was called upon to produce the letter from Mr. St. George, to the effect that he had been ordered to attend to those people. At the same time, it was intimated to Mr. St. George that if any such letter were produced he would be called upon to pay the expense. Government, therefore, took precious good care that they should have to pay nothing. Either Dr. Purcell would lose the money, or Mr. St. George would have to pay it.

Mr. MOREHEAD said he did not know how other hon. members would apply the letters that had been read. For his own part, he came to the very definite conclusion that Dr. Purcell was clearly entitled to the sum of money.

Question put and passed.

FORMAL MOTIONS.

The following motions were assented to without discussion:—

By Mr. REA—

That the Return relative to Expenditure on roads, bridges, and culverts, districts of Darling Downs, Moreton, Port Curtis, and Leichhardt, laid on the table of the House on 26th ultimo, be printed.

By Mr. DICKSON—

That there be laid on the table of the House, all further Correspondence between the Colonial Treasurer and the Auditor-General, not hitherto laid before Parliament, on the subjects referred to in the Treasurer's letter to the Auditor-General, dated 29th July, 1879.

By Mr. SCOTT—

1. That a Select Committee be appointed to inquire into and report upon the Petition of William Hobbs.

2. That such Committee have power to send for persons and papers, and have leave to sit during any adjournment of the House, and consist of Mr. A. H. Palmer, Mr. Griffith, Mr. Stevens, Mr. Kingsford, and the Mover.

SUSPENSION OF CHIEF INSPECTOR OF DISTILLERIES.

Mr. DICKSON, in moving

That there be laid upon the table of the House, the Report of and evidence collected by the Board recently appointed in connection with the suspension of the Chief Inspector of Distilleries,

asked that the Colonial Treasurer would allow the report to be accompanied by any correspondence that might have been forwarded to the Treasury by the board.

Mr. DOUGLAS said he was not quite sure whether some papers that had been previously called for in connection with the matter were laid upon the table. They were not produced or printed at the time because the board was going on, but probably it was desirable that they, also, should be printed if the motion was carried.

Question put and passed.

COMPENSATION TO A. M. HUTCHINSON.

Mr. O'SULLIVAN moved that the Speaker leave the chair and the House resolve itself into a Committee of the Whole to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1879-80, the sum of £200, to be paid to A. M. Hutchinson, late collector of Customs, Ipswich, in lieu of twelve months' leave of absence which he was entitled to receive under the Civil Service Act of 1863. He did not know whether the Ministry were in a humour to listen at that late hour, but at the same time he felt the justice of the matter was so clear that he would have very little trouble in making out a good case. Mr. Hutchinson——

OPPOSITION MEMBERS: Let it go into committee.

Mr. O'SULLIVAN: Very well; I will do so.

The COLONIAL SECRETARY said he objected to the motion going into committee, for the discussion upon it might take all night. He should oppose it, and endeavour to have the matter settled by one speech from each member, instead of having to listen to a dozen when it got into committee. The hon. member had not brought forward a shadow of a reason to support the claim of this gentleman to be paid £200 "in lieu of twelve months' leave of absence which he was entitled to receive under the Civil Service Act of 1863." Mr. Hutchinson was entitled to receive the leave of absence if he had applied for it while in office. He had never heard of such a claim being brought forward. This gentleman had left the Service, had got compensation for loss of office, and, he thought, six months' pay in advance; and now he wanted compensation in lieu of twelve months' leave of absence. Every member who had left the Civil Service during the last fifteen years might bring the same claim. This gentleman was entitled to one month's leave in the year; and if he did not choose to apply for it it was his fault. They were now asked, twelve months after he had left the Service, and after he had received compensation for loss of office, to give him compensation. They would have scores of similar claims if this one were recognised. When the matter came before the House, last Thursday, he told the hon. member that the motion was allowed to go merely to get on to the other business. He must oppose the motion, Mr. Hutchinson not having the shadow of a claim. All the time that he (Mr. Palmer) had been in the House he had never heard of such a claim.

Mr. O'SULLIVAN said he intended saying something on the motion, but did not do so because he was asked to allow it to first go into committee. The Colonial Secretary had almost damned it before it went into committee, but his statements were utterly reckless and unfounded. The hon. gentleman said Mr. Hutchinson got compensation for loss of office; that he was entitled to leave of absence and would have got it if he had applied for it. He (Mr. O'Sullivan) would undertake to prove that Mr. Hutchinson did not get compensation for loss of office, and that he applied more than once for leave of absence but did not get it. Mr. Hutchinson was about thirty-five years in the Public Service, nearly eighteen of which were served in this colony. From the moment the Civil Service Act of 1863 was passed he became a subscriber to the Civil Service

fund, and continued to be one until he left the Service. During his eighteen years' service he only got leave of absence three times, each time for two or three weeks. Under the 15th clause of the Civil Service Act of 1863 the responsible Minister of a department could give to any Civil Servant under him leave of absence for four weeks; but under certain circumstances, through illness or anything of that kind, twelve months' leave could be given on full pay in reality; and several Civil Servants had received that privilege from the heads of their departments. Mr. Massey got it. Mr. Somerset, in reality, got more than twelve months on his full pay of £500. Judge Cockle also got it. Was there an instance in the colony, except this one, where leave of absence was refused? Why it was refused to this officer, who had complied with all the requirements of the Service, he could not tell. It was not under the 15th clause that Mr. Hutchinson asked for leave; it was under the 16th, under which every Civil Servant had the privilege of applying for twelve months' leave of absence on half-pay. How was it that the privilege was given to every officer in the Service except this one? There had never been any complaint against him during his eighteen years' service; he was a leading officer who was well up to his business—who was, perhaps, one of the ablest Customs' officers in the colony. In October, 1877, he applied for twelve months' leave of absence on full pay, and his application was rejected without any reason being given. He applied again in the following January, on a doctor's certificate, and was again refused. On the 6th November following he applied again, and was again refused. In January following he retired on his annuity. It could not be said that that annuity constituted compensation to him. It was not a pension by any means. It was his own property, bought and paid for both by his own money and by his services. The late Colonial Secretary acknowledged this fact, and actually put a sum of £200 on the Estimates in lieu of six months' leave of absence. Mr. Hutchinson was entitled to twelve months' leave, but, it having been refused, he applied for six months', which was also refused. The late Colonial Secretary, having seen the justice of the matter, put £200 on the Estimates to repay Mr. Hutchinson for the refusal of leave of absence, but unfortunately it came before the House as compensation for loss of office, which it was not in reality—it was in lieu of six months' leave of absence, which he was entitled to but never got—and was refused. A man so long in the Service should have been offered another situation. A wardenship in the North was offered in a vague kind of way by Mr. Thorn, and was accepted with thanks; but Mr. Hutchinson never heard any more about it, and they knew in reality that Mr. Thorn had not the slightest notion of giving it to him. Mr. Hutchinson never heard another word about it, and was thrown out of the Service without cause. It might be asserted that his office was done away with, and, therefore, he was not entitled to leave; but that was a technical objection which had nothing in it. It was no fault of his that the office was abolished. Mr. Hutchinson was entitled to the leave of absence, and on that ground claimed compensation. The abolition of the office was a matter over which he had no control; it was a matter entirely in the hands of the Government, and he could not gainsay it. He (Mr. O'Sullivan) thought as this gentleman was entitled to leave of absence and it was refused, without any reason being shown for it—and none could be shown—his claim stood good still. If this claim was refused he, and others better able than himself to judge of the matter, considered that it would amount to an act of repudiation. But seeing that it was so late in the session, and that in his present temper the Colonial Secretary was determined to oppose the motion, it would be almost impossible to carry it, he would withdraw it for the present; but he would caution that hon. gentleman that if he (Mr. O'Sullivan) were in the House next session he would bring it forward early and give better reasons for passing it than he had given. He begged permission to withdraw the motion.

Motion by leave withdrawn, and Order of the Day discharged from the paper.

GRANTS TO AGRICULTURAL SOCIETIES.

The CHAIRMAN brought up the report from the Committee of the Whole House, relative to grants to agricultural and horticultural societies, Acclimatisation Society, cemeteries, and schools of art and mining schools.

Mr. DICKSON moved the adoption of the report.

The COLONIAL SECRETARY said he had intended to oppose this motion right through, as he stated in committee, but he found his hon. friend the Premier had promised the mover of the resolutions that he would accept them in this form. He should therefore oppose them no further.

Question put and passed.

BILLS OF EXCHANGE BILL.

Upon the Order of the Day for the committal of this Bill being called,

The SPEAKER said when the Order of the Day was last read a point of order was raised respecting the manner in which it had been introduced. He had taken time to examine into that point of order, and

found that trade Bills could be introduced in the Legislative Council. They were introduced in the House of Lords. In "May," page 472, it said:—

"On the 22nd July, 1863, objection was taken to a general Bill for repealing obsolete statutes, that it concerned religion and trade; but as the Bill had come from the Lords, the rule did not apply; nor would the objection otherwise seem to have been well founded."

There was some excuse for doubt on the question, seeing the very small number of Bills dealing with trade that had been initiated in the other Chamber. Of a list supplied by the Clerk of the Council to the Colonial Secretary, of Bills dealing with trade initiated in the other Chamber, he found that three of them were not trade Bills in his opinion, three more never left the Council, six were rejected in the Assembly, and only two had passed: that was in 1867. But there was no doubt whatever, from the authority he had read, that the other Chamber had power to initiate trade Bills.

Mr. GRIFFITH, in moving the House into Committee to consider the Bill, said that since the question was previously before the House he had searched the index of the Imperial Parliament for the last five years, and he found that nearly all the Bills relating to religion were initiated in the House of Lords, and of Bills relating to trade probably about half were originated in that way.

Question put and passed.

The Bill having passed through Committee,

Mr. GRIFFITH moved that the Chairman leave the chair, and report the Bill to the House.

Mr. HENDREN said he must confess that he could hardly understand the second clause, although he had been accustomed to commercial transactions for the last twenty years. He understood that when an acceptance was forwarded for signature the whole document was prepared, and all that was required to be done by the person accepting it was to sign his name and state where payable.

The CHAIRMAN said the hon. member was not in order. He should have taken exception to the clause when it was before the committee.

Mr. GRIFFITH said in moving the second reading of the Bill he explained that, contrary to what was supposed to be the law for many years, a bill of exchange was not accepted by a man merely signing his name without also writing the word "accepted." This had caused great confusion, and a Bill was introduced in the House of Commons to remedy it.

Question put and passed; and the House having resumed, the third reading of the Bill was made an Order of the Day for to-morrow.

CIVIL SERVICE DISQUALIFICATION BILL.

On the motion of Mr. O'SULLIVAN, the Order of the Day for the second reading of this Bill was discharged from the paper.

CASE OF H. M. CLARKSON.

Mr. RUTLEDGE moved that the Speaker leave the chair, and the House resolve itself into a Committee of the Whole to consider of an Address to the Governor relative to the proposed compensation to Henry Milner Clarkson.

The COLONIAL SECRETARY said it would not be worth while for the hon. member to move the Speaker out of the chair, as he (Mr. Palmer) had thoroughly made up his mind that Mr. Clarkson had no claim whatever to this money. He had spoken to several members of the committee since the report was brought up, and from what they had said, and from having gone thoroughly into the case himself, he was convinced that Mr. Clarkson had no claim whatever, either in law or equity. He believed the whole thing was an attempt to get money from the Government without there being the slightest claim. If any harm had been done to Mr. Clarkson by a small *lache* in the Real Property Office, that gentleman had been told by an officer in the department how he could put himself right, and he had refused to do it.

Mr. GRIFFITH said the hon. gentleman was only repeating what he had said before when all the members of the committee were present, and when they had expressed themselves very strongly on the matter; and the motion for the adoption of the report of the committee was carried. On that occasion, not only every member of the committee stated that Mr. Clarkson had a claim against the Government, but they were supported by other hon. members; but now, when hardly any of those gentlemen were present, the hon. Colonial Secretary took advantage of the opportunity to oppose the motion,

The COLONIAL SECRETARY said the hon. member had no right to accuse him of taking an unfair advantage, as he had told the hon. member for Enoggera (Mr. Rutledge) that he should oppose the motion; he had not taken any unfair advantage, as he had opposed the motion before.

Mr. GRIFFITH said it was quite true that the hon. gentleman had opposed the motion on a former occasion, and all the hon. gentleman's objections had then been answered by the members of the committee and others. He himself knew nothing

whatever of the matter beyond what he had heard from members of the committee on the occasion referred to; but he thought, after what had taken place on the previous occasion, it would only be fair for the hon. gentleman to let the motion go without further discussion. In order to give the hon. member for Enoggera an opportunity of speaking, he would move that the debate be adjourned.

Mr. RUTLEDGE said he was sorry that the Colonial Secretary had so positively announced his intention to oppose the motion, in the same way as he had opposed it all along. Even the virtue of firmness might be carried too far, and he (Mr. Rutledge) knew that if the hon. gentleman said positively that he would not allow the motion to go, it would amount to the whole thing falling through without being dealt with on its merits. He did not know what members of the committee might have said to the hon. gentleman, but none of them had said anything to him (Mr. Rutledge) beyond what they said at the table in the committee-room, when they agreed to recommend this amount of £300. The facts were simply these: that a person presented a petition which was referred to a select committee, the majority of which were supporters of the Government, and two of whom were actually recommended to him (Mr. Rutledge) by the Colonial Secretary. That committee brought up a report, and the Colonial Secretary very properly, as one of the custodians of the public purse, said he would not support the adoption of the report or the granting of the money until good reason was shown why he should do so. A debate then ensued, during which all the members of the committee and other hon. members expressed their opinion that the claim made was a good one, and the report of the committee was adopted. He (Mr. Rutledge) had not had an opportunity of bringing the matter forward again until that evening; and now, when nearly all the members of the committee had gone away, the hon. Colonial Secretary with his great influence said that he would not allow the motion to be passed. He (Mr. Rutledge) was not interested in Mr. Clarkson, but he considered that after the deliberate expression of opinion given by that House it was hardly courteous or fair of the Colonial Secretary to take advantage of the present occasion to throw the whole thing out. The merits of the case were well known to the hon. gentleman, notwithstanding what the hon. gentleman said to the contrary, as a letter from Mr. Clarkson had been addressed to him, had been referred to the Governor in Council, and a reply had been sent to Mr. Clarkson, the purport of which was that the Government could not give any further guarantee than what had been given by their predecessors. Although Clarkson could have obtained a second mortgage without the production of the certificates of title, yet, as a matter of practice, managers of banks had never advanced money in that way. It was their rule to take the certificates. The case before them was one of glaring injustice, by which the man had lost his property, and was one in which Parliament might be properly appealed to. He hoped that the Colonial Secretary with his large sense of justice would consent to retreat from the position he had taken up.

The COLONIAL SECRETARY hoped he had a strong sense of justice, and so strong was it, it would prevent his allowing anyone to attack the Treasury. If there were any just claim he would be one of the first to vote for it, but in this case he conscientiously believed that there was not the shadow of a claim. He believed if the money were voted Clarkson would not get any of it, but that it would go in payment of attorney's costs—

Mr. RUTLEDGE: He will get half of it.

The COLONIAL SECRETARY said they were getting to something at last. The money was evidently going for the purposes he had named—to swell the lawyers' costs, and he warned the House that this was what it would be voted for if it was voted at all. He (Mr. Palmer) was not one to take advantage of technicalities as alluded to by the hon. member (Mr. Rutledge), nor to take any small advantage as the hon. member for Brisbane insinuated. On the contrary, he gave notice when the subject first came before the House that he would oppose it to the very last, and he intended to do so. After the admission made by the hon. member that if the money were voted Mr. Clarkson would only get half of it, the House would only stultify itself by voting the amount. The hon. member appealed to him (Mr. Palmer) as if he had the power to prevent the House voting the money, but that power lay in the hands of the House itself. If they believed him—and he had taken a great deal of trouble in looking through the case—they would not vote the money, and why the hon. member should go out of his way to impute words to him which he never made use of he could not make out. The hon. member also considered the case had never been properly laid before the Colonial Secretary. It was laid before him fully, and a guarantee of costs was asked for first of all, and then a sum of £100, which was refused. The answer of the Government was considered in the Executive Council; and Clarkson got no guarantee, except the answer which had been given him by the previous Government. Did Mr. Clarkson come back for

an answer on that guarantee, and ask the Government to go into the matter? No! Instead of doing that he preferred to get a committee of the House, and lay his case before them. The hon. gentleman also took up another position—namely, that when a committee investigated a case and sent up its report, the House was bound to receive their judgment without exercising discrimination in the matter. He denied that position *in toto*. The committee had nothing whatever to do except present the matter more clearly to the House than might be obtained by a short discussion. The report went no further than that.

Mr. RUTLEDGE: But the House adopted it.

The COLONIAL SECRETARY said the House did not adopt it. He had allowed the matter to go so far and reach this stage without a division in order to facilitate the progress of business, and that was a course which had been pursued scores of times. He need only refer to a case occurring previously during the sitting when he allowed a motion to reach this stage, although he had always told the mover he should finally oppose it, and he had done so. He was therefore taking no advantage. The applicant was not entitled to any payment, and since the House had been told he would only get half, he scarcely thought they would vote a shilling of it.

Mr. AMHURST said the committee had brought up their report; if the House chose to accept it it was another thing, but the Colonial Secretary need not get up his indignation and expose his political dodges. The Colonial Secretary had allowed the House to go on without a division, and several members to support the motion, for his convenience. He hoped the hon. gentleman had a better answer, and one not quite so feeble to give for his opposition now. There was, however, this to be borne in mind, that had the hon. gentleman opposed it it would have been carried by a very large majority.

Question of adjournment of debate put and negatived.

Original question put.

The Committee divided:—

AYES, 11.

Messrs. Griffith, McLean, Dickson, Rutledge, Amhurst, Paterson, Grimes, Hendren, Douglas, Rea, and Baynes.

NOES, 14.

Messrs. McIlwraith, Palmer, Macrossan, Low, Perkins, Morehead, Hamilton, Archer, Norton, H. W. Palmer, Scott, O'Sullivan, Swanwick, and Hill.

Question, therefore, resolved in the negative.

On the motion of the PREMIER, the House adjourned at fifteen minutes past 10 o'clock.