Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 3 AUGUST 1880

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LEGISLATIVE ASSEMBLY.

Tuesday, 3 *August*, 1880.

Privilege.—Question.—Rabbit Bill.—Mail Contract—committee.

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

PRIVILEGE.

The SPEAKER said that before the House proceeded to the ordinary business of the day he wished to draw attention to what appeared to be a very extraordinary breach of privilege. He had read that morning in the *Courier* a letter signed by the hon. member for Maryborough, and also a report of the proceedings of the Select Committee appointed to inquire into the Petition of William Hemmant. He did not, of course, know whether the letter was written by the hon. member, or whether it was an accurate report of the proceedings of the Committee; but it was his duty to point out to the House that the proceeding was in open defiance, not only of the Standing Orders, but of the decision which the House came to on Thursday night last. He felt it necessary to direct the attention of the House to the very serious breach of privilege which had apparently been committed. He at the same time hoped that the hon. member for Maryborough would disown all connection with the report, or else it would be for the House to say whether a breach of privilege had been committed, and decide what should be done.

The HON. J. DOUGLAS: The letter was written by me.

The PREMIER (Mr. McIlwraith) said that, as had just been said by the hon. the Speaker, the letter having been written by the hon. member for Maryborough was a gross breach of privilege of the House. The affair was simplified by the admission made by the hon. member. He had very little doubt of the origin of the letter, but it might have been a difficult matter to prove it. When he (Mr. McIlwraith) referred to the way in which the hon. member had worked the matter up to its present point, hon. members would see that it was not only a gross breach of privilege, but it was a most deliberately gross breach of privilege after the hon. member having attempted to gain his object by some other means. Last Thursday the hon. member, not agreeing with a decision come to by a Select Committee of the House to exclude the Press from their deliberations, and their decision not to allow the reports of that Committee to be published daily, brought before the House the following motion:—

"That, in the opinion of this House, it is desirable that the proceedings of the Select Committees, except when deliberating, should be open to the public."

That was a matter which the House was perfectly justified in deliberating on; but as the Speaker had pointed out that if they had come to the conclusion that it was desirable that the proceedings should be open to the public, still the fact remained that such proceeding would be in defiance of the Standing Orders, and even if they had agreed with the motion it would be a breach of privilege for any individual to take advantage of it. So far, however, from that opinion being agreed to, the House affirmed by a majority of 24 to 12 that it was not desirable that the proceedings of the Select Committee should be open to the public. The next course taken by the hon. member was to write a letter to the *Courier*, defying the House and the laws of the House. He wrote as follows:—

"THE STEEL RAIL COMMITTEE.

"TO THE EDITOR OF THE 'BRISBANE COURIER.'

"Sir,—Disapproving as I do of any secret Legislative Committee, except when very weighty public considerations and the cause of morality demand secrecy, I now transmit to you the following brief report of the proceedings of the Hemmant Petition Committee on the 23rd July.

"I do this in the belief that the public take a very deep interest in the proceedings of that Committee, and in order to test the question of parliamentary privilege connected herewith.

"I am solely responsible for the contents of this communication, and if its publication is a breach of privilege I accept the consequences, and shall endeavour to maintain my position thus asserted in the cause of truth and of honest administration, which is now in grievous peril.—I am, sir, your obedient servant,

"JOHN DOUGLAS."

In reference to the Standing Orders, the matter was thoroughly discussed the other night. Referring to the Standing Orders, they found in No. 161—

"The evidence taken by any select committee of this House, and documents presented to such committee, and which have not been reported to this House, shall not be published by any member of such committee, nor by any other person."

That was one of the rules of the House, and if any hon. member wished to act contrary to that law his lawful course was plain. He had to bring down a motion asking the House to rescind their own law, and if it was rescinded it was then competent for the hon. member to act as he chose. But the hon. member having tried by one method to evade the law, tried by another to violate it. He (Mr. McIlwraith) would not enter into the merits of the case because that might complicate the question. He wished simply to rest on the fact that a wilful disobedience of the laws of the House had been committed by the hon. member. He would not complicate the matter by reference to the particular case in which this had been brought up, for an additional reason. Hon. members would see at once that the House was bound to defend its own privileges. He did not refer to any particular case, because if members did not defend their own privileges they might as well pitch the laws of the Assembly into the waste-paper basket. Having disregarded a precedent of that sort, he did not see how any member, in the future, could be brought up for breaking the privileges of the House. Although the Constitution Act provided in some respects for matters of this kind, it did not provide for the punishment of members or other persons who had violated the laws and privileges of the House. But Standing Order No. 103 said—

"Any member or other person who shall wilfully disobey any lawful order of the Assembly, and any member or other person who shall wilfully or vexatiously interrupt the orderly conduct of business of the Assembly, shall be guilty of contempt."

After the hon. member had acknowledged the writing of the letter he had just read to the House, it was perfectly patent that he had wilfully disobeyed the lawful Orders of the House contained in Standing Order No. 161. He therefore moved—

That the Hon. John Douglas, member for Maryborough, having wilfully disobeyed a lawful Order of this Assembly, has thereby been guilty of contempt.

Mr. DOUGLAS said he presumed that this was a case in which he would be justified in ad-

dressing the House under the 99th Standing Order, which stated that—

"Every member against whom any charge has been made, having been heard in his place, shall withdraw while such charge shall be under debate."

He presumed from that that he was justified in saying a few words in accordance with the Standing Orders. He did not wish to make any lengthy defence, but he wished to refer to two or three matters in connection with the breach of privilege of which the hon. the Premier had spoken. He (Mr. Douglas) admitted the Standing Order which the Premier had referred to, and he was perfectly aware of the existence of that Standing Order. He also admitted the decision of the House come to on Thursday, and he was perfectly aware of the grounds upon which they came to that decision. Notwithstanding that, he conceived—holding the opinion he did—that it was preferable even to appear to break the Standing Orders of the House itself rather than yield to what he believed to be a course which might imperil the public interests. In doing this he was quite aware that he took upon himself the extreme course of judging what was the public interest. That was a very extreme course, and one which he had never had recourse to before. The gravity of the occasion was such that it seemed to him he was justified in apparently setting aside the Standing Orders of the House for the object he had in view. That object was to draw the attention of the public to the facts to which he had referred, and also to assert what he believed to be the real public privileges of the people as opposed to the practice of this Parliament. It was unquestionably an unusual course, and could only be justified by the gravity of the situation and the determination to assert the principle in preference to the law. He was now probably in the position of many better men who had before him broken the law in order to assert a principle, and his action in this matter had been governed by the example of other and better men in this respect, in order that he might effect what he thought would be a desirable reform in the future, and in order that he might direct public attention to a really very deep grievance which at present agitated the public mind. He did not know whether he should be in order in referring to a subsequent statement made in the *Courier*, and attached to his letter, but the contents of that statement were really the justification of the course he had adopted. He would, of course, willingly submit to the Speaker's ruling if he was out of order in reading the addendum to his letter, which in reality was the correct justification of his infringement of the rules of the House. If it was not out of order, he should proceed to read the report to which he referred.

The SPEAKER said the hon. member should confine himself to the question before the House.

Mr. DOUGLAS said that the question before the House was that he should be heard in defence of an act which was a very unusual one, and could only be justified by very unusual circumstances.

The SPEAKER said the question was whether the act of the hon. gentleman was a breach of the privileges of the House, and whether the hon. gentleman was therefore guilty of contempt.

Mr. DOUGLAS said he put it in this way, that if the House so ruled he had a right in mitigation of contempt to urge the urgency of the occasion. Unless the Speaker insisted upon his not reading the document, the gravity of the occasion justified him, in his defence, in referring to it as his real justification in his action, which, he must admit, was very exceptional.

The SPEAKER: The hon. member should not travel beyond the question before the House. I have no wish to limit his defence in any way, if it is in mitigation of what he says he has done, but he should not bring in another subject of debate.

Mr. DOUGLAS submitted that when hon. members came to adjudge him guilty or not guilty of contempt, they would be governed in their conclusion by the cases which alluded to it. It was necessary, therefore, he should make them acquainted with those cases, and unless the Speaker positively ruled him out of order he must refer to this letter, which was, indeed, his justification. When he referred to the matter last Thursday evening he took up the general question as to the publicity of reports both in the House and in committee, and his argument then was that if freedom of reporting was allowed in the House it should be in committees; but he did not refer to this particular case; therefore, he would proceed to read the paper.

The MINISTER FOR WORKS (Mr. Macrossan) rose to a point of order. The hon. gentleman said he did not refer to this particular case last Thursday evening, and that his arguments were on general grounds. Let hon. members listen to this:—

"The question had arisen out of the consideration of the petition of Mr. Hemmant, which was lately referred to the investigation of a select committee. Application was made by some gentlemen connected with the Press for leave to be present at the examination of the witnesses. The Select Committee having consulted, exercised the rights they possessed under the Standing Orders, and came to the decision that they would not admit the public. That was unquestionably within the rights of the Committee."

Further—

"The House had already decided that the decision of that Committee was correct. It had also decided that no publicity to the evidence taken before that Committee should be given."

But the hon. gentleman had not only taken upon himself to violate the law of the House, but in doing so had placed before the public what he (Mr. Macrossan) as a member of the Committee could prove to be a garbled and incorrect statement.

Mr. DOUGLAS said that was the justification of his plea. He did not refer to those facts on a previous occasion, but now proceeded to do so, and he believed he would be able to subtantiate it.

The PREMIER said, if he might be allowed to express an opinion, he had not the slightest personal objection to the hon. member saying what he liked as to what had been brought before the Committee, nor had he any objection to the course now to be pursued. From the first he (Mr. McIlwraith), barring the violation of the privileges of the House, had been not only in favour of, but anxious for, the utmost publicity in connection with the steel rails contract. He had stated, and would state again, that he himself would leave no stone unturned, and would offer every facility that man could offer, to see the truth, and the whole truth, brought out. He should do this for his own sake, if for nothing else. He would now leave the House to decide whether the hon. gentleman was acting according to the laws of the House.

The SPEAKER: I am willing to comply with the wishes of the House. I am only afraid, from the introduction of a subject on which considerable excitement exists, that the debate will turn more on that secondary subject than on the main question before the House. I have no desire to limit the defence of the hon. member if he fancies he can say anything which could induce the House to acquit him of the offence of which he is charged.

Mr. DOUGLAS said the secondary consideration was really the justification for the main question, and therefore he would contend that it was only in view of the circumstances he should have been justified in taking the position he had. He would now proceed to read the report as published in the *Courier*.

Mr. SCOTT said that on a point of order he wished to ask whether the course the hon. gentleman was about to take was not commenting upon a case which was *sub judice?* Nothing at all could justify that. He, like others, had no wish to confine the hon. gentleman in his defence in any shape or form, but he had no right to comment upon a case which was yet undergoing examination. Such a course would not be allowed even in any inferior court of justice, and this Assembly was the highest court in the land.

Mr. GRIFFITH was understood to say that when a member was charged with an offence which was to deprive him of liberty, surely it was not the custom of Parliament more than any other tribunal to limit the accused in his defence. If an hon. member was accused of doing anything he might describe what was done, but, in the present case, the hon. member desired to call attention to that with which he was charged, showing that there were good grounds for not considering it an offence at all.

The COLONIAL SECRETARY (Mr. Palmer) said that if a man pleaded guilty to a charge of highway robbery he would not be allowed to excuse himself on the ground that it was murder. It was much the same thing here. The member for Maryborough had pleaded guilty to the charge of contempt, and yet he hoped to excuse himself because the evidence that he caused to be published was taken by a Select Committee sitting on a question which interested the public. He had no objection to the hon. member going fully into the evidence, but he could not claim to do so as a matter of right. The hon. member having pleaded guilty should withdraw if he had nothing to say, and should be heard afterwards in mitigation of punishment.

The PREMIER said he understood the hon. member proposed to read his summary of the evidence taken before the Select Committee appointed to inquire into Mr. Hemmant's petition, and to comment on it. Personally, he had not the slightest objection to the hon. member going into the merits as far as decency would allow him; but he must point out that there were hon. members on the Committee who might be able to answer the hon. member, but whose respect for the rules of the House might lead them to consider that they were bound not to reveal anything, or to abstain from discussing the evidence until the report of the Select Committee appeared. If it was understood by the House that the other members of the Committee would have full privilege to debate the matter, he had not the slightest objection to the member for Maryborough doing what he proposed, but unless this was understood some of the members of the Committee might be more conscientious than the hon. member, and not consider themselves entitled to debate the matter.

Mr. ARCHER said he did not know what action the hon. member for Maryborough proposed to take; but as he (Mr. Archer) was one of the Committee, he did not wish to have the matter discussed until the evidence was all taken and the report was brought up. He hoped the matter would not now be discussed in the House.

Mr. HENDREN said that the Premier having said it was not his intention to oppose the reading of the evidence, he did not see why the hon. member for Blackall should put his foot down simply because he happened to be one of the Select Committee, and perhaps chairman. The Premier was anxious that the matter should be thoroughly investigated, and his wish should be respected. Before the member for Maryborough retired the House was bound to hear him in his defence.

Mr. DOUGLAS said he had no wish to comment at length upon the evidence. He simply wished to read the addendum to his letter to the *Courier*, and should conclude with a few remarks. The Premier had said he had no objection to his doing so provided that he confined his remarks within reasonable limits: he (Mr. Douglas) was prepared to do that.

The PREMIER: I said within the limits of decency.

Mr. DOUGLAS: Very well; let it be so.

The ATTORNEY-GENERAL (Mr. Beor) said that it became a question whether, in reading the report, the hon. member would not be guilty of a fresh breach of privilege. He had no more right to refer to what was going on before a select committee than to publish an account of the proceedings. "May" gave the following as the practice of the House of Commons with regard to the publication of the evidence taken by select committees:—

"It is the general custom to withhold the evidence until the inquiry has been completed and the report is ready to be presented, but whenever an intermediate publication of the evidence, or more than one report, may be thought necessary, the House will grant leave, on the application of the chairman, for the committee to report its opinion or observations from time to time, or to report minutes of evidence only from time to time, and until the report and the evidence have been laid on the table it is irregular to refer to them in debate."

Mr. SWANWICK said he must submit that the hon. member having pleaded guilty to the charge should withdraw.

Mr. GRIFFITH said the hon. member for Maryborough was charged with being guilty of contempt, and in order to show that he had not been guilty of such an offence, and to let hon. members understand what he had really done, he proposed to read the addendum to his letter to the *Courier*. He admitted writing a certain letter to that journal, but whether it amounted to contempt was a question the House had to determine. How could the House do so until it had seen the letter? According, however, to the contention of some hon. members opposite, the paper was to be taken away, and members were not to see it, which was like charging a man with an offence without telling him what it was. How could the House tell whether the hon. member had been guilty of contempt until it had seen his communication to the *Courier* and knew exactly what it was?

The COLONIAL SECRETARY said the member for Maryborough professed to give the *Courier* a digest or analysis of the evidence taken by the Select Committee. How did the hon. member, who was not a member of the Committee, get the evidence? There must be a breach of privilege—there must be contempt by some other party, and he did not think it was very difficult to guess by whom. More than one contempt had been committed, and the leader of the Opposition would show a little more sense by keeping quiet.

Mr. GRIFFITH: I will not keep quiet.

The COLONIAL SECRETARY said the hon. member did not display much political sense as a rule, and he would show more by keeping quiet now. A double contempt must have been committed, because the evidence must have been communicated by one of the Committee or the shorthand writer. He was quite certain that it

did not come from the Printing Office. The hon. member for Maryborough would be adding to his contempt if he read what he called his digest of the evidence taken by the Select Committee. Some hon. members would know what that digest was likely to be worth. They could remember the hon. member when he prepared digests of the proceedings of Parliament for the *Courier*, and how extremely one-sided they were.

The ATTORNEY-GENERAL said, with reference to the leader of the Opposition's contention that the House must first look into the paragraph or report that the member for Maryborough was about to read, he would submit that it was not necessary to do so in order to ascertain whether a contempt had been committed or not. The hon. member for Maryborough had admitted that he had committed a breach of the Standing Orders. Almost his first words after the Speaker had called attention to the matter were to the effect that he had committed a breach of the Standing Orders.

Mr. DOUGLAS: I admitted writing the letter.

The ATTORNEY-GENERAL said the hon. member had also admitted that he had published the report or summary. As he had pleaded guilty to committing a breach of the Standing Orders, there was not the slightest necessity to look into the character of the offence, and it would be a repetition of the offence to bring the matter again before the House. There was no necessity to go into the report.

Mr. DOUGLAS said he had made no quibble about having written the letter, but no reference was made to the addendum to it. The offence with which he was charged was not that he had written the letter, but that he had accompanied it with a certain report divulging evidence taken by a select committee. The publication of the report was the indictment, but it was, in fact, never made against him. He wished to refer to the indictment, and maintained that the matter could not be tried by the House until they knew what the indictment was. He therefore proposed to read the indictment which constituted his breach of privilege, if it was so in this respect.

The MINISTER FOR WORKS said the hon. member argued that the House could not judge of the indictment until he had read it. Personally he had no objection to his doing so, but he maintained the hon. member would be guilty of further contempt, and that the House was competent to judge the indictment by the chairman of the Committee laying a copy of the *Courier* of to-day's date on the table; and he could appeal to the practice of the House of Commons for what he stated. He would refer hon. members to the Commons' Journal, vol. 87, page 350, where they would find that the papers were simply laid upon the table: that was taken as a proof of the publication of the documents, and the person complained of was found guilty of contempt by the House of Commons.

Mr. GARRICK said that no doubt the documents could be laid upon the table to prove the publication, but they could then be referred to by any member of the House. It was most unfair to charge a man with committing an offence and refuse to allow him to refer to it or show what it was. He could not help thinking that both the Premier and the Minister for Works were taking a very curious course of action. Both said that personally they had no objection to hearing the statement read; they thus took all the *kudos* by professing themselves as desiring an investigation, and at the same time they used the most effectual means of preventing it. Surely, the better plan would be to allow the member for Maryborough to refer at once to the indictment made against him, so that the House could see whether a contempt had really been committed. The Minister for Works must have already referred to the contents of the letter, for he had called the statement a garbled one. How could he say that unless he had read it? It was only fair to the member for Maryborough to have an opportunity of referring to the statement in order that hon. members might see whether he was really guilty of the charge made against him.

Mr. HILL said that surely the hon. member, in reading the statement, was repeating the offence, and he was further defying the Speaker, who, he understood, had ruled him out of order. The member for Maryborough seemed to have no consideration for the forms of the House or the ruling of the Speaker.

Mr. HENDREN said that until the report in the *Courier* was read to them they could not tell whether an offence had been committed.

The SPEAKER said the member for Maryborough had intimated his desire to read the published report of the evidence taken by the Select Committee. According to the strict rules of the House the evidence should not be discussed until it became a more formal matter, but it seemed to be the wish of the House not to limit the defence in any way.

Mr. DOUGLAS said he was obliged to the House for accepting the ruling just given, and he would proceed to read the addendum to the letter. [The hon. member here read the addendum to his letter published in the *Courier*.] With regard to the assertion that the statement was a garbled one, he did not think anyone who compared it with the evidence would come to that conclusion. It was a fair statement, though there might possibly be some slight inaccuracies. The evidence of Mr. Stanley, for instance, which extended over several pages, had been condensed to a single paragraph, but, though there might be some slight differences between this *précis* and the extended evidence, there was nothing of a materially contradictory nature. He did not think there were any inaccuracies with regard to the other evidence. With regard to the manner in which he obtained this evidence, he did not think he was bound to make any statement; but he had no doubt, if the House desired it, that that information could be given. He would remark, however, that, as a member of the House, he had a right to be present at the sittings of this committee; and, if it has been the custom to report the proceedings of such committees, he submitted he should not have been in the least out of order in making such a *précis* of the evidence. He had admitted, however, that it was not the practice at the present time; and, believing in the desirability of remedying the existing defect in parliamentary practice, he had taken the extreme course which was the subject of discussion. More than that, the facts disclosed in this evidence were really of such a nature that in his opinion they ought not to have been kept back from the public, and nothing had been shown to justify the withholding of them; they amounted to a conformation, in his opinion, of all that that had been stated by the hon. member——

Mr. WELD-BLUNDELL rose to a point of order. He submitted that the hon. member had no right to refer to the proceedings and state what in his opinion the statement amounted to. The hon. member, in commenting upon the evidence and stating how it confirmed certain statements, was acting in a manner contrary to the course which had been agreed upon.

The SPEAKER said the House had expressed its willingness to hear what the hon. gentleman

might consider necessary for his defence, although formal objection might be taken to his statements.

Mr. DOUGLAS said he trusted that in the course he was taking he was complying with the wishes of the hon. gentleman at the head of the Government. He maintained a very strong opinion that disgraceful transactions had been disclosed which reflected upon our administration in the London office. He had arrived at the opinion that some of the men connected with that office were, in fact, what amounted to a gang of thieves. To what extent this thieving had extended it was impossible now to say, but the House had now got upon the track, and that track ought to be followed up to the very end. Under all the circumstances, believing, as he always had, that it was undesirable that the proceedings of such committees should be kept secret, he considered he was justified in taking the course he had. He did not wish to avoid reference to the Standing Orders which had been quoted, but he wished to state that, whatever decision the House might think fit to come to, he stood in the House on his rights, and asserted that the House was bound to act in this respect in accordance with the Constitution. He demanded that if adjudged guilty, he should be convicted under the provisions of the Constitution Act. The Standing Orders were merely laws passed for the convenience of the House, and they were as nothing compared with the actual instrument which gave them authority. They were, in fact, a *brutum fulmen* as regarded the question of contempt referred to by the hon. gentleman at the head of the Government, unless that could be brought within the meaning of the Constitution Act. The hon. gentleman was, no doubt, well aware of the provisions of that Act. The rights of Parliament were defined in the Constitution Act, and in that respect our Constitution differed very largely indeed from the practice and principles of the House of Commons. In the House of Commons the privileges of that venerable assembly were traced back to the past, and were founded upon precedents, and their powers were exceedingly extensive—in fact, unlimited. This House, on the other hand, had limited their powers; the Constitution Act of 1867, by which the Constitution was at present guided, regulated their proceedings. The present Standing Orders of the House were approved and recognised as by-laws by the Constitution Act of 1860. This subsequent enactment, in his opinion, overrode the Standing Orders, and they became nothing except in so far as they agreed with the distinct provisions of the Constitution Act of 1867. The 45th clause of that Act stated:—

"Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt, by fine according to the standing orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer, in such place within the colony as the House may direct, or in Her Majesty's Gaol at Brisbane, until such fine shall have been paid, or until the end of the then existing session, or any portion thereof, any of the offences hereinafter enumerated, whether committed by a member of the House or by any other person:—

"Disobedience to any order of either House, or of any committee duly authorised in that behalf, to attend or to produce papers, books, records, or other documents before the House or such committee, unless excused by the House in manner as aforesaid.

"Refusing to be examined before or to answer any lawful and revelant question put by the House or any such committee, unless excused by the House in manner aforesaid.

"The assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament, or endeavouring to compel any member, by force, insult, or menace, to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House.

"The sending to a member any threatening letter on account of his behaviour in Parliament.

"The sending a challenge to fight any member.

"The offering of a bribe to or attempting to bribe a member.

"The creating or joining in any disturbance in the House, or in the vicinity of the House, while the same is sitting, whereby the proceedings of such House may be interrupted."

He would further point out that in the case of anyone being proved guilty of either of the acts enumerated, and a warrant under the hand of the President or Speaker for the apprehension of such person being issued, the Act further provided that—

"Every such warrant shall contain a statement that the person therein mentioned has been adjudged guilty of contempt by the House, the President or Speaker whereof shall have issued the same, specifying the nature of such contempt in the words of this Act, defining the same, or in equivalent words; and every warrant shall be sufficient from which it can be reasonably collected that the person mentioned therein has been adjudged guilty of any of the contempts aforesaid, and no particular form shall be necessary to be observed in such warrant."

He entertained the opinion that he had acted within his rights in this matter, whatever opinion other hon. members or the Speaker might have with regard to the course he had adopted. They might consider the course an extreme one, but probably many hon. members would consider that it was justified by the result. His contention was that the circumstances of the case were extremely exceptional; and being anxious to affirm a principle which he desired to see carried out in practice, he conceived that this was one way of directing the attention of the Speaker, of Parliament, and of the public, to a practice which he considered to be objectionable. Before resuming his seat he would advert to a case which had recently occurred in the Imperial Parliament, and he thought hon. members would allow that this Parliament was justified in following the example set by that more revered and ancient institution. He referred to Mr. Bradlaugh's case, the report of the proceedings of the parliamentary committee appointed to inquire into which appeared in the *Times* of June 3rd. The Speaker was doubtless aware that a vast amount of attention had been directed to this subject in England. The report of the proceedings extended over more than half a column of the *Times;* and in order to show that the character of the report was similar to the character of the report in respect to which the present charge was made, he would read a portion, as follows:—

"The select committee of the House of Commons on parliamentary oaths (Mr. Bradlaugh) assembled yesterday for the purpose of taking evidence, Mr. Spencer Walpole presiding. Sir Thomas Erskine May, principal clerk of the House of Commons, was the first witness as to precedents, &c. He explained the manner in which the question now before the committee had arisen, and read the minutes of the proceedings of the House to explain fully to the committee what had occurred. When Mr. Bradlaugh had come to the table of the House"—

It was unnecessary to refer further to the report, except to say that it concluded with the words—

"The committee then adjourned until to-morrow."

There was an instance of an offence very similar to the offence which he (Mr. Douglas) was held to have committed, so far as the publication of a report of the Committee proceedings was concerned. There was, however, this difference—that in the one case the committee resolved that the reporters should be admitted, and in the other case a different decision was arrived at. He wished to point out that even this report was in contravention of the Standing Orders, which forbade reports of committees to be published during the session. This report in the *Times* was clearly

a breach of the privilege of the House of Commons; if the House of Commons thought fit it could prosecute the *Times*, and could, no doubt, do a good deal in the way of sustaining the case. The law of Parliament, so far as Standing Orders were concerned, would, no doubt, justify it in taking such a course. Having reviewed the practice of the House of Commons in those matters, having quoted the most modern instance in point, and having also referred to the fact that the investigations of this Committee should, in his opinion, be made available to the Press so that the public might know what was going on, he thought he had said all that it was necessary to say. He hoped it would be admitted that he had frankly avowed the authorship of the letter and report. He did not consider the report was garbled. There might be some inaccuracies in it, but nothing that amounted to misrepresentation of facts. It must be borne in mind, also, that the evidence was exceedingly lengthy, and that if it had been given in full it would have covered a page and a-half of the newspaper—which was, under the circumstances, impossible. Having given, as he conceived it, a fair digest of the proceedings of the Committee, he thought he had done what was for the public interest; and in so far as he had departed from the practice here, or from the privileges of the House, that was for the House to decide. He believed that he stood there uncondemned by the Constitution under which they derived their powers, and he trusted that, taking that view, the House would see that it could take no further action in the matter.

The hon. member (Mr. Douglas) then withdrew from the Chamber.

The ATTORNEY-GENERAL said he did not know whether it was worth while referring to the point raised by the hon. member (Mr. Douglas) in his defence—namely, that the Constitution Act of 1867 abrogated their Standing Orders with reference to contempt. The hon. member read a clause of that Act on which he relied; but, as anybody might observe, that clause simply provided for a special mode of punishment for particular cases of contempt, and interfered in no way with the old-established mode of punishment for contempt—namely, by committing the hon. member so guilty to the custody of the Sergeant-at-Arms. It simply provided that in certain specified cases the punishment should be by fine, and then the clause enumerated the particular offences to which punishment by fine applied. That clause was, no doubt, necessary, for without it the House would have no power to punish by fine in any case. In the House of Commons that power had not been exercised for many years—for nearly two centuries, he believed, and consequently it was doubtful whether the House would have any such power now. The practice in the House of Commons was stated by "May," at page 107, as follows :—

"In 1575, Smalley, a member's servant, who had fraudulently procured himself to be arrested, in order to be discharged a debt and execution, was committed to the Tower for a month, and until he should pay to Mr. Hewitt the sum of £100. Again, in 1580, Mr. Arthur Hall, a member, who had offended the House by a libel, was ordered to be committed to the Tower, and to remain in the said prison for six months, and so much longer as until himself should willingly make retractation of the said book to the satisfaction of the House; and it was resolved that a fine should be assessed by this House, to the Queen's Majesty's use, of 500 marks, and that he should be expelled. In 1586, Bland, a currier, was fined £20 for having used contumacious expressions against the House of Commons"

And then the author went on to cite Floyde's case—a long one, which occurred in 1621—and said—

"The last case of a fine by the Commons occurred in 1666, when a fine of £1,000 was imposed upon Thomas White, who had absconded after he had been ordered into the custody of the Sergeant-at-Arms."

No fine having been inflicted for contempt by the House of Commons since 1666, it was doubtful if this House would have power to inflict any fine. Accordingly, a clause was introduced into the Constitution Act providing that for certain contempts a fine should be the proper punishment. But, as he had pointed out, it in no way interfered with their Standing Orders as applied to other contempts. With regard to the hon. member's defence, he did not appear to have said anything in mitigation, but had rather considerably aggravated his guilt by stating openly and contumaciously in the House that, although the House had only a few days ago decided that the report ought not to be published until such time as the House directed, yet that, despite that decision, he determined to take the law into his own hands and act in open defiance of it by publishing the summary of the evidence.

Mr. GRIFFITH said he had intended to speak on the motion as soon as the hon. member (Mr. Douglas) had withdrawn, but he was very glad the Attorney-General had anticipated him, because he had conjectured to-day that the Government, in accordance with their usual tactics during this and the last session, would adopt what he might call a policy of violence. Still, he was not prepared for the profound ignorance upon the whole subject displayed by the learned Attorney-General, whom he supposed they might regard as the legal adviser of the Government in this matter.

The ATTORNEY-GENERAL: It is very easy to say that.

Mr. GRIFFITH said he was not in the habit of making statements of that kind unless he could prove them, and before he sat down he should be able to prove that statement to the meanest capacity in the House, if there were any hon. members prepared to listen to argument. In the first place, the motion was made with the view of depriving the hon. member (Mr. Douglas) of his liberty;—it was intended to be followed up by the issue of the Speaker's warrant for the purpose of committing the hon. member into custody for an alleged contempt of the House. Before he referred to the particular circumstances of this case he should refer to what the powers of the House really were—as they had been decided to be by the Privy Council in two celebrated cases in which the powers of colonial legislatures with respect to contempt were definitely fixed. The matter was one in which there was not the slightest doubt as to the law. Those two cases covered the whole ground, and overruled all earlier decisions on the subject. The Attorney-General's argument proceeded on the assumption that this Parliament had a general power of commitment for contempt, and that the powers given to it by the Constitution Act were powers superadded to that general power. He would show the House that it was clearly settled that they had no such general power, and that the only power the House possessed was the power expressly conferred upon it by the Legislature. He did not think that any lawyer in the British dominions at the present day would, after a moment's consideration, dispute that proposition. It might be as well if he established that position first. Anticipating some folly of the kind committed this afternoon, he prepared himself for it, hoping there were still enough members prepared to listen to reason, and not to render themselves parties to what would be nothing more than an act of unlawful violence. He used the words advisedly. It was as much unlawful violence as if half-a-dozen members seized him forcibly and ejected him from the House.

The COLONIAL SECRETARY: It would not take half-a-dozen to do that.

Mr. GRIFFITH said he was sorry to see that some hon. members, led by members of the Government, appeared to consider the opportunity of getting rid of the hon. member (Mr. Douglas) a matter to joke about. He did not consider it a matter to joke about. The first case he would refer to was a case in which Mr. Doyle (the Speaker of the Legislative Assembly of Dominica) and others were the appellants, and Mr. Falconer (a member of the House) the respondent. In that case the Speaker and all the members of the House who concurred in the illegal act of the Speaker in committing a member for contempt were held equally liable by a court of justice. He would quote the case, which appeared in *Law Reports*, vol. I., Privy Council Appeals, page 328, and was decided in November, 1866:—

"This was an appeal arising out of an action of trespass, for assault and imprisonment, brought by the respondent, a member of the House of Assembly of Dominica, against the appellant, the Speaker, and ten members of the same House.

"The declaration contained three counts. The first for assaulting the plaintiff on the 28th of May, 1863, and seizing and laying hold of him, and forcing and compelling him to go through divers public streets to the common gaol, and there imprisoning him, without any probable cause, for three days; the second was for an assault and false imprisonment, without reasonable cause, for three days; and the third for a common assault.

"To this action the defendants pleaded—

"First, the general issue to the whole declaration. Secondly, as to the first count, to the effect that at the time mentioned in the declaration the defendant Doyle was Speaker, and the other defendants, with the plaintiff, were members of the Lower House of Assembly of the Island. That on the day in question there was duly had and holden a meeting of the Lower House of Assembly, consisting of the defendants, the plaintiff, and a Mr. Dupigny. That at such meeting the plaintiff, having already spoken by way of objection to a motion, and amendment thereon made by other members, proceeded to further debate on his objection, contrary to the established rules and practice of the House, whereupon he was called to order by the Speaker. That, nevertheless, the plaintiff persisted in his speech, and addressed insulting words to the Speaker, which, pursuant to motion, were noted down as follows:—'Who the devil are you to call me to order? You are a disgrace to the House.' That thereupon it was resolved (Mr. Dupigny objecting) that the plaintiff had been guilty of a high contempt of the House, and that he should be held in such contempt until he should have apologised. That thereupon the defendant Doyle, as Speaker, called upon the plaintiff to apologise, who refused to do so, stating that he had said nothing requiring an apology, and continued to address the House. That the Speaker again called upon the plaintiff for an apology, when the plaintiff replied, 'You may tell me that I am in contempt one hundred times if you like, but I shall speak. You may move it one hundred thousand times. I repeat what I have said. You are a disgrace to the House. You were expelled the House for robbery; the minutes of 1845 can show it.' That the Lower House of Assembly thereupon resolved (Dupigny dissentient) that the plaintiff, a member of the House, having, whilst addressing the House, been called to order by the Speaker and House, and he having then addressed to the Speaker the words, 'You are a disgrace to the House,' and the House of Assembly having called upon him to apologise, and he having refused to do so, was held in contempt, and having while so in contempt interrupted and obstructed the business before the House, it was therefore resolved that the plaintiff, for his disorderly conduct and contempt of the House, be taken into the custody of the Sergeant-at-Arms, and that the Speaker do issue his warrant committing the plaintiff to the common gaol during the pleasure of the House. Whereupon the defendant Doyle, in pursuance of the resolutions and orders aforesaid, and according to the law, custom, and practice therefore used and practiced by the House, and which did always of right belong to the House for the punishment of contempts and for interruptions and obstructions to the business of the House by its members or others in the presence and during the sittings of the House, and which authority had ever been enjoyed and exercised in like cases by legislative assemblies in other parts of the dominions of Her Majesty the Queen, did make and issue his warrant under his hand and name as such Speaker, directed to the Sergeant-at-Arms or his deputy, in and by which warrant reciting that: 'Forasmuch as the House of Assembly had that day adjudged that George Charles Falconer, Esq. (the plaintiff), had been guilty of a contempt and breach of the privileges of the House; and therefore ordered that George Charles Falconer should be for the offence committed to the common gaol of the said Island during the pleasure of the House,—it was required that the said Sergeant-at-Arms or his deputy should take into custody the body of George Charles Falconer, and then forthwith deliver him over to the custody of the keeper of the gaol.' That the defendant Doyle, as such Speaker, delivered the warrant to one Andrew Johnson, the Sergeant-at-Arms, and to whom the same was directed to be executed.

"So far the facts were pleaded by all the defendants. The remainder of the allegations contained in the plea were pleaded by the defendant Doyle only. After the averment of the delivery of the warrant to the Sergeant-at-Arms, the plea proceeded: and defendant Doyle further says that, being such Speaker, after the making of the resolutions and order, and for the execution thereof, and according to the law, custom, and practice of the House theretofore used . . . did, in pursuance of the resolutions and order, and for the further execution of the resolutions and order, make his certain other warrant under his hand and name, directed to the keeper of the gaol or his deputy . . . . requiring that the keeper or his deputy should receive into his custody the body of George Charles Falconer, and him safely keep during the pleasure of that House. The plea then averred delivery of this last-mentioned warrant by the defendant Doyle to the keeper of the gaol to be executed, and that, by virtue of the first warrant and in obedience to the order of the House, Johnson, the Sergeant-at-Arms, arrested the plaintiff, forced him to go into and along divers streets, &c., &c., on the way to the gaol, and delivered him into the custody of the keeper, and that the keeper received the plaintiff and detained and imprisoned him in gaol, according to the warrant secondly mentioned.

"The third plea pleaded to the second and third counts the same facts to those counts, and pleaded by the second plea to the first count, concluding that the defendants were not guilty of trespass, or any of them, otherwise than by the making, signing, issuing, and delivering of the warrants by Doyle, as such Speaker, in pursuance of the resolutions and order aforesaid, in manner and form as in the plea alleged.

"To these pleas the plaintiff demurred. On the first plea an issue, in fact, was joined to be tried. To the second and third pleas the plaintiff demurred specially, assigning the causes to the effect—First, that those pleas were no answer to the action, but were evasive and uncertain, and that no precise issue could be taken upon them. Secondly, that the pleas did not sufficiently aver and set forth the legal existence of the custom and practice alluded to by the pleas of punishing contempts, interruptions, and obstructions, as of right belonging to the Lower House of Assembly, nor of the authority to commit for such contempts and obstructions mentioned in the said pleas as enjoyed in like cases by the legislative assemblies in other parts of the Queen's dominions."

There were some other formal objections which need not be now mentioned. The case was tried before the Chief Justice by a special jury, and the plaintiff was awarded £770 damages. A new trial was moved for, and it was decided that the proceedings of the House of Assembly were wrong and unauthorised, and that the Speaker and the members were guilty of assault, and that the plaintiff was entitled to receive damages in the same way as others who were assaulted. The questions arising out of the case and referred to the Privy Council were argued by Mr. Mellish, Q.C., and Mr. MacNamara, for the appellant, and all that could be said in support of the alleged privileges of the colonial House of Assembly was said; for there was not a more eminent man at the Bar then than Mr. Mellish, except perhaps the counsel on the other side, Sir Roundell Palmer. The question was gone into fully, and the cases previously decided were fully discussed. Judgment was reserved, so that the fullest consideration was given the matter, and then came the decision of the Privy Council, which disposed of the question finally, as there was no appeal from that decision as to the power of colonial legislative assemblies with respect to commit-

ting for contempt, except so far as they had statutory power. That decision settled what was the general power apart from the statutory power in any particular case. He would afterwards refer to a case which occurred in the Supreme Court of Victoria, where the statutory power was considered and dealt with. He would read the judgment in this case because it was not a matter of technical law but a matter of constitutional law, on which every man should be able to form his own conclusion, and which was perfectly intelligible to the meanest comprehension in the House. He hoped hon. members would listen to what he was about to read, because if they, in defiance of the law of the Realm, determined to imprison the hon. member for Maryborough, they would be liable to exactly the same consequences as in the case he alluded to: that was, they would be individually liable to an action for assault and imprisonment. It was a great constitutional question, and affected hon. members individually. The judgment was as follows :—

"The respondent in this case, being a member of the Lower House of Assembly of the Island of Dominica, brought an action of trespass for assault and false imprisonment against the Speaker and ten other members of that body. The defendants put in two special pleas justifying the trespasses complained of, to which the respondent demurred. Judgment on the demurrer was given in his favour by the court below, and the present appeal is against that judgment.

"The following are the facts set forth in the pleas, so far as it is necessary to state them :—

"The respondent having, while addressing the House, been called to order by the Speaker, when in the due execution of his office, said the words, 'You are a disgrace to this House,' and having been called upon by the House to apologise, and having refused to do so, was declared in contempt of the said Lower House of Assembly. While so in contempt he further interrupted and obstructed the business before the House, whereupon it was resolved that for his disorderly conduct and contempt of the House he should be taken into the custody of the Sergeant-at-Arms, and that the Speaker should issue his warrant committing him to the common gaol of the Island during the pleasure of the House. In pursuance of this resolution two warrants were issued, one directed to the Sergeant-at-Arms, requiring him to take the respondent and deliver him over to the keeper of the common gaol; the other directed to the gaoler, requiring him to receive into his custody the body of the respondent and to keep him safely during the pleasure of the House. But each warrant bore only on the face of it that the House of Assembly had adjudged the respondent guilty of a contempt and breach of its privileges, and had ordered that he should be, for the said offence, committed to the common gaol of the Island during the pleasure of the House.

"The questions upon which the sufficiency of the justification thus pleaded depend, are—

First, does the House of Assembly possess the authority which the pleas allege did always of right belong to it, and to legislative assemblies in other parts of the dominions of Her Majesty, viz.:—An authority to commit and punish for contempts committed, and for interruptions and obstruction given to the business of the said House of Assembly by its members or others, in its presence and during its sitting?

"Secondly, assuming the existence of this alleged authority to be established, were the warrants issued by virtue of it sufficient in law?

"The first question, affecting as it does the privileges of the legislative assemblies in many of the dependencies of the Crown, is one of importance. When it first arose before this Committee, in the case of Beaumont *v.* Barrett, the learned judges then sitting decided broadly that the power of punishing contempts is inherent in every assembly that possesses a supreme legislative authority, whether they are such as are a direct obstruction to its due course of proceeding, or such as have a tendency indirectly to produce such obstruction; and therefore, that the Legislative Assembly of Jamaica had the power of imprisoning for a contempt by the publication of a libel.

"Again, in America, the Supreme Court of the United States, a tribunal whose judgments are entitled to the highest respect, held, in the case of Anderson *v.* Dunn, that the House of Representatives had, by necessary implication, a general power of punishing and committing for contempts, notwithstanding that the *lex scripta*—the Constitution of the United States—had expressly conferred upon it a power limited to the punishment of contempts when committed by its own members.

"It is admitted, however, that the case of Reilly *v.* Carson, which overruled that of Beaumont *v.* Barrett, and has been followed by that of Fenton *v.* Hampton, must here be taken to have decided conclusively that the legislative assemblies in the British colonies have, in the absence of express grant, no power to adjudicate upon, or punish for, contempt committed beyond their walls."

He would also observe that the contempt in that case was a contempt committed within the House—insulting the Speaker of the House also. But the Privy Council had previously settled conclusively that legislative assemblies, in the absence of the express power conferred upon them by some competent authority, had no power to commit for contempt committed outside of the House.

"The case is one which, having regard to the constitution of the committee before which it was argued for the second time, their lordships must accept as an authority of singular weight. And if the elaborate judgment which was then pronounced has in terms left open the question which is raised in the present case, it has stated principles which go far to afford the means of determining that question.

"The privileges of the House of Commons, that of punishing for contempt being one, belong to it by virtue of the *lex et consuetudo Parliamenti*, which is a law peculiar to, and inherent in, the two Houses of Parliament of the United Kingdom. It cannot, therefore, be inferred from the possession of certain powers by the House of Commons, by virtue of that ancient usage and prescription, that the like powers belong to legislative assemblies of comparatively recent creation in the dependencies of the Crown.

"Again, there is no resemblance between a colonial House of Assembly, being a body which has no judicial functions, and a court of justice, being a court of record. There is, however, no ground for saying that the power of punishing for contempt, because it is admitted to be inherent in the one, must be taken by analogy to be inherent in the other.

"If, then, the power assumed by the House of Assembly cannot be maintained by analogy to the privileges of the House of Commons, or the powers of a court of record, is there any other legal foundation upon which it may be rested? It has not, as both sides admit, been expressly granted. The learned counsel for the appellants invoked the principles of the common law, and as it must be conceded that the common law sanctions the exercise of the prerogative by which the Assembly has been created, the principle of the common law, which is embodied in the maxim—'*Quando lex aliquid concedit, concedere videtur et illud, sine quo res ipsa esse non potest*'—applies to the body so created. The question, therefore, is reduced to this: Is the power to punish and commit for contempts committed in its presence one necessary to the existence of such a body as the Assembly of *Dominica*, and the proper exercise of the functions which it is intended to execute? It is necessary to distinguish between a power to punish for a contempt, which is a judicial power, and a power to remove any obstruction offered to the deliberations or proper action of a legislative body during its sitting, which last power is necessary for self-preservation. If a member of a colonial House of Assembly is guilty of disorderly conduct in the House whilst sitting, he may be removed, or excluded for a time, or even expelled; but there is a great difference between such powers and the judicial power of inflicting a penal sentence for the offence. The right to remove for self-security is one thing—the right to inflict punishment is another. The former is, in their lordships' judgment, all that is warranted by the legal maxim that has been cited, but the latter is not its legitimate consequence. To the question, therefore, on which this case depends, their lordships must answer in the negative. If the good sense and conduct of the members of colonial legislatures prove, as in the present case, insufficient to secure order and decency of debate, the law would sanction the use of that degree of force which might be necessary to remove the person offending from the place of meeting, and to keep him excluded. The same rule would apply, *a fortiori*, to obstructions caused by any person not a member. And whenever the violation of order amounts to a breach of the peace, or other legal offence, recourse may be had to the ordinary tribunals.

"It may be said that the dignity of an Assembly exercising supreme legislative authority in a colony, however small, and the importance of its functions,

require more efficient protection than that which has just been indicated, that it is unseemly or inconvenient to subject the proceedings of such a body to examination by the local tribunals; and that it is but reasonable to concede to it a power which belongs to every inferior Court of Record. On the other hand, it may be urged, with at least equal force, that the power contended for is of a high and peculiar character; that it is in derogation of the liberty of the subject, and carries with it the anomaly of making those who exercise it judges in their own cause, and judges from whom there is no appeal; and that it may be safely entrusted to magistrates, who would be personally responsible for any abuse of it to some higher authority: it might be very dangerous in the hands of a body which, from its very constitution, is practically irresponsible.

"Their lordships, however, are not at liberty to deal with considerations of this kind. There may or may not be good reasons for giving by express grant to such an Assembly as this privileges beyond those which are legally and essentially incident to it. In the present instance, this possibly might have been done by the instrument creating the Assembly, since Dominica was a conquered or ceded colony, and the introduction of the law of England seems to have been contemporaneous with the creation of the Assembly. It may also be possible to enlarge the existing provisions of the Assembly by an Act of the local legislature passed with the consent of the Crown, since such an Act seems to be within the third section of the recent statute 28 and 29 Vict., c. 63. That extraordinary privileges of this kind, when regularly acquired, will be duly recognised here, is shown by the recent case of *Dill v. Murphy*. But their lordships, sitting as a court of justice, have to consider not what privileges the House of Assembly of Dominica ought to have, but what by law it has. In order to establish that the particular power claimed is one of those privileges, the appellants must show that it is essential to the existence of the Assembly, an incident *sine quo res ipsa esse non protest*. Their lordships are of opinion that it is not such an incident.

"This being their lordships' judgment, the foundation of the justification pleaded fails; and it is unnecessary for them to consider at any length the subordinate question of the sufficiency of the warrants.

"They have, however, no doubt that the warrants, having been issued by virtue of an alleged authority, which, if it existed, was confessedly a limited one, ought to have shown on the face of them that the alleged contempt was committed in the presence of the House, and so fell within the limits of that authority."

The appeal was dismissed with costs, and the gentleman who was sent to gaol recovered £770 against the members of the House, just as if they were robbers or highwaymen, or any other class of offenders.

Mr. AMHURST rose to a point of order. The hon. member was not in order in referring to members of that House as robbers.

The SPEAKER: I understood the hon. member to refer to the Legislative Assembly of Dominica.

Mr. GRIFFITH said it had therefore been decided by this case that the legislative assembly of a British colony had, in the absence of express power, no power to adjudicate upon contempts within their walls, and he had also shown that it had been previously decided that they had no power over contempts committed beyond their walls. That was the law of the land, decided by the highest judicial authority in the Empire.

An HONOURABLE MEMBER: We have heard that twenty times.

Mr. GRIFFITH said the hon. member stated they had heard that twenty times, and if instead of acquiescing with the law as stated by the Attorney-General they admitted that in the face of this they could not proceed further with the motion, he should sit down. That was the law of the Empire; and it was his duty to point out that that Assembly had no power to commit for contempt, either inside or outside the House, except in pursuance of some express powers conferred upon it. He should now proceed to discover what express power had been conferred upon the House to commit for contempt. The only express power conferred upon the House with regard to contempt was by statute—the 45th section of the Constitution Act. He said "by statute:" he should afterwards refer to the Standing Orders, which were orders made under the authority of that statute. There was nothing in the point that the Standing Orders were older than the Constitution Act, which was merely a re-enactment of the earlier statutes under which both the Standing Orders were made and the House itself was constituted; and he would point out that this power to commit for contempt was conferred by the very same instrument—the Constitution Act—under which the House itself existed. The 45th section of that Act provided—

"Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and, in the event of such fine not being immediately paid, by imprisonment in the custody of such officer in such place within the colony as the House may direct, or in Her Majesty's gaol at Brisbane, until such fine shall have been paid, or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or any other person:—

"Disobedience to any order of either House, or of any committee duly authorised in their behalf to attend, or to produce papers, books, records, or other documents before the House or such committee, unless excused by the House in the manner aforesaid.

"The assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament, or endeavouring to compel any member by force, insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House.

"The sending to a member any threatening letter on account of his behaviour in Parliament.

"The sending a challenge to fight a member.

"The offering of a bribe to or attempting to bribe a member.

"The creating or joining in any disturbance in the House, or in the vicinity of the House, while the same is sitting whereby the proceedings of such House may be interrupted."

These were the only offences for which the House had power to commit for contempt, and it was conceded, of course, that the alleged offence of the hon. member for Maryborough did not come within those statutory provisions. He would point out, also, what had been known to legal members of the House for years, and had been the subject of amusement with them—that although the Standing Orders had been prepared so carefully, yet while the statute only authorised the House to punish by fine according to the Standing Orders, the Standing Orders up to the present time contained no provision for the manner in which offenders were to be punished by fine—so that really they were impotent. He noticed it as soon as he came into the House, and although on one or two occasions the House had attempted to exercise the power of committing for contempt, the question had never been definitely decided. However, it was sufficient now to show that the express powers of this section did not cover the case of the hon. member for Maryborough. He had established that the House had no general power, that it had no power unless granted by Parliament, and that the powers given by the section he had quoted did not cover the case of the hon. member for Maryborough. What, then, was there? The Attorney-General had referred to the Standing Orders; but they had no more effect than a resolution of the House. If the House had not the power to commit for contempt they could not give themselves that power by standing order or any other resolution. A standing order had no more effect than any other order of the House, except that it remained in force from session to session,

instead of for one session only. The power to make standing orders was conferred by section 8 of the Constitution Act, which provided—

"The said Legislative Council and Assembly from time to time hereafter, as there may be occasion, shall prepare and adopt such Standing Orders, rules, and orders as shall appear to the said Council and Assembly respectively best adapted for the orderly conduct of such Council and Assembly respectively; and for the manner in which such Council and Assembly shall be presided over in case of the absence of the President or the Speaker; and for the mode in which such Council and Assembly shall confer, correspond, and communicate with each other relative to votes or Bills passed by or pending in such Council or Assembly respectively; and for the manner in which notices of Bills, resolutions, and other business intended to be submitted to such Council and Assembly respectively at any session thereof may be published for general information; and for the proper passing, entitling, and numbering of the Bills to be introduced into and passed by the said Council and Assembly; and for the proper presentation of the same to the Governor for Her Majesty's assent, all of which rules and orders shall by such Council and Assembly respectively be laid before the Governor, and being by him approved shall become binding and of force."

These were all the powers to make standing orders, and it was quite clear that not one of these empowered them to make standing orders for punishing any member or anybody else guilty of contempt. He would now refer to the history of the 45th clause, which was not in the original Constitution Act. The original Constitution, which was the same in form as that of New South Wales, did not confer upon either House any authority to commit for contempt. It was therefore subject to the general rules of law regulating legislative assemblies in the British dominions, which had been determined by the Privy Council in the case he had referred to. That Act did confer upon Parliament the right to make standing orders on certain matters, but no provision was made with regard to contempt. Then, in 1861, Parliament thought it desirable that they should have certain powers dealing with persons guilty of contempt, and the 45th section of the Act of 1867 was then first enacted in the Parliamentary Privileges Act. They started into existence the same as Dominica did, and in 1861 the power to punish for contempt was conferred upon them; and all the provisions of the Constitution Act of 1867 relating to committal—sections 41 to 53—were really re-enactments of the Act of 1861. He would next refer to the differences between the powers possessed by the legislative assemblies in the British colonies and those possessed by the House of Commons. The hon. Attorney-General read some extracts showing how the House of Commons had exercised their powers of committing for contempt, and assumed that this House had the same powers; but the distinction between the two was very obvious. He (Mr. Griffith) had already shown that the legislative assemblies of the colonies had no such powers, unless they were conferred upon them by statute, and he would now cite a case to show that the Legislative Assembly of Victoria had such powers. In the case he was about to cite the Speaker of the Legislative Assembly of Victoria was the appellant, and Hugh Glass was the respondent—that was a case which was decided by the Privy Council in 1871, and was reported in vol. 3, Privy Council Cases, 1871. The appeal arose under these circumstances:—The appellant, Sir Francis Murphy, was the Speaker of the Legislative Assembly of the colony of Victoria, and

"On the 11th March, 1869, the Legislative Assembly appointed a select committee, with power to send for persons and papers, to inquire into and report upon certain charges which had been made public relating to the conduct and character of certain members of the Legislative Assembly. The respondent was, among other witnesses, examined before such committee.

"On the 6th April, 1869, the committee reported to the Legislative Assembly that an association, formed for the purpose of promoting the interests of certain holders of land, had adopted as one of its modes of action the bribery and undue influencing of members of the Legislature; and that the respondent and one John Quarterman being members of such association, and cognisant of this mode of action, had actively aided in the administration of the funds of the association.

"On the 27th April, 1869, the Legislative Assembly resolved that the respondent and Quarterman had actively aided in the administration of the funds of the association employed in the bribery and undue influencing of members of the Legislative Assembly; that in the opinion of the House, they were guilty of a contempt and breach of the privileges of the House; that they should be taken into custody of the Sergeant-at-Arms, in order that they might be brought to the bar of the House; and that the Speaker should issue his warrants accordingly.

"The appellant, as Speaker, issued his warrants, which were in general terms and did not allege any specific offence, under which the respondent and Quarterman were on the next day arrested and brought to the bar of the Legislative Assembly, when the Speaker informed the respondent that he had been found guilty of a contempt and breach of the privileges of the Assembly, and the respondent read a written statement in mitigation of punishment.

"On the 29th of April, 1869, the Legislative Assembly resolved that the respondent and Quarterman, having been guilty of a contempt and breach of the privileges of the House, should be, for these offences, committed to Her Majesty's gaol at Melbourne, and that the Speaker should issue warrants accordingly. The appellant, as the Speaker, thereupon issued his warrants under his hand, reciting the above resolution of the Legislative Assembly, and requiring the Sergeant-at-Arms to deliver the respondent and Quarterman to the keeper of the Melbourne gaol, and such keeper to receive and keep them during the pleasure of the Legislative Assembly, and accordingly the respondent, with Quarterman, was removed from the bar of the Assembly and detained in the custody of the Sergeant-at-Arms until the 30th of that month, on which day they were taken to Melbourne gaol, and detained there until the respondent was discharged under the writ of *habeas corpus* hereinafter mentioned.

"While the respondent was a prisoner in Melbourne gaol, the appellant issued another warrant, similar to that lastly hereinbefore mentioned, except that it contained no reference to Quarterman.

"On the 30th April, 1869, the respondent obtained a writ of *habeas corpus*, directed to the keeper of the gaol at Melbourne, to which the keeper returned, as the causes of his detaining the respondent, that he had received the two warrants before mentioned.

"The Chief Justice, assisted by two other Judges, heard the arguments of counsel for and against the discharge of the respondent from imprisonment, and on the 1st of May, 1869, gave judgment, ordering his discharge.

In that case the prisoner had been brought before the Chief Justice on *habeas corpus*, and discharged on the ground that the warrant issued by the Speaker did not disclose the nature of the offence for which the respondent had been committed; and finally the case was referred to the Privy Council, and the decision turned on the extent of the powers given to the Legislative Assembly of Victoria, and it was decided that the powers given to them by statute were sufficient. The Legislature of Victoria, instead of defining certain offences as contrary to their privileges, had adopted absolutely all the privileges, powers, and immunities of the House of Commons. In that case judgment was delivered by Lord Cairns. He had already referred to the case of Doyle *v.* Falconer, and that was quoted in Glass's case. The warrant in the face of it set out—

"That the Legislative Assembly had resolved that the respondent was guilty of a contempt and a breach of privilege of the Legislative Assembly."

The question then arose whether a warrant issued by a Speaker of the Legislative Assembly of Victoria was equally effective with a warrant issued by the Speaker of the House of Commons, and the Privy Council decided that it was. The case of Dill *v.* Murphy was referred to, where

"By the Order of Her Majesty in Council, following the advice of this committee, it has been already

determined that the exercise in the colony of such a power as is conferred by the Imperial Statute has been a good exercise of that power, and has sufficiently carried over to the Council and Legislative Assembly of the colony the powers which are compendiously described in the section that I have read as the like privileges, immunities, and powers as were held, enjoyed, and exercised by the Commons, House of Parliament of Great Britain and Ireland and by the Committees and Members thereof; and that it is not necessary to specify in detail those persons, and that it was sufficient to refer to them as the powers of the House of Commons. That same decision, if not expressly at least inferentially, has also determined this, that the privileges of the House of Commons must be taken notice of judicially, and it follows from this that the powers and privileges of the House of Commons in the year 1855 must also be taken notice of judicially, for it is of the essence of any judicial notice of those powers and privileges that the court taking notice of them should know at what time they were exercised by the House of Commons."

These cases, as plainly as it could be made, showed the difference between the powers possessed by the House of Commons and the limited powers possessed by a colonial legislature. If any doubts yet remained in the minds of hon. members, they would be met by the wording of the Constitution Act. The 48th section provided—

"That every such warrant shall contain the statement that the person therein mentioned has been adjudged guilty of contempt by the House, President, or Speaker whereof shall have issued the same, specifying the nature of such contempt in the words of this Act, defining the same or in equivalent words, and every warrant shall be sufficient from which it can be reasonably collected that the person mentioned therein has been adjudged guilty of any of the contempts aforesaid, and no particular form shall be necessary to be observed in such warrant."

A warrant could not be issued unless it specified the nature of the contempt in the words of the Act. Any warrant they might issue to anyone to arrest any person, not specifying the contempt as described in the Act, would be absolutely void, and the person sought to be arrested would be justified in resisting arrest even with violence. Those were the circumstances under which it was suggested to adjudge an hon. member guilty of contempt, and arrest him under the 103rd and 104th Standing Orders. The warrant would be simply void and inoperative. These Standing Orders were both passed before the law was settled by the cases referred to. The law was not settled at that time, and it was not then clear that the legislative assemblies in the colony could not pass such resolutions. If it had been clear that they had no such power, the case of Doyle and Falconer would not have been argued in 1866, nor would a month have been taken to consider it. Since the Standing Orders were passed the law had been decided and settled beyond all doubt, on appeal, by the Privy Council. These two Standing Orders were passed at a time when the House had, in fact, no authority to commit for contempt at all —namely, in 1860. The first statute giving that power was passed in 1861; and before that, as he had shown, they had no power. They were passed, no doubt, under the impression that prevailed and was adopted at Dominica—that such a power could be exercised in all parts of the dominions. They were no doubt copied from the Standing Orders of the House of Commons, where it existed, and where no doubt it was desirable that there should be orders regulating the power; but, in 1861, it must have appeared to the Government that the powers purported to be given by those Standing Orders were futile, and that they did not, in fact, give any power, although they purported to do so. The power contained in section 103 was something very striking, and would give power of committal for anything almost. Even if this Standing Order were not futile, which he had shown to the satisfaction of every man who could understand the judgment of a court of justice, the hon. member for Maryborough had not disobeyed an order of the Assembly. As he had said, the Standing Orders were passed at a time when, as it was now declared by the Privy Council, the House had no power to punish for contempt, and any order that could have been passed since would have been equally futile. It would be observed that the Legislature of New South Wales attended to this matter in 1875, and referred the matter to the Standing Orders Committee, and on the 11th August in that year the committee reported that the Assembly had no power to punish for breach of privilege, and recommended that a Bill should be introduced to deal with the subject. This House discovered it in 1861, and passed the Parliamentary Privileges Act. That was how they stood with respect to the matter. The question ought not to be considered in heat, but they ought to be satisfied that they were acting in accordance with the law. He had referred to cases which determined the power of colonial legislatures, and had shown what was the settled law of the country on the subject at this time. So that if the resolution proposed by the Premier was intended to be anything more than an idle censure it would be entirely inoperative. The House could, of course, pass a resolution to the effect that the hon. member for Maryborough was deserving of censure and guilty of contempt. As far as that went they might pass a resolution with respect to the solar system if they liked, but it would be only a resolution. No doubt the hon. member for Maryborough would give due weight to the expression of opinion on the part of the House, but as the foundation of any practical proceedings it could not be operative. After all, supposing that it could be, was the present a case in which such power, if it existed, ought to be exercised? Would they be justified in fining or imprisoning the hon. member? What had the hon. member for Maryborough done to deserve fining or imprisonment? Had he committed any offence against the moral law, against anything like statute law? Had he done anything which in the nature of right or wrong could be said to be improper? Or anything which in more than form was not done every day? There was a Standing Order that the proceedings of the Parliament should not be reported, whereas it was very well known that they were reported every day. They were just as much bound by one as by the other. To say that the proceedings of a select committee should not be reported was a mere arbitrary rule, laid down like all others—to be held in reserve, but not exercised unless necessary. Many laws of that kind were in force in all countries. Whether they should be put in force depended much upon discretion. If they were put into force upon an occasion that did not warrant such a course, the result would be that they would be abrogated. Libels were published every day of the week everywhere.

An HONOURABLE MEMBER: So are slanders.

Mr. GRIFFITH said: And so were slanders, but the persons libelled did not institute criminal proceedings because they knew that it would never do to endeavour to restrict the liberty of the Press, as the only result would be that the restrictions would be taken off. Their Standing Orders remained to be made use of, as they might be. The present was a case in which it would be undesirable in the interests of everybody to enforce the power or to punish an hon. member for thinking it right in his conscience to disobey an injunction of the Assembly, when he conceived it was to the interest of the country to

publish the evidence. He was not going to discuss the merits of the case. He was not consulted as to what was going to be done, and was as much surprised as anyone when he saw the evidence published; but he would say that there were a large number of people who would think that it was just as well that it had been published; and if any members of the House, or a majority—for he was sure the resolution would not be carried unanimously as in Dominica—carried the resolution, it would be carried by a party majority. The natural inference would be that the hon. member for Maryborough was punished, not for violating the Standing Orders, but for disclosing facts which the majority of the House did not like to have disclosed. Without referring to the merits of the case before the House, he would draw attention to the argument he had adduced. For many reasons he did not wish to refer to the details of the evidence published by the hon. member for Maryborough. It had been said that it was a garbled statement: that he (Mr. Griffith) did not believe it was; but that was nothing to do with the matter now before the House. If the House were to attempt to imprison the hon. member for Maryborough for making public statements contained in that evidence, the only conclusion that would be drawn by people in the colony would be, that members on the other side of the House were determined to proceed to any extremity to prevent the proceedings of the committee from being made public, and to prevent the disclosures that might be made in the course of the investigation now being carried on from being made public. The Premier and the Colonial Secretary, and the Minister for Works, had expressly disclaimed any desire to have anything of the kind done, and he was glad to hear that expression; but he thought that to proceed to such an extremity as to put a member of that House in prison and prevent him from exercising his functions as a member of the House during the session would only lead to that conclusion by the people of the colony. In conclusion, he wished to summarise what he had said. He contended that a colonial legislative assembly had no power to adjudge a person guilty of contempt or to punish a person for contempt, whether that contempt was committed inside or outside the walls of the House, unless that power had been conferred either by its original constitution or by some statute. That proposition he submitted as having been determined on by the highest tribunal in the Empire. No such power had been given to that House in respect to such a matter as was now complained of. The general powers of the House of Commons to commit and condemn did not extend to colonial legislative assemblies, and the Standing Orders now relied upon could not extend the power of this House beyond the power which it otherwise possessed. The only authority that could deprive any man in this colony of his liberty was the legislature of the colony as a whole passing an Act to enable them to do so, to be assented to by Her Majesty; but any branch of the legislature could not itself deprive any man of his liberty any more than an ordinary municipality could deprive a man of his liberty, except by the law. That was declared by Magna Charta, if they wished to go so far back. Certainly that House, never having had the authority conferred upon it to deprive any man of his liberty, except by law, could not exercise that power, and any member of the House who concurred in exercising that power would be guilty of a wrong. Any person who used that authority unjustifiably would be liable to be proceeded against in a court of law for an assault or false imprisonment. They would be liable to be prosecuted in a criminal court of justice for depriving a man of his liberty. That opinion had been asserted by the highest of all tribunals. If the House desired to express any opinion upon the conduct of the hon. member it could do so. It might censure him or condemn his conduct, but to attempt to deprive him of his liberty would be a proceeding entirely unauthorised by law and wrong from beginning to end. He trusted the matter would be discussed in the impartial way that it should be discussed, and that the debate would be continued by arguments on the case and not by personal abuse of any man.

Mr. AMHURST said he was rather surprised at the last words of the hon. member who had just sat down. All he (Mr. Amhurst) could suppose was that at last the hon. member had repented, and had found that in no way had he exalted his position or character as leader of the Opposition—a proud position, and one that ought to have full respect from all parties, though they had never been mixed up in politics. The way the hon. member commenced this session of Parliament by abuse of the Premier had come home to him, and he (Mr. Amhurst) was glad he was repenting. He ought to know before all other men, being a lawyer, that it was contrary to all British law to call a man guilty until he had had a fair trial. He was glad that at the last moment this had come home to him. He quite agreed that this case should be cautiously dealt with, and he thanked the hon. member for the light that he had thrown upon it—he had evidently studied it deeply. At the same time he differed with him. At first he thought his point was that the Standing Orders were of no avail, having been passed before the Act of 1867. So far he was correct, for most of the Standing Orders were passed here before the Act of 1867.

Mr. GRIFFITH said he did not refer to their being passed before the Act of 1867. They were passed before the Act of 1861, which first empowered this House to imprison for contempt.

Mr. AMHURST said he maintained that there was nothing in the other Act to abrogate them, and that the same clause was contained in it as in the Act of 1867. Under both Acts it was provided that the Council and Assembly should from time to time, as there might be occasion, prepare and adopt such standing rules and orders as should appear best adapted for the orderly conduct of the Council and Assembly respectively. Men who occupied the highest positions in the House had been wilfully abused, and it had been decided that a fair and impartial trial should be given by certain members of the Assembly. That Committee had thought it necessary for the public welfare and for the ends of justice that no evidence should be made known until the investigation was finished, but for some reason this had not suited hon. members opposite, and they had tried to break a well-established rule, and to have the evidence published. He did not know whether the portion which had been published had been produced in a garbled form, but two members of the Committee sitting on the Government side had said that it was. The leader of the Opposition, on the other hand, had said it was a fair report, but he had not dared to say it was strictly accurate. He (Mr. Amhurst) noticed that the questions put by members of the Committee were not given, and that the cross-examination appeared to be left out. The power of making rules for the orderly conduct of their proceedings had been delegated to the House, and the same power had been delegated by them to the Select Committee, who were responsible to the House for the proper carrying out of the investigation. That Com-

mittee had thought it wise not to let their proceedings be made public, and he considered it was a contempt to try to disturb their arrangements. It was disturbing the good order of the House, and therefore of the Committee. He did not know what punishment should be awarded, but thought that if the hon. member for Maryborough apologised it would be sufficient. The hon. member evidently felt strongly on the matter, but no fair trial could be anticipated unless everybody put aside his personal feelings.

Mr. THOMPSON did not think it required a great amount of authority to show that if they took their existence and their powers from a statute they could not exceed it. It required no prophet to tell them that, and yet all the cases cited by the hon. member for North Brisbane (Mr. Griffith) tended to establish that point. They had no common law authority, but were simply the creatures of a statute. Their Standing Orders under the 8th section of the Constitution Act were for the orderly conduct of their proceedings. Everybody knew what that meant, and if any hon. member infringed the orderly conduct of business he could not be imprisoned but could be removed. Now, the difference had been shown in the two cases which had arisen before. Mr. Pring was taken under the Speaker's warrant for assaulting an hon. member in the House; that was a case under the statute, assaulting a member being one of the offences laid down where there could be punishment for contempt. The other case was that of the then member for Maryborough (Mr. Walsh) who used disorderly expressions and refused to apologise. He was committed to the custody of the Sergeant for removal because the Premier of the day (Mr. Lilley) saw that was about as far as he could go. The authority cited by the member for North Brisbane came to this: that there could not be imprisonment for contempt unless the power existed. But there was nothing to show that they could not declare a member guilty of contempt, and he understood that was the object of the motion before the House. That being so the enormous amount of legal lore which had been given was out of place, because they had not yet come to the question of punishment. If hon. members took his view they would declare the hon. member for Maryborough guilty of contempt, and ask him to apologise and promise not to offend again; and, if he refused to do so, order the Sergeant-at-Arms to put him outside for the time being. But he did not think this was a case which required that, for it would be simply playing into the hon. member's hands. He was posing for notoriety, and nothing would suit him better than to be made a Bradlaugh of. He was sorry that the hon. member (Mr. Griffith) was not in his place, for he wanted to give him a lecture—a thing which he seldom did to anyone. However, his remarks would doubtless be repeated to the hon. member. What he wished to say was that, where an Attorney-General made his first speech, and approached a point which was perhaps new to him, it was hardly courteous or professional for a member of the same profession to say that he had displayed gross ignorance. It might be that the hon. gentleman did not know the case; but it was not necessary to go further than to show this. It was impossible to keep thousands of law cases in one's head. All that was wanted to make a good lawyer was a good memory, good library, and good index. He believed the Attorney-General had a good memory and good library. All that he required was a good index, and if he wanted to be as great a lawyer as the member for North Brisbane he must hold his head equally high, and not hesitate to tell members that they were grossly ignorant.

Mr. RUTLEDGE said the matter before the House was one requiring more common-sense than legal lore, and he proposed to add his contribution, hoping that he possessed a little common-sense. Regarding the difficult question which had puzzled the House, he was sorry that he had not heard the arguments *pro* and *con*, but he did not require to hear them to lead him to come to a conclusion as to the merits. The hon. member for Maryborough, it appeared, had, in the opinion of the Government and some other members, been guilty of an infringement of the privileges of the House, in that he had published the evidence taken by a Select Committee. It was quite true that to do so was a violation of the 161st Standing Order, but he did not think members of the Government were prepared to go to this extent—that every violation of the Standing Orders was to be a matter of such high contempt as that the guilty member should be visited with the severe penalties of fine and imprisonment. It might just as well be contended that a member who rose while the Speaker was on his feet, or who walked about without uncovering his head, was guilty of such contempt as to render him liable to fine and imprisonment. The violation of the 161st Standing Order was no more a crime than the violation of any other Standing Order: all the Standing Orders were in that respect on a footing of perfect equality. It must be inferred therefore that the ground on which the House was proceeding to deal with the hon. member for Maryborough was, that it was only necessary for the House to declare a certain infraction of a certain by-law to be contempt in order to make that a contempt punishable by fine and imprisonment which was not previously a contempt of that character. It must be evident to everyone who fairly and dispassionately considered the question that, in order to justify the House in coming to such a decision, the hon. member offending must have been guilty of something altogether out of the common. But what had the hon. member done to render him liable to be dealt with in the severe manner proposed? Even if it could be shown that the hon. member had been guilty of an indiscretion, he had not been guilty of any such offence as would render him liable to be dealt with in that way. The question arose, whether the House had power to declare the hon. member guilty of such a contempt as would bring him within the 45th section of the Constitution Act? As the hon. member for Ipswich well said, the House had no rules of common law to guide it. The House of Commons had sustained many long and difficult conflicts with the Monarch in times past, and had had to fight its way to the position it now occupied. In the absence of statute law to regulate the House of Commons they had an unwritten law sanctioned by antiquity, and the struggles of Parliament in past generations with other powers and with its own members had done much towards determining their rights and privileges. Their House could not pretend to anything of that kind, and hon. members had nothing to guide them but the Statutes and the Standing Orders of the House. The hon. member for Maryborough had not committed any of the offences enumerated in the 45th section of the Constitution Act, as being offences which could be regarded as contempt of Parliament rendering the offender liable, if convicted, to fine and imprisonment. Had the hon. member been so indiscreet as to attend the mass meeting in the Valley that evening where the working-men were about to gather to express their opinion, had he headed them and with a fife-and-drum band paraded them under the windows of that House, demanding that the Government resign their seats or withdraw this mail contract, then it might have been held that he was guilty of some

contempt. As it was, he had committed none of the offences enumerated in the statute. For hon. members to contend that by resolution the House could create a contempt which was not a contempt by the Standing Orders, and which was not intended to be such by the hon. member, was to constitute a tribunal with prerogatives and privileges which even the Crown did not lay claim to. It was a claim which would tend to make that Parliament odious in the highest degree in the estimation of the people, and, so far from maintaining its privileges, it would degrade them in the eyes not only of the people of this colony, but of the Australian colonies. Hon. members had probably heard enough high-falutin about privilege, and the suggestions thrown out by the hon. members for Mackay and Ipswich might well be attended to. He hoped the House would cease to occupy itself with matters which were quite beyond it, and confine itself to forwarding the business of the country with as much expedition as possible.

Mr. ARCHER said hon. members would probably agree with the hon. member who had just sat down in regretting that the hon. member was not present when the hon. member for North Brisbane spoke, for had he been present then the House would probably have been spared a repetition, which was not very pleasant to listen to, of the remarks of the hon. member for North Brisbane. The hon. member had said nothing new, and he would advise him before he next addressed the House to ascertain what part of the subject had not been discussed, and refrain from administering what he called common-sense, which was the driest law possible. As to the matter before the House, there could be no doubt that the hon. member for Ipswich was right, and he (Mr. Archer) hoped the House would not indulge the hon. member for Maryborough by making him a cheap martyr. There was, however, not much of the martyr in the hon. member: it was very easy to pose as an injured man. He did not, however, think that the hon. member had been taking the action he had for public purposes: he firmly believed the hon. member had taken the action for private purposes of his own. He was sorry to say so, because he had until lately entertained so high an opinion of the hon. member that he had not believed such a thing possible; but it was his opinion that the hon. member found himself aggrieved by sitting, not on the front, but on the back bench on the Opposition side of the House, and that he had taken this action because he was not brought prominently before the country as a leader. He wished to be constantly before the public for fear he might drop out of sight, and he thought that the course he had taken would keep him forward. It was difficult to see what good or harm could result as far as the question at issue was concerned. It had been contended that if the proceedings of the Committee were not published the public would say that there was something to hide, but he did not believe the people would say anything of the sort. They knew that the whole would be made public when the inquiry was complete. A half-stated case was worse than not stated at all. The action taken by the hon. member for Maryborough, if it affected the case at all, would affect it by raising passion, and introducing, not the calm judicial spirit, but that partisan spirit which should be excluded as much as possible on such occasions. He hoped, therefore, that as little as possible would be done in this case, and that the hon. member would not be allowed an opportunity of going about saying—"Look at me—how much I have suffered for my country!" He was perfectly convinced by what he had heard that it was quite competent for the House to declare the hon. member guilty of contempt, but he believed that to imprison him for that contempt was beyond the power of the House. He was glad that it was so, as if it were otherwise the House might be tempted to an exercise of that power, which he believed would be a mistake. The hon. member for North Brisbane, in closing his speech, expressed a hope that the discussion would go on in the calm judicial manner in which it had been begun, and that hon. members would not go into fierce invectives. When the hon. gentleman made another speech he wished he would remember his own remarks and not speak in the manner he had in referring to the Attorney-General. That style might be common at the bar, but hon. members in the House cared very little about it. The hon. gentleman not only went out of his way to say something pretty insulting to the Attorney-General, but said he would demonstrate to the meanest capacity in the House—meaning, he hoped, not alone the Ministerial members, but likewise some of his own party—how right he was in everything he stated. He believed the greater part of what the hon. member had said was right, but it would have been better if, before advising people to conduct a debate in a pleasant manner, he should begin his part of it in that way instead of going out of his road to use words, if not exactly insulting, yet as harsh as the forms of the House would permit.

The MINISTER FOR WORKS said that for an hour and a-half the hon. member (Mr. Griffith) had been trying to enlighten the House as to the pains and penalties which hon. members would subject themselves to if they carried a motion committing the Hon. John Douglas to gaol. But, during the whole time, the hon. gentleman was fighting a shadow of his own creation. If he had read the motion proposed by the Premier he would have seen that no such conclusion could be drawn from it. That motion simply stated that the hon. member had been guilty of contempt, and, if adjudged guilty by the House, it did not follow that he should be sent to gaol, as the Dominica gentleman was, but merely that he should be delivered into the custody of the Sergeant-at-Arms by order of the Speaker, and the only consequence was that the hon. member would have to remain outside the bar of the House until he was prepared to purge himself of the contempt of which he had been guilty. No other consequence could follow, as the hon. gentleman well knew.

Mr. GRIFFITH: I know the very contrary.

The MINISTER FOR WORKS said there could be very little doubt that the hon. member (Mr. Douglas) had been guilty of contempt. The duty of a legislator was, first and foremost, to obey the law—especially to obey the law of the House in which he sat and legislated. One of the laws of the House was that no hon. member should publish the proceedings of a select committee; and that law, as the hon. member knew, had been in existence since 1859 or 1860. In addition to that, last Thursday evening the hon. member himself proposed a resolution to invalidate that law, and the resolution was negatived on a division. Therefore, he could not plead ignorance of having broken the Standing Orders of the House. It could not be questioned that every legislature must possess the power to enforce the laws for its own governance. That power was given by the 8th section of the Constitution Act: and Cushing, the great American authority on the question, said—

"The power to expel a member is naturally and even necessarily incidental to all aggregate and especially to all legislative bodies; which without such power could not exist honourably and fulfil the object of their creation. In England this power is sanctioned by continued usage, which, in fact, constitutes the law of Parliament. It is in its very nature discretionary, that is—it is impossible to specify beforehand all the causes for

which a member ought to be expelled, and, therefore, in the exercise of this power, in each particular case, a legislative body should be governed by the strictest justice; for if the violence of party should be let loose upon an obnoxious member, and a representative of the people discharged of the trust conferred upon him by his constituents, without good cause, a power of control would thus be assumed by the representative body over the constituent wholly inconsistent with the freedom of elections. The power to expel also includes in it a power to discharge a member, for good cause, without inflicting upon him the censure and disgrace implied in the term expulsion; and this has accordingly been done in some instances of the House of Commons.

"Analagous to the right of expulsion is that of suspending a member from the exercise of his functions as such, for a longer or shorter period; which is a sentence of a milder character than the former, though attended with somewhat different effects; for during the suspension, the electors are deprived of the services of their representative without power to supply his place; but the rights of the electors are no more infringed by this proceeding than by an exercise of the power to imprison."

That power was one which the House had a right to exercise, and it was one which followed strictly upon the carrying of the motion now before the House. The hon. member (Mr. Rutledge) had said, and very truly so, that formerly the House of Commons had to fight against monarchs, and that the precedents now held to be good were made against the powers claimed to be exercised by monarchs. That danger no longer existed. The danger now was in the House itself—in members setting themselves above the orders and rules of the House; and that was a danger against which this House must guard by exercising the powers it now possessed. If it did not, they would drift most certainly into a state of anarchy; and he maintained that upon the very exercise of common-sense which had been claimed by the hon. gentleman, the only conclusion the House could come to was that the hon. member (Mr. Douglas) had been guilty of contempt, and had thereby rendered himself amenable, for a certain period, to be suspended from his functions as a member of Parliament. He hoped the decision come to would be a caution to hon. members who set their opinions up against the rules and orders of the House. It was open to the hon. member (Mr. Douglas), if he wished the public to be present at meetings of select committees, to try to rescind the Standing Order which prevented them, instead of taking upon himself to set the law at defiance. That was the very essence of rebellion. Every man who had ever set himself against the law in any country had always maintained that he was doing right, in the same way as the hon. member had maintained that he was doing right, and was justified according to his conscience. Every rebel who ever drew the sword against lawful institutions had the same plea as the hon. member (Mr. Douglas). He hoped they would argue the question upon common-sense principles, and not upon the mythical cases stated by the hon. member (Mr. Griffith). The accused member professed to be extremely anxious to place before the public certain statements made before the select committee on Mr. Hemmant's petition. If he had been anxious that the public should obtain a true and impartial statement of the case instead of a garbled statement, instead of summarising the evidence he would have given it *in extenso*, and have put alongside it the inquiry held in London, when the same individual made altogether different statements, and also the cross-examination, as far as it had gone, by himself (Mr. Macrossan), to show that the statements published that morning had been contradicted in some very important particulars. The hon. member's object appeared to be to get up a sensational statement, on which public meetings could be held, and Ministers and their supporters denounced. If only for that reason, the hon. gentleman was guilty of contempt. He hoped hon. members would divest their minds of those terrible pains and penalties they were to suffer after the example of the little island of Dominica, and that they would administer the law according to their rules and Standing Orders as they had found them and as they existed.

Mr. DICKSON said it was not his intention to make any protracted remarks, for it seemed to him that though they had had a long discussion they were very likely to be landed in the position at which they commenced. From the remarks of the hon. member for North Brisbane it would appear the hon. Speaker had no power to adjudge the hon. member for Maryborough guilty to such an extent as to ensure imprisonment or fine; and if he had no power to inflict such a penalty he was equally powerless to adopt the two other courses indicated—one by the hon. member for Ipswich (Mr. Thompson) and the other by the Minister for Works—viz., that the hon. member be adjudged guilty of contempt and an apology be demanded: the alternative being that he should be expelled for a time. He (Mr. Dickson) was of opinion that during the course of the debate, though there had been considerable warmth of feeling, that warmth had to a certain extent cooled down. When the Premier commenced his remarks he (Mr. Dickson) was almost afraid that the hon. member for Maryborough would be immediately arrested and possibly decapitated. He was therefore glad to see that the question now resolved itself into whether they should rest satisfied with an apology or whether the hon. member should be expelled.

The MINISTER FOR WORKS: "Suspended" was what I said.

Mr. DICKSON said it would be wise to consider the position of affairs for a little longer, because they might before long calm down, and come to see that by proceeding to extreme measures they would make their legislature an object of ridicule rather than assert their dignity. He had frequently observed, even in the Queensland Parliament, that when an attempt was made to stand upon their extreme dignity the legislature had to concede much, and thus made itself ridiculous. He would not say whether he approved or not of the action of the hon. member for Maryborough; but, at the same time, there was no use shutting their eyes to the fact that they claimed the fullest publicity for speeches and proceedings in Parliament. If his hon. friend had transgressed the letter of their Standing Orders, still he was not in any way guilty of acting contrary to the spirit of parliamentary proceedings. Sooner or later the evidence of select committees must be made public; it was only as to the manner and method of such publicity there could be any question. The irresistible course of parliamentary government was that as speedily as possible the public should be made acquainted with its deliberations. They had organised their own mode of communicating to the public as speedily as possible the speeches of hon. members in the House, having decided that the ordinary medium of publicity—viz., through the Press—was incomplete and dilatory. Because the hon. member had transgressed the letter of the Standing Orders in affording publicity to the deliberations of a Select Committee of the House, he was to be adjudged guilty of contempt, and proceeded against with pains and penalties which were quite obsolete, simply because he had chosen to obtain a more immediate means of giving publicity to such deliberations as must ultimately be made public. They ought to look at the

matter in its most liberal spirit, and he trusted hon. members would look at it apart from the fact of the hon. member being on the Opposition side of the House. The hon. gentleman had not committed such a flagrant offence as would demand his being judged guilty of contempt, and he (Mr. Dickson) submitted that it would be better to allow a little longer time for the consideration of the question. With that view he would move the adjournment of the debate.

The ATTORNEY-GENERAL said the leader of the Opposition spent exactly two hours in discussing a point wholly beside the question before the House. In the course of his (Mr. Beor's) few remarks he let drop an expression —he was not quite sure what—about the consequences of contempt being committed, and the hon. member chose to take hold of it and hang on it an oration of about two hours in length, leaving out altogether the question before the House, viz., whether the hon. member for Maryborough was guilty of contempt or not. The hon. member, for reasons best known to himself, burked that inquiry altogether, in order to fasten an attack upon him (Mr. Beor) personally with regard to the few observations he had made. With regard to the insolent tone of the remarks which the hon. member gave to the House, he was not going to say many words. If the hon. member chose to adopt the style of argument of the Liverpool Police Court, it would not add much to the dignity of the House or to the respect in which he himself was held. No doubt the hon. gentleman had proved himself an adept in that style of argument: for two sessions, when he could say nothing against the politics of the Government, he had resorted to scandal and abuse. That style of argument might become the hon. member, but it would not become many other hon. members of the House. It was not worth while to pursue the line of argument the hon. gentleman adopted on the present occasion, but when the proper time came he would be prepared to meet the hon. gentleman in argument. The question before the House was simply whether the hon. member for Maryborough had been guilty of contempt or not. That question had been fully dealt with already; and he might say, here, that it would have been an exceedingly good thing for the hon. member if he had had the advantage of the speech of the hon. member for Ipswich before him; and if he had followed the example of the hon. member for Ipswich, for that hon. member had put his view of the case before the House in the clearest and simplest words possible, so that anybody could understand it without making any boast as did the hon. member for Brisbane. But he (Mr. Beor) was not quite sure it was plain to the meanest understanding, or, if it was, probably not to all understandings. The hon. member for Brisbane was accustomed to take a tone not at all justified by his position—in fact, he assumed the right and privilege—he did know why or whence derived—of bossing the Bar. He had ventured to speak of him (Mr. Beor) as being ignorant of some matter of law. He did not pretend to know every out-of-the-way case settled in connection with a colony like Dominica, and he admitted that he was ignorant as to that particular case. But he had quite as full a knowledge of the law as the hon. member (Mr. Griffith), and he considered there were several barristers who had quite as good a knowledge of law as the hon. member. The only quality fully displayed by the hon. member, and possessed in a high degree by him, was that of self-conceit.

Mr. BAILEY said many of them had reason to thank themselves they were not members of the Bar, when they heard one on one side calling one on another side profoundly ignorant, and a barrister on that side saying the first was more ignorant still. Those were not observations which would raise the character or position of the hon. member for North Brisbane, and still less that of the Attorney-General. He rose, however, to correct a statement made by the hon. the Minister for Works which might perhaps have misled the House. He understood him certainly to say that their business now was to decide whether the Hon. John Douglas, member for Maryborough, was or was not guilty of contempt, and that if they found him guilty of contempt there it ended—that there was no imprisonment or other punishment, but the hon. member might be suspended—perhaps the hon. member would suspend him by the neck if he had the chance, but he would find that rather difficult to do. But the Standing Orders, if they were good in the one case, would certainly carry them a good deal further than merely finding the hon. member guilty of contempt. The 104th said—

"Any member, or other person, declared guilty of contempt, shall be committed to the custody of the Sergeant-at-Arms, by order of the Speaker."

And by Standing Order 106, he found that for having been arrested the hon. member would have to pay £20, for committal another £20, and for every day he was detained £2, and he would have to continue to pay that until he was discharged from custody by the express direction of the House; he would have to remain in custody until the Assembly, next week, perhaps passed a resolution absolving him, he (Mr. Bailey) presumed, from the fees it was intended he should pay, and they would look very foolish in doing so. He therefore disagreed with the Minister for Works when he said if they found the hon. member for Maryborough guilty of contempt there was an end of it. As a matter of fact, he would be imprisoned and very heavily fined.

Mr. GRIFFITH regretted that he had so deeply wounded the tender susceptibilities of the hon. and learned member opposite. He was not going to follow that hon. member in holding up his (Mr. Griffith's) qualifications in opposition to his or boast of himself to the disparagement of anybody else. He thought that was extremely out of place anywhere, but more especially in that House. He had merely expressed his surprise that the Attorney-General should have shown himself so profoundly ignorant of the subject he was addressing himself to as to inform the House and try and induce hon. members to believe that the practice and privileges of the House of Commons were the rules that guided them in cases of this kind.

The ATTORNEY-GENERAL: I never said anything of the kind.

Mr. GRIFFITH said he did not know what the hon. member was driving at, but he read a long extract about the privileges of the House of Commons, and argued that apart from the powers of commitment under the Constitution Act they had general powers of commitment.

The ATTORNEY-GENERAL said he must ask to be allowed to put the hon. gentleman right. What he stated was this: That the practice of the House of Commons had been not to inflict fines for the last 200 years, therefore still less could that House inflict fines apart from the power that was given them by the Constitution Act to do so. He said nothing whatever about their having the same powers as the House of Commons.

Mr. GRIFFITH said then the hon. member's reference to the powers of the House of Commons was entirely irrelevant to the question. The powers of the House of Commons had nothing whatever to do with them. It had been said that in calling attention to the fact that the

Attorney-General was so profoundly ignorant on this subject he was rather hard, but he could only say that when he was Attorney-General he was not treated so kindly. In fact, he had been complimented on the extreme leniency with which he dealt with the Attorney-General after the manner he attempted to mislead the House.

The COLONIAL SECRETARY : By whom?

Mr. GRIFFITH said by members of the House. When he was Attorney-General if ever he made a slip he was not let down so easily, and he thought the hon. member ought to be very grateful indeed that he (Mr. Griffith) simply said he was profoundly ignorant on this subject. Tha hon. gentleman talked about not being aware of obscure cases, but surely he could not call the important cases he (Mr. Griffith) had quoted, which were the law of the land, obscure cases. The surprise he felt when he commenced to address the House still remained that the Attorney-General should have made such a statement. He held the caution with which he concluded his previous speech was not out of place. The Attorney-General devoted the greater part of his speech to an attack upon him (Mr. Griffith), and the Minister for Works a considerable part of his to an attack upon the hon. member for Maryborough. It was no excuse for hon. members opposite when they wanted, instead of discussing the matter on its merits, to indulge in invective, to say, "You did it first." That argument was nearly played out. He had been accused of attacking individuals on the other side of the House, and he supposed he should be again. But let him say, once for all, that there was a great difference between attacking a Government for acts of mal-administration and using such language as was necessary to describe that mal-administration and attacking individual members of the House. There was a very great distinction. He should never shrink from attacking members of the Government, or the Government collectively upon acts of mal-administration, and should never shrink from using such language as was necessary to describe their conduct; but at the same time he hoped he should never condescend to abusing individual members of the House for their conduct, either in the House or out of it. The distinction was obvious; it was no use for members to try and muddy the waters, and blind the public as to the true merits of the question now under consideration. He should always, whenever he had occasion, attack the Government; and, while using careful language, he should never shrink from saying what was necessary to be said to express a proper view of what they had done. So much for that. He anticipated that as soon as he sat down they should be treated to another illustration of the same kind; but he could assure hon. members opposite, who were so fond of abusing him, that their abuse did not do him the slightest harm, and did not improve their own reputation. The public would know exactly what weight to attach to the personal abuse that was showered upon him; and, for himself, it rather amused him than otherwise. He now wished to get back to the merits of the case, which was rather hard to arrive at after the speeches they had heard from some hon. gentlemen opposite. He did not hear the hon. member for Ipswich (Mr. Thompson) speak, but he understood that hon. member to concede that the House had not the power of commitment. The hon. member for Blackall also appeared to take that view. One would suppose from the remarks of members of the Government that they did not wish to proceed to extremities and commit the hon. member for Maryborough to prison. The Minister for Works said he (Mr. Griffith) was fighting the air when he argued that the House did not possess the power they wanted to exercise. The hon. member went on to say they did not mean to do it, and then insisted upon doing it. In opposition to the law of the land as laid down by the highest judicial authority in the Empire, the Minister for Works quoted the opinion of a gentleman named Cushing. He (Mr. Griffith) apprehended that they were not going to put the opinion of Cushing against that of the highest tribunal in the realm. The judgment of the Privy Council was clearly that the Legislative Assemblies of British colonies had, in the absence of an express grant, no power to adjudicate upon or punish for an offence committed beyond their walls. It mattered not whether the place of imprisonment was a room of that building or Her Majesty's gaol—the question was whether they had power to adjudicate upon or punish for contempt, and the Privy Council determined that they had no such power. What, then, was the use of the hon. member saying they had the power to punish, but not to the extent of putting the hon. member in prison? Whether they put him in gaol or locked him outside the bar it was equally imprisonment. He could not understand what the hon. member was driving at. If the House had not the power to adjudicate upon contempts what was the use of discussing about punishment and quoting the law from Cushing? That might be the law in America, but it was not the law in the British dominions. They had heard from the hon. member that it was quite certain the hon. member for Maryborough was not to be committed to prison—that was to custody. The hon. gentleman said they might exclude him from exercising his functions, but was not that imprisonment? And where was the power to do that? The decision of the Privy Council was that that Assembly had no power to adjudicate upon or punish for contempt. They might express their opinion about the hon. member for Maryborough, and say he was a very bad man, and unfit to have a seat in the House, and send a resolution to that effect to his constituents if they liked, and allow them to exercise their judgment upon it; but there was no power to enforce their opinion. It was conceded on all sides that they had not the power, and he could not follow the Minister for Works. There was a tone of baffled—vengeance, he might say, or rage—pervading his speech; and, as far as he (Mr. Griffith) could follow his argument, it was to the effect that, although they could not commit the hon. member to gaol, they could keep him out of the House. But there was no difference between the two : either was a punishment that the Privy Counell had decided they had no power to inflict. Some hon. members opposite referred to the 103rd and 104th Standing Orders. Standing Order 103 might very well stand as an expression of opinion that—

"Any member or other person who shall wilfully disobey any lawful order of the Assembly, and any member or other person who shall wilfully and occasionally interrupt the orderly conduct of business of the Assembly, shall be guilty of contempt."

But what was the use of an abstract question of that kind, unless it was followed up by further action? The Minister for Works said he (Mr. Griffith) was fighting a shadow, and then the hon. member went on to show what the consequence of the resolution would be under Standing Order 104.

"Any member or other person declared guilty of contempt shall be committed to the custody of the Sergeant-at-Arms by order of the Speaker."

He would like to know what really was the question before the House. Was the motion under Standing Order 103 or 104? If it were a mere abstract motion that the hon. member was guilty of contempt, what was the use of it? But if it was that the hon. member was to be com-

mitted to prison, and it was carried, they would be all equally guilty of an offence against the law by interfering with the liberty of a British subject. Surely the House was entitled to know what the question was. He wanted to know what it really was. He would point out that an attempt to exclude an hon. member for five minutes was as much a breach of the law against false imprisonment as committing him to gaol. The indignity might not be so great, and the damages against the aggressor in an action at law might be less, but the action was equally illegal. What was really the question the House proposed to deal with? He confessed he was anxious to know whether it was proposed to deprive his hon. friend of liberty and suspend him from his functions, Was his mouth to be closed during the debates?—was that what they were aiming at? Was it an attempt to put the hon. member into custody? The only distinction was, whether the confinement should take place in a room in this building or elsewhere. That distinction was perfectly immaterial, and the period of confinement, whether for five minutes or five years, was equally illegal. It was far better that the consideration of the matter should be adjourned. This was the course that was almost always adopted in the House of Commons whenever a matter of this kind arose requiring mature deliberation; and unless the Government were thoroughly satisfied as to what they were going to do they should adopt such a course. To arrest an hon. member illegally would be a very important step. It would be far better to rely upon the good sense of members to obey the written and unwritten laws of the House as formerly.

The COLONIAL SECRETARY said that on this occasion he really felt inclined to agree with the hon. member for North Brisbane, that a great deal of profound ignorance had been shown. But by no one had it been more shown than by the hon. member himself, who applied himself all the time he was speaking to a question that was not before the House at all, except in his own heated imagination. There was no question of committing the hon. member for Maryborough to prison, that he had heard of.

Mr. GRIFFITH: Into custody.

The COLONIAL SECRETARY said perhaps it was "into custody." The hon. member for North Brisbane called it prison, and drew a wonderful picture of the hon. member being dragged through the streets. Even arguing upon his own supposition, no one ever mooted the idea that members of the House committed for contempt were to be dragged through the streets to prison. But to show his learned lore and how much he knew about the case, the hon. member for North Brisbane spent two hours of the—he would not call it valuable time of the House, seeing the manner in which it had been wasted during the past fortnight—at any rate, he had spent two hours in discussion. The question was a simple one, was the hon. member for Maryborough guilty of contempt or not? That was the first question, and, when that was decided, if in the affirmative the question would arise how was it to be dealt with, or, if in the negative, then there was an end to the whole business. He need not go into the question of the Privy Council and Dominica. The hon. member for North Brisbane did not tell them what the constitution of Dominica was, or what the standing rules and orders of the Assembly were in that Island, but treated them to a long dissertation principally, he believed, to show his legal lore, and that he had consulted a book in the library which had an index, which learned members on that side of the House were equally able to do. The Standing Orders had been quoted so frequently that it was not necessary for him to refer to them. The hon. member for Brisbane had himself confessed and admitted at once that he was guilty of a breach of them, and disobeyed the standing rules and orders that said that the proceedings of a committee were not to be made public unless reported to the House; and he went on to say that they had not, as he understood him, any business to make them—that there was nothing of the sort then in the House of Commons. Well, he found it laid down in "May," at page 86,

> "Disobedience to any of the orders or rules which are made for the convenience or efficiency of the proceedings of the House is a breach of privilege, the punishment of which would be left to the House by those who are most jealous of parliamentary privilege. But if such orders should appear to clash with the common or statute law of the country, their validity is liable to question, as will be shown in a separate chapter upon the jurisdiction of the courts in matters of privilege.
>
> "As examples of general orders, the violation of which would be regarded as breaches of privilege, the following may be sufficient—
>
> "The publication of the debates in either House has been repeatedly declared to be a breach of privilege, and especially false and perverted reports of them; and no doubt can exist that if either House desire to withhold their proceedings from the public it is within the strictest limits of their jurisdiction to do so, and to punish any violation of their orders."

That they had Standing Orders of which the hon. member for Maryborough had been guilty of a deliberate breach could not be questioned by any member of the House. The hon. member had already admitted that he had broken them to carry out a theory of his own, and that by doing so he considered he was serving the public. Men who had committed murder had often persuaded themselves that it was for the public good, but that did not justify them, nor did the mere fact that the hon. member for Maryborough had told them that he thought it his duty, and that he had strong personal feelings on the subject, relieve him of the contempt he had shown to the House by violating the Standing Orders. The hon. member for North Brisbane said that the Minister for Works insisted on suspending the hon. member for Maryborough from attending to his duties in the House. He insisted on nothing of the sort, but on the right of the House to deal with the matter as they thought fit. The hon. Minister's speech was perverted, as the speeches quoted from the Government side of the House usually were. He had no doubt that if the House had taken upon itself to admit a member in violation of the Standing Orders, the same as in the case of Mr. Adam Black, that they had a right to exclude one. He agreed with the hon. members on his side of the House, especially with the hon. member for Blackall, that it would be a great mistake to make a martyr of the hon. member for Maryborough. He had no doubt the hon. member for Maryborough was obeying the orders of the leader of the Opposition in thus making a fool of himself by disobeying the Standing Orders of the House; and he thought after they had had the honour of sitting under him as leader of the House, and as the hon. member was one of the oldest members of the House, he should have been the very last to have set an example of putting the Standing Orders of the House at defiance, and saying that they were worth nothing—that, in fact, any lady or gentleman had just as much right to walk into that House as hon. members had. In point of fact, according to the hon. member, they had no right to protect themselves by Standing Rules or Orders, and any member could break them as he liked, to suit his own convenience. He did not know whether the hon. member for Blackall's idea was correct, that the action of the hon. member was taken merely for the sake of posing as heroic. He was afraid that he was only

playing second fiddle to the leader of the Opposition, who was in reality the showman and pulled the wires.

Mr. GRIFFITH: No.

The COLONIAL SECRETARY said that assertion went with him for nothing.

Mr. GRIFFITH said he had no idea the hon. member was going to do as he had done.

The SPEAKER said the hon. the Colonial Secretary must accept the hon. member's denial.

The COLONIAL SECRETARY admitted that there was no hempen string in reality, or even a wire, but he had no doubt that the hon. member for Maryborough's conduct was influenced in the way he described. That hon. member had led the way in disobeying the rules of the House, of which he was one of the oldest members. According to the leader of the Opposition, their standing rules and orders were worth nothing. That was the only inference that could be arrived at by anyone reading the speech of the hon. gentleman. It was an attempt to throw down the dignity of the House, to say that any member was justified in breaking any of the orders. Any person using such language to the Speaker as was employed by the member at Dominica would make him liable to all the pains and penalties of an action at law. The question was that the hon. member for Maryborough was guilty of contempt, and any hon. member, voting according to his conscience and belief, must by the evidence put before them agree that he was guilty.

Mr. O'SULLIVAN said he was glad that the leader of the Opposition had spurred up the Attorney-General, for he was of opinion that the reply to the hon. member should have come from the Attorney-General, and thought that for the future he would learn to keep his eyes on him. He would have to make a little preparation to cope with the hon. member, but the method had been pointed out by the hon. member for Ipswich (Mr. Thompson). He (Mr. O'Sullivan) was greatly surprised by the able and lengthy speech that the leader of the Opposition made, and thought it almost amounted to a miracle. The hon. member told them that he knew nothing about the printing of the report in the *Courier*, and that it had been published without his knowledge or consent; and yet he was able to muster up a lot of law books and have all the references marked—all done on the spur of the moment, as they were led to believe. It showed the energy of the man. He had always given the hon. member credit for smartness, but his last performance had exceeded all his (Mr. O'Sullivan's) previous estimate of the hon. member's capacity. He was sorry to say that the plot had broken down, and was also sorry to see the member for Maryborough—an old played-out politician, like himself—allow himself to be made a tool of, and attempt to play the part of a martyr. But the hon. member was too soft—he gave himself up, and, whispering, "I'll ne'er consent," consented. The hon. member had not the courage to say that he was not guilty, but expected to be carried off to gaol. He (Mr. O'Sullivan) had never seen any miserable little plot break down so utterly, and thought that the leader of the Opposition should have chosen a younger man to make an ass of himself than the member for Maryborough. He had known the member for Maryborough for sixteen years, and had never seen him put his hand to anything without breaking down; and for that reason the wire-puller should have chosen a younger man and one who could make a greater fight. However, the member for Maryborough was too soft: his heart failed him, and as the plot thickened he almost gave it up. The moment he saw the *Courier* he discerned the move that was contemplated, and did all in his power to prevent the hon. member becoming a martyr. No doubt, had the hon. member succeeded to the extent that he expected all kinds of imputations would have been made against the Government, and would have gone before the country. Only a moment ago they heard it said of the Minister for Works that he would hang the member for Maryborough if he could. He (Mr. O'Sullivan) should not support with his vote the contempt that had been committed. The lesson that had been read out for the edification of the people as to the language that a member could use to the Speaker without being punishable should not be tolerated, and, whatever the consequences might be, he should certainly vote that a contempt of the House had been committed.

Question—That this debate be now adjourned—put and negatived.

Original question put; the House divided—

AYES, 19.

Messrs. A. H. Palmer, Perkins, McIlwraith, Beor, O'Sullivan, Cooper, Archer, Feez, Hamilton, Macrossan, Amhurst, H W. Palmer, Swanwick, Stevens, Persse, Hill, Low, Norton, and Scott.

NOES, 13.

Messrs. Griffith, Dickson, McLean, Rutledge, Meston, Paterson, Bailey, Price, Grimes, Beattie, Macfarlane, Hendren, and Fraser.

Question, therefore, resolved in the affirmative.

Mr. GRIFFITH asked whether the motion was to be treated merely as an abstract resolution, or was it proposed to proceed further, and get the Speaker to issue his warrant for the apprehension of the member who had been declared guilty of contempt?

The SPEAKER said he should not issue the warrant without receiving instructions from the House.

QUESTION.

Mr. NORTON, pursuant to notice, asked—

Have any employers of Polynesian Islanders, who have died before the expiration of their agreements, paid to the Colonial Treasurer the amount due to such labourers at the time of their death?

2. If not, has the Government in any instance demanded the money thus due?

The COLONIAL SECRETARY replied—

1. No moneys have been paid for wages due to deceased Islanders.

2. Yes. Demands have frequently been made on employers, but there are legal difficulties in the way of enforcing them.

RABBIT BILL.

On the motion of Mr. STEVENS, leave was given to introduce a Bill to prohibit the importation of Rabbits. The Bill was read a first time, ordered to be printed, and the second reading made an order of the day for Thursday next.

MAIL CONTRACT—COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to further consider the proposed direct Steam Service between London and Brisbane.

Mr. GRIFFITH said he should like to know, before going any further, whether the Premier since his arrival in the colony had had any communication by telegraph with the contractors, and if so to what effect?

The PREMIER said he would give the hon. member one telegram he had received from the contractors, and also the telegram to which it was a reply. He telegraphed on July 21st to

Messrs. Gray, Dawes, and Co., the London Agents of the British-India Company, as follows :—

"Brisbane, 21st July, 1880.

"Have large majority favour mail contract but Opposition tactics are obstruction until sixth proximo when three months expire. Am determined no other business done in Parliament until contract decided If obstructed beyond the sixth will you stand by the contract Knowledge that you will do so will tend to stop obstruction."

The reply he received was as follows :—

"London, 29th July.

"Will stand by contract another month but may require prolong time for commencement.

"MACKINNON."

Mr. LUMLEY HILL said he felt inclined to say a few words more on the subject, because he had been one of the first to express regret that this question had been made a party one, and because hon. members on the Opposition side had imputed to him a want of faith in the contract. He had expressed some hesitation in forming an opinion on the subject, desiring to hear the matter fairly and fully discussed, and he had been of opinion that the discussion would not be so full if the question were made a party one, because the mere fact of the strength of the Ministry would make the division of the subject, regarded as a party question, a foregone conclusion. Whatever his difficulties might have been, however, he could sincerely say that they had been thoroughly removed, and that he now fully believed in the contract. The matter had been patiently and fully discussed with the utmost consideration by members on the Government side of the House, and, in part, by members of the Opposition. A great deal of time had been wasted in frivolous obstruction, but at the same time some plain common-sense had been spoken on both sides, and he had formed his opinion in as dispassionate a manner as he could. His neck had not been, as it had been said, galled by the yoke of his party. The only time since he had been a member that he had felt his conscience strained, or had gone against his judgment or instinct, had been when at the first meeting of the Government party he gave a tacit acquiescence to the nomination of the senior member for Toowoomba for the position of Chairman of Committees. On that occasion he had swallowed the leek, and the flavour of it remained in his throat to the present time. He should be very cautious in future about giving a vote from a purely party point of view. The reasons why he was rather doubtful about the contract were as follows :—In the first place, he did not see any particular reason why Brisbane should be the terminus, believing that if Sydney were made the terminus the service could be carried out very much cheaper. On that point he had since seen reasons to alter his opinion. Then, he was not sure whether the colony was in a position to pay for a mail contract at all, or whether it would not be better to hang on from hand to mouth for one or two years until better times came and the colony was more able to afford a direct service. The third reason was that he anticipated that it would be suggested, as it had been by the hon. member for East Moreton, that he and many other hon. members on the Government side would be specially benefited. He, however, believed that the people of Brisbane would be more benefited than any other section of the people of the colony, and he objected to thrusting benefits on Brisbane, knowing that the burdens would fall upon other portions of the community. The matter had been so thoroughly discussed that it was useless to go over the arguments again. He looked with a certain amount of respect to the objection raised by the hon. member (Mr. Douglas), that they ought to have seen the Estimates before entering upon anything of that kind. At the same time, they were not like the man who built a house without counting the cost of it. It was essentially a reproductive work. In his own business as a pioneer squatter he had often been forced to go into what he knew were reproductive improvements before he knew where he was going to get the money to pay for them; but he strained his energies and credit to carry them out, and trusted a good deal to Providence to find the money afterwards. Not only would the service improve the credit of the colony, but it would also improve its trade, for the ships could not be run out empty, and it would be the business of the British-India Company to find both inward and outward cargo for them. Far from creating a monopoly, it would destroy the monopoly which at present existed, and a great deal more than the £55,000 would be saved from the money which now went into the pockets of the Sydney and Melbourne merchants. The extra sum required was only £35,000, and that would be more than saved on freights and transhipments alone. Only last week he saw one of those absentee proprietors who were so often sneered at in the House—a man who had risked a considerable amount of capital in developing the resources of the district of which he (Mr. Hill) was a resident, and he told him that he could supply his stations with goods from Melbourne, pay all charges, and save 12½ per cent. upon the charges made at Brisbane or Rockhampton. If such was the case on all goods sent into the interior, it was ridiculous to consider for a moment the expenditure of £35,000. The Opposition had laid great stress upon the assertion that they were asked to ratify the contract. They were not called upon to do anything of the sort, but simply to register their protest on the division-list. Did the leader of the Opposition think that by his tactics since the beginning of the session he had weakened the Ministry? If he did he was very much mistaken, for he had consolidated and strengthened the party who supported them; and he had certainly not strengthened his own party, for one member had seceded from him, and several others had been very diffident in expressing their approbation of the course pursued by him. It was not a good thing that the Ministry should have been thus consolidated and the Opposition weakened. Instead of a powerful Government and an absolutely helpless Opposition, he would far rather see parties more evenly balanced. The leader of the Opposition spoke about the terrors that were in store for the squatting contingent when he returned to power. That might take very well with the outside public, but the hon. member knew well that he would give them better terms to give up their allegiance to the party, and enable him to rush the Treasury benches over the blasted character and reputation of the men now in office. But they were not going to do that kind of thing, even if there was a terror in store for them. It would be a very bad day for the colony when the hon. gentleman again came into power, especially with the men he had about him. The object of all this factious opposition was simply to get pay and place for some of his needy followers who were nearly starved out on the Opposition benches, and to have the fingering of the two-million loan to play about the constituencies in the immediate neighbourhood of Brisbane. The hon. gentleman would not mind leaving a deficit at the end of his term of office, as his party did the last time it was in power. They seemed to wish to force the Ministry to the country; but the Ministry would be great fools if they went to the country with the following they had; and as long as there was one shilling of the two millions unallotted to the purpose for which it was borrowed, he hoped

they would stick to their seats. The Opposition sought to force them to the country with an evil charge hanging over their heads, and before it could be disproved, raised by the leader of the Opposition. Was it for that purpose the town party or the Liberal party had resolved to bring in outside pressure by getting up indignation meetings? Lies flew faster than summer swallows, and the unthinking people were ready to believe what was false and bad, rather than what was true and sound and good and honest. He did not look upon an *ex parte* garbled statement such as that produced by the hon. member for Maryborough (Mr. Douglas) as reliable evidence; and he had no doubt that when the matter was thoroughly sifted it would utterly collapse like l'Estrange's balloon. The Ministry had incurred great unpopularity from their policy of retrenchment; but it must be recognised that that policy was for the good of the country. In spite of all that had been said as to representation, the Government was far more thoroughly representative than any Government that could be got from the Opposition benches. He envied some of the members—more especially some of the legal members—on the other side of the House; he envied them their readiness, their eloquence, their good voice and good delivery; and if he had their powers he would devote them earnestly and sincerely to appealing to the Opposition to consider and withdraw from the course they had adopted. They were taxed to the highest pitch, there was universal depression in every branch of trade, and why should they waste the time of the country in obstruction? If he had the powers of some hon. members opposite he would ask them to ponder over their position, and beg of them to abandon their course. It could do the Opposition no good. If the leader of the Opposition came into power, as he probably would in a year or two, four or five members on his (Mr. Hill's) side could obstruct the whole business of the country for any length of time; and if the precedent sought to be established were established he (Mr. Griffith) himself would be to blame. The present was a most ill-judged time to have instituted such a proceeding, and he trusted it would not be continued. If they on the Opposition side were determined to oppose the contract for a protracted period, they also on the Government side, so far as he (Mr. Hill) was concerned, were prepared to sit for another year in order to carry the contract.

Mr. BAILEY said the hon. member who had just sat down had gone through the stages of repentance with regard to the contract. He began by eating the leek, and now he had swallowed the mail. The hon. member had taken a long time to come to his present position, for it was only this evening that he had declared himself conscientiously in favour of the contract, and that he believed it to be a good one for the country. But they on the Opposition side made up their minds long before the debate commenced that the contract was a bad one. They knew enough about it to make them look upon it with suspicion, and consequently they watched it narrowly. They could see that the contract would be to the disadvantage of the colony, and the way in which the contract was made caused them to look upon it with the gravest suspicion. They were told at first that the British-India Company were going to run the service; but afterwards they found that company was not going to have the contract, but that it would be assigned to some persons unknown. Then, again, the amount of the subsidy was not known. They had been told the amount was only £55,000 a-year; but they knew that there was a remission of light and habour dues, which would bring the cost up to £60,000; and they knew of other expenses that would amount to another £10,000; and for whose benefit was that sum to be expended? There would be one body of men who would perhaps benefit by the speculation they would enter upon in the name of the company. The Premier had intimated to-night that the contractors had agreed to wait another month. Now, he (Mr. Bailey) should like to know who really were the speculators in connection with this matter. They had been twitted on his (Mr. Bailey's) side with having left an empty treasury when they were driven from power; but the present Government had already a deficiency of a quarter of a million, and that after only twelve months' government, yet they wanted to plunge further into debt. Was ever such an absurdity heard of? [At this period there was an interruption, owing to a noise outside the building, and the hon. member was inaudible in the gallery.]

The COLONIAL SECRETARY: Your evangelical mob is outside.

Mr. BAILEY said he was pleased to hear the Colonial Secretary designate those who were making a noise outside as a mob, seeing that he (Mr. Palmer) was one of the representatives of the city of the population of which the "mob" was composed—in fact, the "mob" were his constituents, and if he chose to insult those men whom he represented, it was a shame both to him and to them.

The COLONIAL SECRETARY: Not many of them are my constituents.

Mr. BAILEY said they were people of Brisbane and the surrounding electorates.

The COLONIAL SECRETARY: Brothers of yours.

Mr. BAILEY said he was glad to hear it, for they were very good fellows and knew what they were about. They had not swallowed the leek, and were not likely to do so. It was a hard thing when the Opposition asked for information that it should be refused in the manner it had been by the Government. The hon. member for Gregory had said all they had to do was to ratify the contract: but what would their constituents say if they were to allow the Government to make contracts in the name of Parliament which should afterwards be found to be detrimental to the country? They would say members had abandoned their duty. It was quite true that a minority did not ratify a contract; but it was equally true the contract could never be ratified without the consent of the minority of the House.

Mr. DICKSON had to a certain extent been prepared for the intimation given by the Premier as to the extension of time by one month—in fact, he quite foresaw that the Premier would be prepared to make arrangements for the purpose of extending the time, if necessary, to twelve months. It was too good a thing to be allowed to lapse simply through a little parliamentary delay. He was rather surprised, however, that the Premier had not also requested the contracting parties to state whether they would be prepared to accept a modification of the period of duration of the contract, for that was one of the chief objections to the contract. They ought to be asked to modify the period so as to terminate the contract at the end of five years. He had heard supporters of the Government express themselves in favour of curtailing the time, and was quite convinced that the Premier would have to modify the contract before it would be ratified: he would not be able to get hon. members on his (Mr. Dickson's) side to accept the contract in its present crude and one-sided shape. He should also like to learn the views of the Attorney-General on this contract—if he had perused it and advised the Government as to its being drawn up in legal form and phraseology.

He held that the Premier having been in communication with the contractors, it was his duty not only to have got the time for the ratification of the contract extended, but also to have endeavoured to obtain such modifications in it as would have enabled it to be ratified in a more convenient form. The information the Premier had just given them did away with the necessity for considering the question at the present time, and showed that the arguments from the other side as to the imperative necessity of ratifying the contract forthwith lest it should lapse were altogether groundless. They had now six weeks to consider it, and there was, therefore, nothing to prevent the Premier from acceding to his motion that the Chairman leave the chair, and postponing the further consideration of the question until he had made his Financial Statement. By that means he would enable the business of the session to be proceeded with, and it would be more conducive to the interests of the colony, and more in accordance with the dignity of his position, than the course he was adopting. He contended that the contractors having assented to an extended term under which the contract could be ratified, there was fair ground for inferring that upon a representation of the decided opinion of the country they would agree to modifications. He hoped the Premier would listen to his remarks. They might possibly appear to him to be but reiterations of what he had already said; but the hon. member would consult his own dignity and the good of the colony best by assenting to the resolution that the Chairman should leave the chair. They had five weeks longer to discuss the question, and there were points of technical information that could only be given by the Engineer for Harbours and Rivers. The delay that had occurred, if there were any, was owing to the unwise obstinacy of the head of the Government, and he only hoped that the more moderate counsels of the Colonial Secretary would induce him to accept his (Mr. Dickson's) suggestions.

Mr. GRIFFITH said that they had been told that any information they required with regard to the contract ought to be moved for; but he considered that it ought to be put on the table without moving. Surely, they were entitled to have the information of all that had passed between the Government and the contractors, and to be told all that the Government knew. The Premier had told them, when referring to what the member for Maryborough had said about the proposed application for extension of time, that he thought such advice was foolish, and that it would be useless to apply for any postponement; but now it appeared that an application had been sent by telegram, and had been answered. When the answer got here did not appear—anyhow, the application had been sent some days before the Premier made that statement. It was not a dignified position for a Government for its Premier to send telegrams of considerable length to England in which he made an attack upon the Opposition — to persons who were engaged in negotiating a Government contract. It seemed they were not only to be attacked in the House, but in London by telegraph by the Premier, and that, too, at the public expense. That was something new. The Premier might at least conduct his negotiations on purely commercial principles, and not communicate his objections to the policy they were pursuing in the House to strangers. What would they think if he (Mr. Griffith) sent a telegram home to this effect: "The Government attempting to force the contract by violence, against the opinion of a majority of the country?"

An HONOURABLE MEMBER: It would not be true.

Mr. GRIFFITH: It would be strictly true. If the Government attempted to postpone the time for ratifying the contract by attacking them in London, surely that was a new phase. It was a purely business transaction. What was it to the contractors why a postponement of the time for ratification was asked for? What had they to do with the reason of the Premier wanting an extension? It only tended to confirm the suspicion that the Premier knew more than he cared to tell. It made them more anxious to hear the rest of the correspondence. Perhaps if that was done some of the other objections might be removed.

The MINISTER FOR WORKS: Not much fear of that.

Mr. GRIFFITH said there were some objections to remove. It appeared, now, that there was sufficient information to show that the Opposition were perfectly justified in the position they took up, in asking to be told how they were to raise money. It was all very well for the hon. member for the Gregory to say that if he saw that it was necessary to spend the money he would spend it and trust to Providence. But that was not the policy of hon. members on the Opposition benches, as they felt that they were the trustees of the public money, and were not justified in spending it before they knew where it was to come from. There was no hurry, as now they had five weeks for the contract to be fairly discussed. If the Government were thoroughly sincere they had now the fullest opportunity of going through the ordinary parliamentary proceedings. They were asked to spend £55,000, and as much more in succeeding years. There were five weeks during which the financial condition of the colony could be brought before them. What reason, then, could the Government give why they should postpone the Financial Statement until the 5th September? There was no desire on the side of the Opposition to obstruct, and personally he had a strong objection to such a course. He had already said that if the Government showed how the money was to be raised, they should not be justified in obstructing. There certainly might be circumstances which would authorise them to spend money before the taxes were raised, but they would be very extraordinary. They did not exist in this case, and nothing had been adduced to show that there was any necessity for rushing the contract through the House. The Premier's haste was the strongest proof that could be given of the absence of *bonâ fides* in the transaction, or rather he would say the strongest evidence, for he had not yet given up hope that the transaction was a *bonâ fide* one. But when the Premier told them, "I have five weeks, but I insist the whole time shall be spent in considering the matter before I proceed with any other business," there must be some extraordinary reason for the hon. gentleman's action. Neither the obstinacy of the Government, nor what the Government might call their prestige, was sufficient justification for wasting the time of the House. The Government could not now say in justification, "We have only three days. We must tire you out to get the ratification by the 6th August." They had now until the 6th September. What justification could the Premier give for asking them to waste the time of the House until September 6th? If anything were wanting previously to justify the position of the Opposition it was now supplied. There was plenty of time to deal with the contract fairly on its merits after the financial business had been disposed of, and when that had been done the Opposition were fully prepared to consider the question.

The PREMIER said the motion made by the member for Maryborough was supported by a long speech, the purpose of which was the same

as of the speech just delivered by the leader of the Opposition—viz., that the contract should not be considered until the Financial Statement had been presented. The hon. member also appealed to him to get an extension of time from the contractors, but he had replied, "No;" and had kept his word to the present time. The hon. member asked him on Friday whether he had telegraphed for an extension of time, and he replied, "No;" and he fully intended to stick to that still. The leader of the Opposition had said that his telegram did ask for an extension of time; but it did nothing of the sort. It merely showed that he was endeavouring to fulfil his part of the contract, which was to get the assent or dissent of the House before August 6. On the 6th August the contract must be ratified, otherwise it fell through. Had he telegraphed that he wanted an extension of time to make the Financial Statement, he did not believe that he should have got it. At all events, he would not have asked for it, because he considered the House had sufficient information before it to come to a decision. He telegraphed—

"Have a large majority in favour mail contract but Opposition tactics are obstruction until 6th proximo when three months expire Am determined no other business done in Parliament until contract decided. If obstructed beyond 6th will you stand by contract Knowledge that you will do so will tend to stop obstruction."

That was a very fair and legitimate telegram for him to send. The leader of the Opposition had asked what would the Premier say had he telegraphed home that the Government were attempting to force the ratification of the contract against the wishes of a vast majority of the people. Well, he would not have the slightest objection to the hon. member sending such a telegram, and he was sure the astonishment of the contractors at his spending money that way would be as great as his (Mr. McIlwraith's) would be. The hon. member had also asked why the Financial Statement would not be delivered now that the Government had five weeks within which to obtain the approval of the contract, and had gone on to say that if the Statement was delivered, and the legislation following upon it was carried, then the Opposition would possibly be prepared to consider the question. He also went on to ask what possible reason there could be for the Government persisting in endeavouring to first obtain the passing of the contract. In the first place, he would reply that it was the privilege of the Government to choose their own time for carrying their measures, and that they had been met with anything but arguments in the consideration of this matter. They had exhausted the arguments in favour of the contract, but those arguments had never been met by the other side. The Opposition had never once indicated an amendment that they would like to see introduced, nor had they given the slightest assistance to the Government in carrying amendments. They had confined themselves purely to obstruction during the last four or five days that the contract was under discussion. The leader of the Opposition had said that the Government were guilty of despotism. Let him call their action what he pleased, but conceding for a moment—for he could not admit it—that the Government had been despotic, he would ask what would have been substituted had they yielded? The despotism of a minority, which was the most objectionable of all despotisms, and which he would never be the means of establishing as a precedent in the House. Supposing that he consented to bring down his Financial Statement to-morrow week—as he believed he should be able to do—would the hon. member be prepared to pledge the Opposition to a fair consideration of the Statement, and the legislation that proceeded therefrom, so as to leave the Government eight clear days before the 6th September to bring on the contract?—and would he also be prepared to say that the contract would be met by fair argument and division when it came on? If the hon. member acceded to that proposition there was not much occasion for further difficulties.

Mr. GRIFFITH said that at the present moment the Premier's proposition seemed reasonable, but he could not give an answer without consulting his friends. He should be prepared to give an answer on the meeting of the House to-morrow. If his calculations were correct, two weeks and part of next week would be allowed for the consideration of the Financial Statement, which ought to be sufficient.

The PREMIER said that if the member who moved the adjournment of the debate would withdraw the motion he would move the Chairman out of the chair, so that the leader of the Opposition might have time for consideration. The hon. member must distinctly remember that the Government must have a clear eight days to give full discussion to the contract, and that he must consider himself responsible for the time that was asked being given. If the hon. member considered three days sufficient he should not object; but the hon. member must understand that whatever time was given he was bound in honour to come to a division on the question within that time.

Mr. DICKSON said he would enable the Premier to move that the Chairman leave the chair, with the view of giving his hon. friend time to consider the proposition. He would take the opportunity of asking the Premier, once more, to communicate with the contractors in order to ascertain whether they would consent, under compensation, to make the contract for a shorter term than eight years. He begged to withdraw the amendment.

Question—That the Chairman leave the chair—with the permission of the House, withdrawn.

The PREMIER said that it must be perfectly understood that his action had no reference whatever to the remarks of the hon. member for Enoggera. He had made no promise to communicate with the contractors on any subject, but had stated distinctly a dozen times that he would not do so, giving good reason for that determination. He did not believe in wasting money on telegrams when he knew beforehand what would be the answer. As to the other proposition, to ask the contractors upon what terms they would consent to the termination of the contract, if the hon. member would embody his ideas in a sensible shape, so that they could be sent by telegram, he should be very happy to comply; but, with regard to the astounding proposition made by the hon. gentleman the other day, it took half-an-hour to find out whether the Government were to buy the whole fleet up, and after a discussion of an hour and a-half the meaning of the hon. member was not clear. Such matter could not be telegraphed.

Mr. DICKSON said anything he had suggested would compare favourably with the proposition which the Premier wished the House to ratify last week, and which he had to withdraw because he could not make it intelligible to the House. He should be prepared to draft a telegram embodying what he had suggested—namely, that it would be better to limit the duration of the contract to four or five years, and that, instead of giving the contractors the option of maintaining the service for eight years certain, to confer upon the Government the right of terminating it at the end of five years, by giving the contractors

compensation for the shorter period. The thing was as plain as a pikestaff, and could be understood and drafted into a telegram by anyone who chose to address himself to the subject.

The PREMIER said he should have no objection to the suggestion of the hon. member being carried out, provided the hon. member would agree to draft the telegram and pay for the cost of it if the answer was not exactly as he (Mr. McIlwraith) told him. He moved that the Chairman leave the chair.

Question put and passed. The House resumed, and the Chairman reported progress.

The House adjourned at twenty-five minutes to 11 o'clock.