

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 4 AUGUST 1880

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LEGISLATIVE ASSEMBLY.

Wednesday, 4 August, 1880.

Speaker's Ruling.—Petition.—Contempt.—Mail Contract.—Mail Contract—committee.

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

SPEAKER'S RULING.

The hon. member for Bundanba (Mr. HENDREN) was proceeding to address the House, when

The SPEAKER said he must draw the attention of the House to the fact that during last session they had several scenes in the House; and the House, he thought very properly, took a very lenient view of the matter and refrained from taking decisive action by reason of the public disgrace which would have attached to the House if it were known that certain hon. members came into the House in a state of intoxication. It was now evident that this leniency might be carried too far, and, during the present session, he had made up his mind that if any hon. member rose to address the House while intoxicated, he (the Speaker) would call upon him to sit down, and if he declined to do so he would inform the House that he called upon the hon. member to sit down, and that he had disregarded his ruling; thus leaving the House to deal with him.

Mr. HENDREN was addressing the House, when

The SPEAKER: I now call upon the hon. member for Bundanba to sit down. He is not fit to address the House in his present condition.

PETITION.

Mr. ARCHER presented a petition from the Trustees of the Rockhampton Racecourse, asking for leave to bring in a Bill to enable them to deal with their lands.

Petition received.

CONTEMPT.

The PREMIER (Mr. McIlwraith) said the House last evening passed a resolution affirming that the hon. member for Maryborough, the Hon. John Douglas, was guilty of contempt. He saw the hon. gentleman in his place now, and should like to ask the Speaker what action, as Speaker, he proposed to take in the matter. The Standing Orders prescribed a certain course of procedure, but he did not know how far, in the opinion of the Speaker, the Standing Orders could be enforced; but it was quite clear that the House could not come to a decision by which it affirmed that an hon. member was guilty of contempt without having some remedy for such an offence. Surely, they were not going to sit still after having

passed that resolution! The difficulty was more apparent when they considered the action the Speaker had been obliged to take within the last few minutes. They must make some consequence follow such action, to prevent it occurring again.

The SPEAKER: It is my duty to draw the attention of the hon. member for Maryborough to the fact that last night this House passed a resolution—

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

I think it right that the hon. gentleman, recognising the right of the majority of this House to regulate the manner in which the business of the Assembly should be conducted, should in his place express his regret for having violated the laws of the House.

The Hon. JOHN DOUGLAS said the action which was taken yesterday by the House was in consequence of his having avowed the publication of a certain report in connection with the proceedings of a Select Committee. In the remarks which he made in connection with the report he stated that he was aware that he had broken a Standing Order in doing so—that he had acted to some extent in contravention of that Standing Order, and that he had done so with a full knowledge of the act. He had admitted that it was a very exceptional case—that he had acted in the way he did for the purpose of testing the principle of the privileges of the House, and that he did so in order to secure what he conceived to be the rights of publicity, which seemed to him even of greater importance than the doubtful interpretation attached to the Standing Order. He learned from *Hansard* that the House proceeded to discuss the question after he had retired and had made his statement. That statement was based upon the conviction that he had committed no contempt. He drew the Speaker's attention and the attention of the House to the fact that the proceedings in connection with the privileges of the House were defined by statute, and he did not conceive that he had infringed that statute. He had craved permission to hold that opinion, and hoped that the House would have been guided in its decision by the true interpretation of that statute. He understood that the decision arrived at was, that a majority of the House was of opinion that he had committed contempt. He regretted that the House had arrived at that decision, and in some respects he regretted the position in which he now stood, for he had always hitherto observed the decisions of the Speaker, and had never before during a long career in any way set at defiance the rules of the House. He had endeavoured in every way to support good order in the Assembly. There was no instance in which he had departed from that respect to the Speaker which ought to be the aim of all members. He regretted extremely, therefore, that his sense of duty in the matter rendered it necessary that he should apparently set aside the injunctions of the Standing Orders. He had previously expressed his opinion that that was in itself to be regretted, but he had endeavoured, in what was not a very brief public career, to sustain the principle of authority, and not to do anything that would lower the principle of authority in the estimation of that House and of the people of the country. He should therefore cheerfully submit himself, if he had offended, to the judgment of the House, believing that it would exercise its judgment and would attach that penalty to his offence which it was deserving of—that it would exercise its undoubted rights, and that, as it had declared that he was guilty of contempt, it would proceed

to define the punishment which it thought should be accorded to him. In saying that, he desired to express most unfeigned respect to the Speaker, to the institutions of the country, and to the law in every respect. If he had set aside the law in any way, then he submitted he ought to be punished, and should cheerfully accept any punishment that might be decided. As he said yesterday, he stood there on his rights; he conceived he had a right to do what he did; and on no other grounds could he justify to his conscience the action he had taken. If he thought he had not a right to do what he did, he was not justified under the circumstances in doing so; then he deserved whatever punishment that House wished to inflict, and he should cheerfully accept it. He did that in no spirit of setting up his own opinions against the opinions of other men who, perhaps, were entitled to hold their opinions on the subject to the same extent as he had. He humbly submitted himself to the Speaker and to the House for punishment, if he deserved it by the law.

The SPEAKER: I have called upon the hon. member to apologise for the conduct of which he has been adjudged guilty. Whether the hon. gentleman considers his speech is an apology, or whether he declines to apologise, I do not know. I should like the hon. member to say, in plain words, whether he apologised or not?

Mr. DOUGLAS said hon. members and the Speaker were the best judges of whether what he said could be considered an apology or not. He had endeavoured to explain himself.

HONOURABLE MEMBERS opposite: Oh! Oh!—and laughter.

Mr. DOUGLAS said he desired to treat with reverence the forms of that House. If he had broken them, he had broken them deliberately and with a set purpose, and not on any trivial grounds; he had done it to conserve what he believed to be their higher interests and higher privileges, and it was from no vain sophistry he had taken up the position which he had. It was from no desire to obtain passing notoriety—it was not necessary for him to do that. He had a reputation which he desired to preserve above all things, but he also desired to preserve what he believed to be his rights, before the law and in the House. He hoped he should on every occasion uphold the principle of authority, but he should be very careful how he submitted to any imposition of authority which was not backed up by the law.

The SPEAKER: I beg now to inform the House that the Hon. John Douglas, having been yesterday adjudged guilty of contempt by the House, and, being in his place to-day, I have called upon him to apologise for such contempt, and I am of opinion that he has declined to apologise for the conduct of which he was adjudged guilty by the House.

Mr. HENDREN was proceeding to address the House, when—

The SPEAKER said: The hon. member is out of order: I have already ruled that he is out of order in attempting to address the House in his present condition.

The PREMIER said the hon. member for Maryborough was adjudged guilty of contempt by the House, and had been called upon to apologise by the Speaker. That he had distinctly refused to do. He had said that through his career in that House he had always had a reverence for the rules and laws which governed Parliament; but his action at the present time certainly showed that he had taken a very different course now. He (the Premier) did not see what was to become of them if an hon. member who had been adjudged guilty of contempt and had refused

to apologise continued sitting in his seat to transact business as an hon. member. They would have much worse cases, possibly, than the one now before them if something was not done; and, in fact, they were seriously threatened in that Chamber at that moment: but whatever the responsibility he took—whatever the risk he ran—in allowing the hon. member to pose in the position that he evidently was determined to attain, he had to ask the Speaker to take the course prescribed by that House in the Standing Orders. It was futile for them to attempt to carry on the business of the country if they had not the power to enforce their own regulations. A great number of quotations were made yesterday, and a great number of cases cited; but he thought with the hon. member for the Bremer that a little common-sense would go a great deal further than all those law cases. Broom was considered an authority on constitutional law, and he said—

“The privilege of committing for contempt is inherent in every deliberative body invested with authority by the Constitution.”

Mr. GRIFFITH: What is the date of that edition?

The PREMIER said it was 1866. He had now to direct the attention of the Speaker to Standing Order No. 104, to which he had just then referred.

The SPEAKER said: I find on a former occasion somewhat similar in its circumstances, in 1869, in this House, that an hon. member having been adjudged guilty of contempt by the House, and having refused to apologise when called upon, a motion was made by Mr. Lilley that the hon. member for Maryborough be committed into the custody of the Sergeant-at-Arms for removal from the House. I think, therefore, that with that precedent, if the hon. member desires Standing Order 104 to be put in force, that a motion should be submitted to that effect.

The PREMIER said that, in making the motion that he did yesterday, it was to defend the privileges of the House. Hon. members on both sides would give him credit for that. To go further, and carry out the law to its extremity, as they understood the law to be, was never their intention, for they did not wish to submit the hon. member to “durance vile.” At the same time, they had to-day found the strongest possible reasons why they should stand by their rights. If they had got no rights, the sooner they got them the better. From what had happened in the Chamber it was clear it was time they found out what their Standing Orders meant; and he was quite prepared to take the responsibility and act on the precedent set by Mr. Lilley in 1869. He therefore now moved that the hon. member for Maryborough be committed into the custody of the Sergeant-at-Arms for removal from the House.

The Hon. S. W. GRIFFITH said he had hoped that wiser counsels would have prevailed with the Government, and that their legal adviser would have had the sense by that time to see that the House had no power to make that order. What was sought to be done was an act of lawless violence—an act of lawless violence sought to be committed by the Premier of this colony, and which the Speaker was asked to assist in. He did not know whether the hon. member would be committed by warrant or not, but the resolution—

Mr. MOREHEAD, rising to a point of order, said the hon. member had no right to say that the Speaker was assisting in a lawless act of violence.

Mr. GRIFFITH said that, as long as he had been in the House, he had never been guilty of

disrespect to the Speaker. What he said was that the House was asked to commit an act of lawless violence, and that the Speaker was asked to take part in it. The hon. the Premier had endeavoured to mix up something entirely distinct from the question of the hon. member for Maryborough with this matter. He had referred to contempts of another nature, and with which they had the undoubted right of dealing. He did not remember what was the nature of the case referred to in 1869. What occurred appeared to be this—it was in “Votes and Proceedings” for 1869—

“Mr. Walsh moved—That this House do now adjourn;

“And, having used certain words to which exception was taken,—

“Mr. Lilley desired, That the words excepted to be taken down by the Clerk;

“And the Clerk having, by direction of Mr. Speaker, taken down the words as follow:—‘Mr. Walsh stated that some person had been infamously treated by a member of the Government,’

“Whereupon Mr. Walsh withdrew the words excepted to;

“And Mr. Walsh having, in the course of his remarks, commented upon the evidence accompanying the Progress Report from the Select Committee on the management of the Police Force,—

“Mr. Macalister requested the Speaker’s opinion as to the competency of the honourable member to debate such evidence,—

“The Speaker repeated his ruling, given on the 27th instant, on the same point.

“Whereupon Mr. Walsh moved, That the Speaker’s ruling—that no allusion is permissible to any subject connected with the report and evidence from the Police Committee—be disagreed to.

“Question put:—Ayes, 4; Noes, 13.”

The proceedings were then interrupted, after which—

“Mr. Walsh, continuing his address to the House upon the motion, That this House do now adjourn—again using words to which exception was taken—whereupon Mr. Lilley desired, That the words excepted to be taken down by the Clerk,—

“And the Clerk having, by direction of Mr. Speaker, taken down the words as follow:—‘Mr. Walsh, referring to the recent division, said, “In the opinion of a large majority of this House, the question is to be burked this session.”’

“And the honourable member having been heard in his place, and having withdrawn from the House, Mr. Lilley moved, That the honourable member for Maryborough having used objectionable words, and not having explained or retracted them, he be censured from the Chair.

“Question put and passed.

“And Mr. Walsh being recalled to his place, was informed by the Speaker of the decision of the House, and was asked if he intended to explain or retract the words?

“And, having refused, again withdrew from the House.

“Whereupon Mr. Lilley moved, That the hon. member is guilty of contempt of this House.

“Debate ensued.

“Motion, by leave, withdrawn.

“Mr. Ramsay then moved, That the words used by the hon. member for Maryborough, reported to the House, be taken into consideration at eight o’clock this evening.

“And Mr. Walsh having presented himself again in the House, and having refused to withdraw when ordered so to do by Mr. Speaker,—

“Mr. Lilley moved, That the hon. member for Maryborough be committed to the custody of the Sergeant-at-Arms, for removal from the House.

“Question put.

“The House divided.

“Ayes, 16.—Noes, 2.”

Mr. Walsh was removed, but he came back again.

Mr. J. M. THOMPSON: Yes, and claimed to be in custody,

Mr. GRIFFITH said as a matter of fact, Mr. Walsh was never in anyone’s custody. The hon. member at the head of the Government had referred to a class of contempt which had been committed on other occasions. Such contempt as the hon. gentleman referred to had nothing whatever to do with the alleged contempt of the hon. member for Maryborough. The contempt which was complained of by the hon. the Premier with respect to other hon. members of that House, and which the Speaker had referred to, was expressly provided for by the Constitution Act, which said—

“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 amongst other things was mentioned the creating of any disturbance while the House was sitting whereby the proceedings were interrupted. Any hon. member offending in that way was guilty of contempt, and might be punished accordingly; indeed, apart from the powers of the statute, any hon. member guilty of disorder, as was pointed out last night, might be removed. In the same way, any person creating a disturbance in a church might be lawfully put out, and a bench of magistrates might order any person interrupting the proceedings to be removed. But that was a very different thing from the case now under consideration. The contempt, if any, was not committed in the face of the House, but was something done outside the House—namely, writing a letter and publishing it in a newspaper; and it was a matter which did not come under the statute. According to the cases he cited last night—and no one could controvert them—the House had no power to punish for contempt except under the statute. When the Standing Orders were made it was generally supposed that Houses of Parliament had power to punish for contempt. That was laid down in some American works, and was contained in the book quoted from by the Premier; but that book was published before the decisions to which he had referred, and it had since been held by the highest authority in the Empire that the House had no power to punish except under the statute. He would read again the words of the judgment where the Lords of the Privy Council said—

“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.”

Yesterday, the House was ill-advised enough to attempt to adjudicate on an alleged contempt committed beyond their walls, when there really was no such power. It was useless to quote from old books, whose dicta had been overruled by the highest tribunal in the Empire. A distinction was at one time supposed to exist between contempts committed inside the House and contempts committed outside the House; and, with respect to the latter, it had been settled, long before 1866, that a colonial legislature had no power to adjudicate or deal with them in any way whatever. Until that time, however, it was supposed—and it was so stated in the book referred to by the Premier—that they had power to commit with respect to contempts committed inside the House; but it was now decided that they had no power to commit for contempts committed either inside or outside the House, except according to statute. The alleged contempt now under discussion was committed outside the House; but that was quite immaterial, for in neither case had the House the power to deal with it. The Premier might just as well move that he (Mr,

Griffith) he committed to Her Majesty's gaol for six months. It would be no more absurd, nor would it cover the House with more contempt, than the resolution moved by the Premier—one was just as valid and absurd as the other. He did not like to see the proceedings of the House brought into contempt. According to the Dominica case which he quoted yesterday, every member who did not dissent from the motion was equally responsible. Every hon. member who voted for laying hands on the hon. member (Mr. Douglas) and removing him from the House was simply committing an act of lawless violence—they were doing an act which was not a bit more justified in the eyes of the law than would be the act of a mob of people rushing into the House and driving hon. members out of it. It was precisely the same thing in principle. He desired to nip such proceedings in the bud. He had hoped last evening that wiser counsels would have prevailed, when nearly every hon. member admitted that the law as he had stated it was indisputable. He viewed with great alarm such proceedings as these. Where would they end? Such things had been done in Victoria, because they had power by their statute to commit for anything they decided was contempt. Here they had no such power. For his part, if any person attempted to lay hands on him and remove him from the House, he would resist him as he would resist a highwayman who attempted to rob him, and he should be justified by the law in doing so. He was using plain words, and he felt certain that what he said would be acquiesced in by anyone who knew anything about the subject. It was no doubt the duty of the Premier to endeavour to preserve the privileges of the House intact, to secure that its proceedings should be received with respect outside, and to abstain from anything like violence or revolutionary proceedings; but when he (Mr. Griffith) saw proceedings like the present initiated by the Premier he felt indeed alarmed. If such a resolution were allowed to be carried the Premier might *seriatim* remove every member of the Opposition, one after the other, from the House. It was simply a revolutionary proceeding. There was no distinction between removing the hon. member from the House and committing him to gaol. The liberty of the subject involved a man's right to go where he would; certainly, it involved a right to perform his parliamentary functions. To say that it was not wrong to exclude a man by force from performing his parliamentary functions was a proposition that could not be maintained by anyone who knew anything of the proceedings of English law. One of the most celebrated cases in English law was that of a man who was refused the right to exercise the franchise by the returning officer, and who recovered heavy damages. If such a thing was actionably wrong, what could they say of the wrong of preventing a member of Parliament from taking his seat in the House, or removing him from it otherwise than by process of law? He had pointed out the law last night, and the resolution came to was merely idle: and it did not redound to the dignity of the House to pass a resolution which could not be enforced. Todd, in his newest work on "Parliamentary Government in the British Colonies," had the following on the subject:—

"Another question presents itself for our consideration in this connection, and one which is of great practical importance—namely, the extent of the powers and privileges that may be rightfully assumed by a colonial legislature.

"The answer to this question depends in no small degree upon the actual status of the legislative body itself. It may be suitably determined by the mutual agreement of the several branches or estates of the

legislature in a formal statute. But if no higher warrant can be shown in favour of an alleged privilege than the assertion of a single branch of the local legislature, on its own behalf, the courts of law will interpose, and limit the claim in accordance with general principles of constitutional law applicable to the case. This has been repeatedly done by colonial courts, and in the last resort, by the Judicial Committee of the Privy Council."

And then the author, in a foot-note, referred to the Dominica case of *Doyle v. Falconer*. The writer then went on to say—

"Whilst a colony is in a state of pupillage, and is directly subject to the control of the Crown, it is unnecessary and unbecoming in either branch of the local legislature to insist, for itself collectively, or for its members individually, upon the right to any privileges or powers except such as are indispensably necessary for the efficient performance of its proper functions. But when the status of a colony is raised to that of a self-governing autonomy—whether its jurisdiction includes the right of general legislation, or is limited to the control and disposition of local questions of minor import, so long as the legislative powers exercised are exclusive and supreme—it becomes desirable to clothe the legislative body with greater authority. Such legislatures will need to possess inquisitorial powers to secure themselves from obstruction. They will need coercive powers to enforce every lawful discharge of their appropriate functions, and to vindicate their proceedings from resistance or contempt. But, in order to define with precision, and without excess, the powers proper to be conferred upon any legislative body, recourse should be had to statutory enactment. No Acts can be passed in any colony except by consent of the Crown. The Crown, therefore, is able to judge what powers and privileges ought to be granted in each particular case, and is in a position to refuse its sanction to all unjustifiable claims. So long as an assertion of privilege is based upon analogy or inference merely, it is liable to exaggeration. But when privilege is defined by law there is a restraint upon its abuse. This method has accordingly been approved by the Imperial Parliament, in the most recent instances of Imperial legislation, to explain or amend colonial Constitutions."

After referring to the existence of these statutes in Victoria, Canada, and Tasmania, the writer proceeded—

"In 1874, the House of Assembly of Nova Scotia adopted certain proceedings in dealing with a refractory member of their body, whom they had resolved to have been guilty of a breach of privilege. They had adjudged him to have committed a contempt of the authority of the House, though he had not obstructed the public business, and had directed his forcible removal from the House until he should apologise for his conduct. Thereupon he brought an action of trespass for assault against the Speaker and certain members of the House, and obtained in the Supreme Court of the province a verdict of damages. In 1877, the case was brought, on appeal, before the Supreme Court of the Dominion. In January, 1878, judgment was rendered by Sir W. B. Richards, Chief Justice of the Court, and by the other learned Judges present. They all agreed in affirming the judgment of the Court below, and in dismissing the appeal. The effect of this decision was to declare 'that the House of Assembly of Nova Scotia has no power to punish for any offence not an immediate obstruction to the due course of its proceedings and the proper exercise of its functions, such power not being an essential attribute nor essentially necessary for the exercise of its functions by a local legislature, and not belonging to it as a necessary or legal incident; and, that, *without prescription or statute*, local legislatures have not the privileges which belong to the House of Commons of Great Britain by the *lex et consuetudo Parliamenti*.'"

The MINISTER FOR WORKS: That was a subordinate assembly.

Mr. GRIFFITH said it was no more a subordinate assembly than the Queensland Assembly. It was useless to argue with the Minister for Works, and he was addressing himself to other members, who he hoped had sufficient good sense to refrain from bringing Parliament into contempt. The Nova Scotia House of Assembly was just such a body and had the same constitution as other colonial legislatures; and though it had since been federated under the Dominion, their Assembly had the same powers as those of Queensland. It had been decided once for all by the Privy Council, as the Supreme Court of the

Dominion of Canada had since decided, that the legislative assembly or legislative council of any British colony could not without statutory power, or without authority derived from a higher power, adjudicate upon or deal with contempts committed outside or inside the House. Therefore, he did not understand how the Premier could think he was going to vindicate the privileges of the House by having recourse to proceedings which were clearly unlawful. It would be very hard if an officer of the House were compelled to commit an assault. He should not wonder at the course taken if the question had not been already settled. But the Government seemed to set the law at defiance—even now that their attention had been called to the real state of the law. If the hon. member for Maryborough had obstructed the course of business, he could of course be removed; or if he had created a disturbance, he could be committed into custody; but having done nothing of the kind their present proceedings must be futile. He did not wish to see the House brought into contempt; on the contrary, such an occurrence would be most lamentable. What a ridiculous thing it would be to remove the hon. member for Maryborough when he had a perfect right to return, and would do so if he had any sense. If the House determined to imprison him, he would be released by a judge. He (Mr. Griffith) would not ask the House to take his opinion as to the law on the question if there were any doubt about it; but the question was not open to doubt, and he ventured to say there was not a member in the House—except, perhaps, the Minister for Works—who doubted what the law on the question was. Nevertheless, the Government proposed to have the hon. member removed. That would be a very good way of clearing out the Opposition, viz., to judge them one after another guilty of contempt. But the Opposition had just as much right, if they were strong enough, to turn out the members on the Government benches.

An HONOURABLE MEMBER: If they are guilty.

Mr. GRIFFITH said he believed the hon. member who made that remark did not desire to be placed in the position in which the members of the Assembly in Dominica were placed, but every member who voted for the motion would be placed in that position, for he (Mr. Griffith) would take very good care they should record their votes. It had been decided by the Privy Council that a colonial assembly had no power to punish or adjudicate for contempt, except so far as the power conferred upon them by statute enabled them. So that the question to be considered was whether they had power by the Constitution Act to deal with the subject. It was admitted that they had no such power.

The ATTORNEY-GENERAL: That is the eighth time.

Mr. GRIFFITH said there were apparently some hon. members who desired to ascertain what was the right course to take; and it was for their benefit he was speaking, as he was very anxious to assist them in coming to a right conclusion. It was admitted on all hands that the House had no right to do what was sought to be done. Therefore, it would be simply a matter of unlawful violence to remove the hon. member, and an act for which every assenting member would be liable to be prosecuted criminally as for any other assault. And unless the Premier or some of his supporters could bring forward good solid arguments to show that the law, as cited by him (Mr. Griffith), was not the law, he maintained they would be committing an act of the most lamentable folly in the course proposed to be taken.

Mr. GROOM said a case very much like the present occurred in 1865, the circumstances of which were these: The then member for Mitchell, Mr. John Gore Jones, wrote a letter in the *Brisbane Guardian* reflecting on the then member for Maryborough, Mr. Walsh. The matter was brought up by the late Sir Robert MacKenzie as a question of privilege. There were then two lawyers in the House who were now on the Supreme Court Bench, and, strange to say, they held contrary opinions with regard to the breach of privilege. The then Attorney-General (the Hon. R. Pring) stated that under the Constitution Act the House had no power to deal with anything that occurred outside the walls of the House. But the Hon. Mr. Lilley, then leader of the Opposition, said—

"If the hon. member had read the Act—or if he knew the law—or if he had reflected for a single moment, he would have seen that the motion is quite in order: that is, if we are dealing with this question in the spirit of the 5th section of the Act."

The Act was, he believed, the 25th Victoria. The ruling of the Speaker was called in question, and the Speaker gave his reasons for his ruling, that his memory went back for forty years, and justified the advice he gave the House and which the House certainly approved of. The hon. member for Mitchell, after hearing the expression of opinion, apologised for the action of which he had been guilty. He was speaking now of a letter written by one hon. member reflecting in the most offensive terms on another hon. member. And with all respect to the hon. gentleman at the head of the Treasury benches, and to the Speaker, he might state that the Speaker at that time was not a man who would lead the House astray in any opinion he might give. The cases quoted by the leader of the Opposition occurred in 1876, which was a long period after the decision given by the Speaker (Mr. Elliott), to whom he referred, and the opinions given by Mr. Lilley and Mr. Pring. This was the first time in the history of the House that a case had occurred in connection with the proceedings of a select committee. Whether it was against the privileges of the House he was not prepared to say. He was not present when the matter was brought forward yesterday, but when the case was brought forward to-day it struck him as being similar to the one he had mentioned—the case of Mr. John Gore Jones. Even on that case different opinions were given—one by the then Attorney-General (Mr. Pring) and another by the leader of the Opposition (Mr. Lilley); and, strange to say, both those gentlemen now found themselves on the Supreme Court Bench.

The ATTORNEY-GENERAL (Mr. Beor) said he believed he expressed his opinion last night—that the House must act in accordance with the Constitution Act in seeking to inflict a penalty for any such breach of the rules as had been committed in the particular instance before them. The 45th section and the 8th section of the Constitution Act were then alluded to, both by himself and others, and it seemed to him, as to the hon. member for Ipswich (Mr. Thompson), who spoke upon the subject, that there was no doubt about the question. If they were to inflict any punishment on the hon. member for Maryborough for the gross discourtesy, at any rate, of which he had been guilty, they must do so under the Constitution Act, and under one of those sections which applied to the punishment of members for such breach or disrespect. The section which empowered the House to make standing orders, in the first place, was the 8th, but that section provided no particular penalties. The 45th section pointed directly to certain offences against the discipline of the House, and provided there should be a certain form of

penalty. The early part of the 8th section, which contained all that was germane to the matter, was as follows :—

“The said Legislative Council and Assembly from time to time hereafter as there may be occasion shall prepare and adopt such standing 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.”

That was all that bore directly on the matter under discussion, and, therefore, the offence of which the hon. member for Maryborough had been guilty not being within the 45th section of the Act, the only remaining question was whether it came within the 8th section of the Act, and whether the breach of the rules of the House which the hon. member for Maryborough had committed would come under the rules and orders adopted for the orderly conduct of the Council or Assembly. The whole question was, did the action of the hon. member for Maryborough come within the description of a breach of the orderly conduct of the Assembly? For his part he did not think it did, because the breach of discipline, however uncourteous it might be, was one that had been committed outside the House. In his opinion, the writing of a letter to a public newspaper, however great an offence it might be—being a thing done outside the House could not be considered as within the description of a breach of orderly conduct. Therefore, if the Premier took his advice, he would withdraw the motion before the House, because, in his (Mr. Beor's) opinion, it could not be maintained.

The PREMIER said he was rather astonished at the attempt of the hon. member for North Brisbane to impart feeling into this matter by stating that he (the Premier) had, in his anger, brought the matter forward. He had shown no anger in the action he had taken, but had simply performed what he considered to be his duty as leader of the House. The hon. gentleman spoke with some indignation against the action he (Mr. McIlwraith) proposed to take as being an action likely to bring the House into contempt; but the course he had pursued was one that was not in the least degree likely to result in such a contingency. The hon. gentleman reasoned all through as though his (Mr. McIlwraith's) object had been, not to maintain the privileges of the House, but to secure the committal of the hon. member for Maryborough to custody. That was a position which he preferred to prevent the hon. member from attaining, and he should have liked to have avoided the possibility of such a contingency. As leader of the House he could not, however, avoid the position he had taken up. The House had, by a resolution, adjudged the hon. member to be guilty of contempt, and it then became his duty as leader of the House—a duty from which he would not shrink—to draw the attention of the Speaker to the fact that an hon. member who had been adjudged guilty of contempt had taken his seat in the House. That duty he had performed. It was a matter of very great importance to the House that it should possess the means of enforcing its own Standing Orders; and that it should have the power of punishing members who violated the Standing Orders of the House. He regarded the matter from two points of view in taking up the position he had. If the House could punish the hon. member, he deserved that punishment, and he would be put into custody; if the House could not inflict any punishment, he (Mr. McIlwraith) had attained his object in making the House perfectly acquainted with its own position. He now understood that, according to the opinion of the Attorney-General, the House had no power to punish the hon. member for breaking the Standing Orders because the fault was committed outside the House. There

could be no doubt that it was the intention of this House that it should have the power of punishing members who broke its Standing Orders; but it appeared that through an omission in the Constitution Act the House had not that power, and until the hon. member for North Brisbane pointed out that fact, probably no other member of the House was aware of it. Now that the debate had taken place it was clear that the House could not legally punish under those Standing Orders. The Standing Orders were made in good faith, but they were beyond the constitutional powers of the House. He had done what he could to define the power of the House, and finding that he could not go any further he had not the slightest hesitation in withdrawing the motion. As to the personal motives attributed to him, there was not the slightest foundation for the assertion. He had shown no heat nor temper in enforcing a most disagreeable duty which had devolved upon him as leader of the House. In withdrawing the motion after the discussion had thoroughly tested the matter he should not be receding from the position he had taken up. He begged to withdraw the motion.

Mr. GRIFFITH said he wished to correct an apparent misunderstanding. The Premier had inferred that the House had no power to punish for contempt committed outside the House. He would point out, however, that the House had power to punish to a very large extent, conferred upon it by statute, and that select committees had also very large powers. They could send for witnesses and compel them to answer questions and to produce papers. These powers were conferred by the Act.

The PREMIER said he might further state that this debate was actually necessary because, in view of the position of the Standing Orders with reference to the Constitution Act, it was the intention of the Government to bring in a Bill to remedy the defects which had led to the present discussion.

Motion, by permission of the House, withdrawn.

MAIL CONTRACT.

The PREMIER said, before the House proceeded to the Orders of the Day, he would ask the leader of the Opposition to give an answer to the proposition which was made last night.

Mr. GRIFFITH said he understood that the Premier, in making the proposition last night, had been actuated by a wish to facilitate the despatch of business, and he desired to approach the subject in a similar spirit. Although not able to give an answer in exactly the word “yes,” he trusted the proposition he could now make was such as would be satisfactory to the Premier, and would evince a desire on the part of the Opposition to carry on business with as much despatch as possible. In order to prevent any misunderstanding he had reduced his proposition to writing. It was as follows :—

“The Opposition will be prepared at the earliest possible day to discuss in the ordinary manner the Financial Statement of the Government, and the legislation consequent upon it, and to give the matter the fairest consideration; but they cannot at present, in the absence of any information as to the proposals of the Government, fix any period for the conclusion of that business.”

Without knowing the business to be discussed, the Opposition might violate their duty if they agreed that the debate should finish on a certain day, but they undertook to give the matter their fairest consideration ;—

“And in the absence of the additional information which must be afforded to this House by the Financial Statement and financial proposals of the Government,

they do not feel able to pledge themselves at present to come to a division upon the Steam Service by any particular day."

The Opposition did not feel able to fix a limit, now, as to the time that would be necessary for the discussion, but they made this proposition in the same spirit as that which actuated the Premier, and in the hope that it would be satisfactory to the Government.

The PREMIER said he was quite sure that any hon. member who heard his proposition made last night, and read the one which the leader of the Opposition had put in writing, would agree with him that there was not the slightest similarity between them. In making his proposition last night he had given as a reason that the best and chief argument used by the Opposition in discussing the mail contract was, that the Financial Statement had not yet been delivered. The hon. member for Maryborough actually made a motion to the effect that the discussion should be postponed until the Financial Statement had been delivered, and several hon. members expressed themselves willing to give the mail contract favourable consideration provided the Financial Statement were first delivered. Now that the House had five weeks for the consideration of the Financial Statement and the mail contract he had made a proposition to this effect—that towards the end of next week he should be prepared to deliver the Financial Statement and to move the resolution consequent thereupon; and that if the Opposition gave those matters fair consideration and left sufficient time to argue the mail contract and come to a decision before the 6th of September, he would be agreeable to the adoption of that course. An extension of time for the ratification of the contract having been granted, the whole object of his proposition was to take advantage of that extra time by entering upon the discussion of the Financial Statement without delay, whilst ensuring the ratification of the contract or the refusal to ratify it by the date fixed. The hon. gentleman evaded that by saying that he could not fix any time for the consideration of the Financial Statement.

Mr. GRIFFITH: For the conclusion of the debate. We will begin as soon as you are ready.

The PREMIER said the Opposition might take three, four, or five days—or any number more they liked before the 6th September—for the discussion of the mail contract; but he asked them to agree to come to a decision by that date. Under the agreement proposed he would, perhaps, be in this position: the consideration of the Financial Statement might occupy the House until nearly the end of the month, and then hon. members, if they chose, could easily carry on the debate beyond the date fixed for the ratification. He wished hon. members to take as much time as they liked to consider the mail contract on its merits after the Financial Statement was delivered. The object in bringing down the Financial Statement would be, not to settle everything connected with it at once, but to satisfy hon. members that the country was in a position to enter upon this mail contract.

Mr. GRIFFITH: You spoke of the legislation consequent upon the Financial Statement.

The PREMIER said the hon. member knew what that legislation was. He believed that, with fair assistance from the Opposition, he should be able to get that legislation carried through in a few days. He did not say that he would do so; but it was possible, for instance, that he might propose an alteration of the tariff; and supposing that he did he must immediately after the delivery of the Financial Statement put the necessary resolutions, and see some pro-

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bability of their being carried, before he proceeded with any other important business. At the same time, he did not see why the consideration of even these matters might not be delayed in order to discuss the mail contract. However, he was quite prepared to deliver the Financial Statement at the end of the week; then two or three days could be given for its consideration, and there would be a fortnight left for the mail contract. He did not, however, think so long would be required. The object that he wanted to attain was to throw as much light as he could upon the finances by the Financial Statement, and by that means to take away the only argument that the Opposition had for obstructing—namely, that they did not know the financial position. Let the House, however, come to a conclusion on the mail contract before the 6th September.

Mr. GRIFFITH said they did not know what the Financial Statement would be, and could not say how long it would take to discuss; it might take three weeks. He did not anticipate that it would take so long, but they did not know what it would be. They were prepared to give it the fairest consideration, but they could not bind themselves to time. He should not like to be under an obligation to close by a certain date the discussion on a matter which might require further consideration. He had endeavoured to meet the spirit of the Premier's proposition, and would repeat that the Opposition would undertake to give the Financial Statement and the legislation consequent upon it the fairest consideration. The time proposed to be given ought to be sufficient to dispose of the Statement and a good deal more business.

The PREMIER said the hon. member seemed to forget what had led to the treaty between them. The hon. member had said that he thought the absence of the Financial Statement was a justification for the Opposition obstructing, and the obstruction had been carried on. He (Mr. McIlwraith) had tried to obviate that difficulty, and had offered hon. members opposite the fairest terms that he could. He had promised that he would bring down the Financial Statement, and after it had been fairly discussed the House should proceed to the consideration of the contract. Would the hon. member guarantee the House against obstruction by the Opposition? They would have the fullest time to discuss both the Statement and the contract; but, under the proposition offered by the hon. member, they would not be breaking faith if they commenced obstructing on the Statement. Let the hon. member add to his proposal that neither on the Statement nor the mail contract would there be any obstruction, and he (Mr. McIlwraith) would accept it.

Mr. McLEAN said it appeared to him that the Opposition would be taken at a considerable disadvantage if they bound themselves in the way the Premier asked. Had the treaty taken place after the Financial Statement was delivered, and before it was debated, there might be some force in the Premier's request; but to ask them to bind themselves before they knew what the Financial Statement would be—when their eyes were blinded, so to speak—was expecting rather too much.

The PREMIER said he had made a certain proposition in good faith to the leader of the Opposition, and the hon. member had offered to consult his supporters with regard to it. It seemed that he had done so, and that the hon. member alongside him disapproved of the proposition. It was quite clear that the hon. member's reply did not carry out the spirit of the proposition, and that he had not obtained the sanction of his party.

Mr. GRIFFITH said that on the spur of the moment he thought the hon. gentleman's proposition a reasonable one, but on further consideration he could see that by accepting it unconditionally they would pledge themselves not to object to the debate being concluded in the middle. They could not bind themselves to finish the debate on the Financial Statement by a certain time. Some extraordinary impost, such as an income tax, might be proposed and require serious consideration. He had known a tariff brought in and almost entirely re-cast. To do that took time, and under the circumstances he could not promise to bring anything to a definite conclusion by a stated time. He also wished to say that if he interpreted the telegram from Mr. Mackinnon aright, the objection of the contractors to deferring the time for the ratification of the mail contract was chiefly because it might involve an extension of time for the commencement of the service, to which they could be no objection on the part of the Government.

The PREMIER said he did not think the hon. member could have studied the position, otherwise he would not have given the reasons that he had for breaking away from the arrangement made last night. He said that the Government might introduce an extraordinary impost—such as an income or property tax—or might introduce a new tariff, which would require to be remodelled. But it would not be necessary to come to an immediate conclusion upon the proposals of the Financial Statement, and when the Statement had been delivered and had been debated he was ready to go to the mail contract at once. He could place the Financial Statement before hon. members next Friday week—it would not take longer than twenty minutes to deliver. Hon. members would then have three days to study it, and it might be debated on Tuesday or Wednesday following. If an amended tariff, or a property or any other new tax was proposed, it would not be necessary to come to an immediate conclusion on any of them. If an amended tariff were introduced, no doubt he would commence the collection of the new duties at once in accordance with the usual practice; but to fully consider the Statement itself he did not see that more than two days would be required, which would leave a fortnight for the discussion of the contract.

The SPEAKER said it would be more regular if the discussion were continued on the first Order of the Day.

MAIL CONTRACT—COMMITTEE.

The SPEAKER then left the chair, and the House resolved itself into a Committee of the Whole to further consider the proposed through Steam Service between London and Brisbane.

Mr. DOUGLAS said he would only say, for himself, that the sooner the Financial Statement was delivered and discussed the sooner would the House be prepared to consider dispassionately the merits or demerits of the mail contract. If the opportunity were afforded of discussing the Statement they should really be in a position to approach the mail tender not only with fuller light but with greater satisfaction, because they should then have some knowledge of the colony's financial position. He hoped, therefore, that the proposed arrangement would be carried out. He did not think that the Premier should be too exacting, and could hardly see how the leader of the Opposition could bind his followers definitely. He had read with great satisfaction in *Hansard's* report of last night's proceedings that they were about to reach the time when the Financial Statement would be made, for when the Statement had been made the House would be prepared to approach the subject of finance, and

the secondary one of the mail contract, in good temper, and with a desire to do the best they could in both instances for the good of the community.

The COLONIAL SECRETARY (Mr. Palmer) said the only thing that the Premier asked the leader of the Opposition to do was to pledge himself to proceed with the business according to the ordinary parliamentary practice, and not to obstruct by opposing the wishes of a minority against the wishes of the majority. If the hon. member could get a majority on any point the Government would be bound to give way; and, similarly, he should give way when he was in a minority. That was all the Premier asked. If, however, they were still to understand that, no matter what the subject might be, the Opposition meant to go on obstructing in the style they had done, the sooner the obstruction began again the sooner would they know how far it could go. To proceed on the understanding that the Premier should make his Financial Statement, and that then the Government would be blocked on the mail contract in the way they had been, would be perfectly ridiculous. Personally, he would prefer that his hon. friend, the Premier, told them what he intended to do, and came to no agreement except on something like equal terms. Were the Opposition going to deal with the mail contract on its merits or continue stonewalling? Were they going to stonewall the Financial Statement? Those were the questions, and the sooner they came to an understanding and let the people see which side wished to proceed with the business of the country—which side was acting in the interests of the country, and which in the interests of party—the better it would be. The Government merely wanted an assurance that the system of obstruction would end. It had always ended in favour of the majority on questions of importance. The minority had never had their way on such occasions, and in support of the statement he would refer members to the stonewalling of 1872, when there were only thirty-two members, and when there were fifteen on one side and sixteen on the other. What did the minority get out of their tactics? They were beaten then, and the minority would be beaten again, for the majority must rule. Stonewalling and obstructing would only impede the business of the country. The Premier had gone beyond what he (Mr. Palmer) had expected. He had offered to let the mail contract stand over until after the Financial Statement had been delivered, and only asked that the decision of the House should be arrived at before the time for the approval of the contract expired. If the leader of the Opposition could not bind his party, he could at any rate say that he personally would not obstruct; but he had not done so. If he would say that he would use his influence to prevent stonewalling, and allow the important business of the country to proceed, then his hon. friend might come to terms; but it was no use having the Financial Statement if it was to be followed by obstruction. In reference to the agreement proposed in the document read by the leader of the Opposition, he should strongly advise the Premier to come to no terms upon it, but to pursue his own course, make his Financial Statement or leave it alone, as he pleased, and certainly not bind himself to deliver it unless it was fully understood that the House should not be met by obstruction.

Mr. GARRICK thought that the Premier was endeavouring to put the Opposition in an unfair light. The Opposition were justified in taking the course that they had, and the statements of the Government showed it. He recognised the right of the majority to rule, but the

majority must proceed constitutionally, which they had not done in reference to the mail contract. They had endeavoured to force the contract through the House whether the minority liked it or not, and without delivering the Financial Statement. They had treated it purely as a party question, and had thought themselves competent to decide it sitting as a majority. That course of proceeding justified the Opposition in making the stand that they did. It was easy to be seen from what had taken place that from the very first the wish of hon. members on the Opposition benches was that the Premier should ask the contracting parties at home to extend the time for the ratification of the contract; and, had the Premier acceded to that wish, much time might have been saved. But what was the position the hon. gentleman put them in now? It was this—that he would make his Financial Statement, but only conditionally on the Opposition acceding to certain terms. What the hon. gentleman offered to do now he should have offered at first—he should have made his Financial Statement before he asked the House to vote a sum of £55,000 a-year for eight years. But now the hon. gentleman, in offering to do what he should have done at first, accompanied his offer with certain conditions which he wished to impose on the Opposition and which they could be hardly expected to accept.

The PREMIER said it was not for any of the leaders of the Opposition to dictate to the Government how they should carry on their business—that was a matter which rested entirely with the Government. The proposition which had been made by him to the leader of the Opposition on the previous evening was considered at the time by that hon. gentleman, and also by other hon. members, as most reasonable—in fact, he (the Premier) had conceded everything that had been asked in connection with the mail-service contract. He had conceded that he should make his Financial Statement, have it fully discussed, and then proceed with the consideration of the mail contract. As he had remarked, that proposition was favourably received by the leader of the Opposition, who said, however, that he wished to consult his colleagues before acceding to it. It was very evident that the hon. gentleman was unwilling to take up the position he had taken up last session, as it now appeared that he had been frightened from the course which he had himself favourably considered, by a few determined members who would rather sit in that House for six months doing nothing than sacrifice a party feeling. The leader of the Opposition was on the previous evening betrayed by his own feelings to say that the proposition then made was a fair one, but after consultation with his supporters he had been forced to come to a different conclusion. His (the Premier's) proposition was this :—

"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?"

But what was the answer of the leader of the Opposition—which was put in very legal and cautious language—it was as follows :—

"The Opposition will be prepared at the earliest possible day to discuss in the ordinary manner the Financial Statement of the Government, and the legislation consequent upon it, and to give the matter the fairest consideration; but they cannot at present, in the absence of any information as to the proposals of the Government, fix any period for the conclusion of that business.

"And in the absence of the additional information which must be afforded to this House by the Financial Statement and financial proposals of the Government, they do not feel able to pledge themselves at present to come to a division upon the Steam Service by any particular day."

The whole thing, put into a few words, amounted to the Opposition saying that they would not pledge themselves not to obstruct either the Financial Statement or the mail-service contract.

Mr. GRIFFITH said that what he stated on the previous evening in reply to the proposition made by the hon. gentleman was, that at that present moment the proposition seemed to him a reasonable one. On considering the matter that morning, however, he saw that it might be asking his party to bind themselves to something that they could not assent to—asking them, in fact, to shut their eyes and agree to anything that the Premier might propose. If the Opposition agreed to the proposition of the hon. gentleman they would be bound to agree to any tariff—to let everything go on as the Government desired, and, above all things, to allow the mail contract to be ratified. All he (Mr. Griffith) had asked them was to be allowed time to consider the proposition, and to consult his party; and on consideration he could not see how they could accept it, as they must be allowed to exercise their judgment in dealing with matters when brought before them of which at present they had no knowledge.

The PREMIER said the hon. gentleman ignored altogether the reasons which had been given for having the Financial Statement made before the mail-service contract came on for further discussion. The reason which had been given was that the Financial Statement when made might change the opinions of hon. members on both sides of the House. It might make hon. members who were now stonewalling confess that things were much better than they thought them; and, on the other hand, it might alarm some hon. members who had hitherto given their adhesion to the contract and cause them to vote against it. That opportunity for discussion he was willing to give—it was the object he sought to attain. He had to provide, in the offer he made on the previous evening, that the Government should not be called upon immediately after making the Financial Statement to disclose anything that might arise out of it, such as an income or a property tax. He did not ask the House to commit themselves definitely to any tax or tariff, or any means of raising revenue, before it came on. All he wanted was to have a fair discussion on the Financial Statement, and then to further consider the mail-service contract, allowing him two clear weeks in which to bring on the contract. If the leader of the Opposition meant to guard himself by saying that the Opposition would not pledge themselves not to obstruct, that was all he (the Premier) asked—he merely wanted an answer. He had simply asked that a fair consideration should be given to the contract after a full discussion on the Financial Statement.

Mr. DOUGLAS said that, speaking as an individual member, the late obstruction was not, in his opinion, a mode of proceeding of which he approved, but rather a thing to be avoided as much as possible. All he had demanded from the first was that the Financial Statement should be made before hon. members were asked to ratify the proposed contract. He trusted that they would not have to take recourse to the present unusual state of things when the Financial Statement was put before them; at the same time, he felt there was a difficulty on the part of the leader of the Opposition in dealing with the proposition which had been made in any other way. He himself hoped that after the Financial Statement was disclosed all real difficulties in dealing with the rest of the business

of the session would disappear. He was anxious to deal with the question of the mail contract on its merits, although there had been a stiff battle between the two sides of the Committee owing to the minority having only one course to pursue in the absence of any Financial Statement being made. There now appeared to be a prospect of that Financial Statement being made, and thus to his mind the greater part of the difficulty in dealing with the contract would be removed.

Mr. McLEAN said that there had been a meeting of the Opposition held that afternoon to consider the proposition which was made by the Premier on the previous evening, and to his mind, as also, he believed, to the minds of other hon. members, *Hansard* did not contain the exact wording of that proposition. He understood the hon. gentleman to say that on Wednesday next he would make his Financial Statement, and that if legislation consequent on that Statement was satisfactory, he would immediately proceed with the consideration of the mail service. In other words, that the Premier was of opinion that, after he had made his Financial Statement, the country would be quite prepared to vote £55,000 for the mail service. That was the reason why he (Mr. McLean) had always contended that the hon. gentleman was asking too much when proposing that the contract should be ratified before making his Financial Statement.

The PREMIER wished the hon. member would read what he (the Premier) had stated, as it could not be possibly misunderstood.

Mr. MACDONALD-PATERSON thought it was only right to say that his impression was contrary to that expressed by the hon. member for the Logan, as he considered that *Hansard* contained a very fair report of what the Premier said.

Mr. THORN said that he wished at once to discard the infamous proposal of the Premier to involve the country in extra taxation for the sake of providing £55,000 a-year for a mail service. Everywhere the people were opposed to the proposition; and before voting for such a service he (Mr. Thorn) should like to have a dissolution, so that the opinion of the country could be ascertained. He had laid several traps for the Premier since the hon. gentleman had returned from England—in connection with the home office, and the hon. gentleman had swallowed two baits. First of all, he (Mr. Thorn) asserted that Mr. Campbell was a member of the firm of McIlwraith and Co., and the hon. gentleman said he did not know the gentleman; but now it turned out that this Mr. Campbell was a clerk in the home office, and also a member of the firm of McIlwraith and Co. and a relative of the present Premier's brother. What were they to think of the Premier after telling them that—he did not like to use strong language—making that deliberate statement? The Premier must also have known that the P. and O. Company delivered the mails free at Singapore. He (Mr. Thorn) wanted to see the country appealed to on the question, and when it was appealed to, if they had a majority he would bow to the situation. For himself he should be no partisan on the question. He believed if the Premier called for a fresh service in London now, he would get one far cheaper and better than the proposed one. He (Mr. Thorn) was informed by letters from England that the Premier's brother went about in shipping circles telling the shipowners not to tender, as the call for tenders was only meant as a blind. He wanted a contradiction to that.

The COLONIAL SECRETARY: Well, take it.

Mr. THORN said the Premier might have got half-a-dozen tenders, and he would say now to the House that it was not too late to ask the Premier to call for fresh tenders. If the hon. gentleman did that he would get them sent in for a much better service. He hoped the Premier would take his advice, and allow the tender to go. He could not understand why so much anxiety was shown in the matter unless there was something behind the scenes. Besides, the present company had lots of vessels—there was no lack of them, and money was no object to them, as they paid large dividends. As it was, the country might be put to an expense of £80,000 a-year for what would do them no earthly good. Why not allow the contract to fall, and then they would be able to get to business?

Mr. FRASER said he was one of those whose principal objection to ratifying the contract was that the Financial Statement had not been made. The Premier was certainly placing them in a very unfair position when he declined to accede to the proposal that had been made. Supposing when the Financial Statement was made it disclosed circumstances which, in the opinion of the Opposition, made it undesirable to proceed with the contract, they would be bound hand and foot to close the thing before the 6th of September. He hoped the Premier would see that the Opposition were willing to concede this much, that both the Statement and the contract should receive fair consideration and no factious opposition. They would then be in a fair way to make an amicable arrangement. He did not desire to proceed to extremities.

Mr. RUTLEDGE said they were all agreed that stonewalling was not an agreeable proceeding either to those who made it or to those who resisted it, and he did not think that the members on either side of the House would be willing to do anything to prolong it unnecessarily. The Premier himself agreed that they had made a reasonable proposition, and now endeavoured to obviate the difficulty which might arise from the unwillingness of the House to adopt the financial proposals of the Government by suggesting that discussion could take place during a few days; but that the proposals themselves might stand over for adoption or rejection till after the division on the mail contract was taken. Supposing however, that after two or three days' discussion the Premier saw that the sense of the whole House was so much against some of his proposed taxes that he must substitute others, he would have to confer with his colleagues, and, no doubt, would not be above withdrawing the objectionable taxes, as he had before now withdrawn objectionable resolutions. If a pledge was given without knowing what the substituted proposals would be, or a pledge was given to ratify the contract, when perhaps the substituted proposals might be in the estimation of a large majority more objectionable than those originally proposed, it would be absurd. The Premier might fairly proceed to make his Statement, and the hon. gentleman was evidently quite convinced that that was the course to adopt. It was the rational course, and he might then throw upon the Opposition the responsibility of any obstruction shown to the Government and to that Financial Statement; but to ask them to permit the Government to ratify the contract without coming to any decision on the financial proposals of the Government was unreasonable. They could not improve upon the terms of the proposal made by the hon. leader of the Opposition.

The PREMIER said he did not know whether the hon. member for South Brisbane had been in the House all the afternoon, but if he had been he would have seen that every proposition he had made had been made to the leader of the Oppo-

sition. He said that all that could be expected was for the Financial Statement to be considered, and also the mail contract. It was promised that there should be no factious opposition. The hon. member for South Brisbane said he would stand by that, and for his part he (the Premier) would stand by it also. The hon. member for South Brisbane had put into shorter words what he had himself said.

Mr. GRIFFITH said that they were asked to accede to a proposition blindfold, as they did not know what was coming. How could they be asked to make a pledge absolutely as to what was right to be done with reference to a matter they knew nothing about? He did not know of any reason why the course they had adopted should not be pursued if occasion arose. It might arise from the action of the Government alone, from some extraordinary proposition that might be made in the Financial Statement. He did not know that there actually was any reason to apprehend obstruction, but the difficulty was in making an unconditional promise. He had often expressed his own opinion about obstruction, and that it was not justifiable except under extraordinary circumstances; and he had said over and over again that he believed it to be contrary to the principles of parliamentary government. He might have misunderstood the Premier, but he understood him to ask them not only to dispose of the debate on the Financial Statement, but of any consequent legislation that might arise out of it, before the 6th of September. He did not know that the discussion on the Financial Statement would take very long, as legislation on the matter of finance might be disposed of in a short space of time. He had no reason to suppose that there would be any obstruction with respect to the financial part of the business, and when that was done there was no reason, so far as he knew, why the contract should not be dealt with. The Premier would see that he did not take up an unreasonable position. It was understood that the Government were desirous to meet them half-way, and the Opposition were desirous to do the same. If he made a pledge unconditionally, sooner than not keep it he would leave the House. He could not make an unconditional pledge; but, at the same time, he knew of no reason to prevent their discussing the matter in the ordinary parliamentary way.

Mr. WELD-BLUNDELL said the leader of the Opposition kept harping upon the idea that he was asked to pledge himself to a certain thing of which he knew nothing at all; but the hon. member was not asked to pledge himself to anything of the sort. All that he was asked to do was not to stonewall, to act constitutionally, and to allow the majority, and not the minority, to rule the country. The Opposition took upon themselves to believe they represented the people, and chose by stonewalling to prevent the majority from carrying out the legislation they were responsible for. The majority were responsible for their legislation, and had to answer for it when they met their constituencies. That the majority were responsible they would find if they consulted the opinions that were expressed when Mr. Parnell endeavoured by stonewalling to oppose the English Government in the House of Commons, and when it was stated that it was destructive of the responsibility of the majority and would lead to destruction of constitutional Government.

Mr. DICKSON said he trusted that the hon. member at the head of the Government would see his way to proceed with the consideration of the subject in the moderate spirit which had been introduced into the discussion by his hon. friend the leader of the Opposition, who had replied to the hon. the Premier in a frank outspoken spirit, and in such a manner as must have

shown that hon. gentleman and his colleagues that there was no desire on the part of the Opposition to protract the discussion. The leader of the Opposition could not have promised anything more nor anything less than he had done on that occasion. He made no indefinite promises to the proposition that the Premier made in his speech last evening: he would not bind himself to accept unconditionally matters which had yet to be revealed in his Financial Statement. If anything could tend to prevent that matter being debated in a fair spirit it was the speech of the hon. member for Clermont. He regretted to see that hon. gentleman was not in his place, as he did not like to refer to remarks made by hon. members in their absence; but he was constrained to say that no good would follow from the *tu quoque* argument used by the hon. gentleman, pointing out that the Opposition had departed from their true functions and had delayed the business of the country by the course they had adopted. The hon. member for Stanley interjected they had done so, but he (Mr. Dickson) contended that they had not and would not, even though they were not at all prepared to recede from the position they had taken up on that debate. They had taken up a thoroughly independent position in regard to the consideration of the subject, and it was this: as he had repeatedly expressed himself, and as the leader of the Opposition had repeatedly expressed also, the consideration of such a subject—dealing as it must necessarily do with increased taxation and with the financial position of the country—should not precede, but should be subsequent to, the Statement of the financial position of the colony. That was the clear intelligible position which the Opposition had taken up against the action of the Government on this occasion, and it was an intelligible position which had commended itself to the opinions of people outside who generally supported the Government on the principles of such a policy. Therefore, their position was a thoroughly intelligible and substantial one, and he would point out to the hon. gentleman that he had this safeguard: if he was prepared to postpone the consideration of this subject until the consideration of the Financial Statement he withdrew from the Opposition that platform on which they now stood. If the hon. gentleman chose to proceed with the consideration of the financial position of the colony, the Opposition had no longer the objection which heretofore they had felt bound to maintain. He was sure that if the members of the Government occupied the position of the Opposition at the present time they would feel as the leader of the Opposition did—that it was a proper and intelligible thing to decline to consider these proposals in connection with a steam service until the financial position of the colony was entered upon. That had been the justification for their action at the present time, and if the Government insisted upon the ratification of the contract they would be justified in declining to assent to such proposals. He wished also to point out to the hon. the Premier that this matter was in his own hands. By judicious moderation he placed himself in a correct position with the country, and did away with the objection which the Opposition had maintained, and which they would continue to maintain. He would say that if the hon. gentleman would proceed with his Financial Statement in due time, and subsequently deal with the outcome of such Financial Statement and also with the mail contract, he would find it would be received in the true spirit of parliamentary criticism, and that after the Financial Statement had been dealt with and his proposals ratified by the House there would be no good ground for postponing indefinitely the consideration of this steam service

Obstruction had been forced on the Opposition as a matter of duty, and a very unpleasant duty it had been. Still, there were duties incumbent on men who occupied positions of confidence in affairs of State; and however unpleasant those duties might be, the sense of persisting in a justifiable line of duty was of itself a sufficient encouragement to induce them to persist in it. The Government had at present the means of restoring the true order of parliamentary procedure in the House. If the Premier would—as he had been requested to do from this side, and as several hon. members on the other side sincerely desired—postpone the consideration of the contract until after the Financial Statement had been entered upon, he would afford additional opportunities for discussing it impartially and dispassionately, and would withdraw from the Opposition the basis of their reason for declining to consider the contract now. If ever there was a necessity for the financial affairs of the colony to precede all other subjects of debate, it was at the present period; and if the hon. gentleman would adopt the course he indicated last evening, and postpone for a short time the consideration of the mail service, and proceed to consider the most urgent matter of removing the embarrassment which at present hung over their finances, he would greatly facilitate the consideration of the mail service contract, and would enable hon. members to do so without having recourse to those tactics which they had hitherto been reluctantly compelled to adopt. He had no desire to prolong the discussion, but confidently hoped that the Premier would, in the interests of the colony, see that it was unwise to insist upon the present consideration of the subject. By introducing the Financial Statement first the mail service would be considered in an impartial spirit, and without the slightest wish on the part of the Opposition to obstruct the further deliberations of the House in connection with that matter. Of course, the leader of the Opposition could not give a pledge binding his party to a certain course of action; but the Premier must see that unless the Opposition had some vital grounds of objection which would justify them in obstructing, and in which the country would support them by its voice at public meeting and in the Press, it would be absurd to think that they would obstruct for the sake of obstruction. The Opposition numbered in its ranks members who would not go into obstruction for obstruction's sake. The Premier might rely on the good sense of hon. gentlemen on this side not to resort to proceedings which might at a future date be retorted upon themselves. He hoped the Premier would indicate that he was prepared to come down with his Financial Statement as soon as convenient, and that until such Statement was made he would postpone the consideration of the mail contract. By adopting a conciliatory policy of that kind he would not find himself mistaken when he brought on the mail contract at a subsequent period.

Mr. GRIFFITH said he wished to say another word before the matter was finally settled. Although he could not give an unconditional pledge on the part of the Opposition, he could go so far as to say that anything that might occur afterwards would arise from an entirely different point of view from anything that had taken place up to the present time. It was, of course, impossible to say what might happen, and they must be free to discuss everything in the proper way. He was not anticipating that any difficulty would arise; on the contrary, he saw no reason to anticipate any; but if any did arise it would arise from an entirely new point of departure. Further than that he could not say.

The PREMIER said he did not exactly catch the meaning of the hon. gentleman's last pro-

posal. Did he mean that there was to be no obstruction to the mail contract when it came before the House again, if the Financial Statement was delivered first?

Mr. GRIFFITH said obstruction had been used for a particular object, and if the Premier would deliver his Financial Statement before proceeding with the mail contract the object of the Opposition would be gained, and they would then proceed without any intention to obstruct. As he had said before, there were circumstances which justified obstruction, and the Premier himself had at various times expressed similar views.

The PREMIER said the hon. gentleman must be mistaken. He had always been opposed to obstruction.

Mr. GRIFFITH said he would recall an instance when the Premier was the leader of an obstruction, which he justified by very sound arguments. He (Mr. Griffith) was not in the House at the time, but he had listened to the arguments of the hon. gentleman in justification of the obstruction. Those arguments were almost exactly the same as those which he (Mr. Griffith) had urged during the present debate. If any such circumstances were to arise they must be free to act as they chose, but he did not know that any such circumstances would arise. All he wished was to guard himself against promising that if such circumstances should arise they should be bound not to adopt the proper course. Obstruction could not be carried on without detriment to parliamentary government. Without pledging themselves in any way, if the necessity did not arise, he could give the promise the hon. gentleman asked. If any case of obstruction arose it would be an entirely new one, and one which was not foreseen at the present time. He could not give a binding promise contrary to the principles agreed to upon both sides of the House.

The PREMIER said the hon. gentleman must have made some mistake when he mentioned him as a leading obstructionist on a former occasion. If he had shown himself an obstructionist in 1870, he was afraid his ability was snuffed out very quickly. He simply moved the adjournment of the House one day in order to have a certain matter discussed, and a very important matter too, and when the Opposition was much stronger than it was at present. On that occasion he made a speech of one hour and a-half's duration, and that was the only speech he made during the whole time. The debate was then finished, and the Government were allowed to carry their motion for the adjournment of the House for five months. That was fair debate, and if the hon. gentleman called it obstruction he (the Premier) did not know what the word meant. On that occasion an amendment on the adjournment was carried, and there was no obstruction. Neither he nor anybody else thought of bringing their blankets to the House in 1870.

Mr. GRIFFITH said the occasion he referred to was when the hon. member (Mr. McIlwraith) moved the adjournment of the House, and an amendment was moved to adjourn for five months. That was in 1871, when the hon. gentleman said—

"The Opposition had wished to do what the Government had done. They wished to form a majority, as the Government had, and they thought they could do better than follow up what they had been doing for the last week, namely, by obstructing the Government, and putting their object for so doing firmly and honestly before the country. That was the real secret of the obstruction of the Opposition, and was the spring which influenced hon. members on his side of the House. He could only express his hopes that they would remain firm, and so carry out the obstruction as to be productive of beneficial results to the country."

He remembered that speech well, though he was not then a member of the House. But he could point out that there was a difference between obstruction in those days and now—a difference depending on the number of members in the House. The division on that occasion was 16 to 15, and at that time there were only 32 members, so that the Government, in order to keep a House together, required to keep all their supporters present in the House. It was no use bringing blankets in those days unless all the members remained. But that was quite beside the present question. He simply referred to the matter as a case in which the hon. member had spoken of obstruction for a certain purpose. In 1879 he (Mr. Griffith) gave his views on obstruction generally, which he need not now repeat; but he remembered that the Premier said on that occasion—

“While agreeing with much the hon. gentleman had said as to the justification for obstruction, the question was, was such obstruction justifiable in the present instance?”

That was where the difference of opinion came in. He could not undertake to say that under no circumstances should obstruction be carried on. An occasion might arise at a moment's notice in which it would be the duty of the Opposition to obstruct. Last year it became their duty to obstruct from Wednesday midnight until Friday mid-day; and they never could tell what circumstances might arise in the exigencies of legislation; so that he did not feel justified, either individually or as leader of a party, in pledging himself not to resort to obstruction if circumstances required. But if those circumstances did arise, the obstruction would be carried on from a different point of view and with an entirely different object. He wished the Premier to understand that he was merely speaking of a possibility, and of taking the precautions he should ask to be allowed to take under any circumstances.

Mr. MACFARLANE said the hon. member for Clermont had given the Opposition a lecture for daring to stonewall what he considered the majority of the House. He (Mr. Macfarlane) was as much opposed to obstruction as the hon. member for Clermont, and only in extreme cases would he recommend such a course. The hon. member for Clermont said, seeing the Government had such a majority, the Opposition were acting unconstitutionally in opposing the business of the House. Circumstances had changed very much during the past eighteen months. There was no doubt that eighteen months ago the Government had a majority, not only of the House, but of the country; but they themselves could not be blind to the fact that they were rapidly losing the confidence of the country, which confidence the Opposition were gaining. If the Ministry and their supporters were so confident of their majority, why did they not appeal to the country on the subject under discussion, and test whether they maintained the majority they started with? Of course it was not usual for a Ministry having a majority in the House to do such a thing, but the present was an extreme case; and he could not help thinking, as he believed many members on the Government side also thought, that the Ministry had lost the confidence of the country.

The MINISTER FOR LANDS: No.

Mr. MACFARLANE said the only way they could test the question was by appealing to the country, and if they did that he believed his words would come true. He predicted eighteen months ago that though the Government then had a majority, in less than twelve months those who put them into power would regret they had done so. In reference to the mail service, it was scarcely fair of the Premier to bind down the

leader of the Opposition to come to a vote after he placed his Financial Statement before the House. That Statement should have been placed before them in the first instance; but seeing that it had not been, the proper course would be to place it before the House and leave them to discuss the matter on its merits. If the Premier could show that the country was in a position to support the mail service it would be well; but if he could not show that the country was in a position to undertake the service it would be unwise of the Opposition to bind themselves not to continue to obstruct if the Financial Statement should not be satisfactory to the country. He had always thought that the mail service was behind the times; and, considering the present rate of progress in steam navigation and all kinds of engineering, the present was not the time in the history of the world to make contracts of very long duration. He saw a letter in the *Telegraph* lately, which stated that a New Testament could be purchased in London for a penny; but, supposing some Bible Societies were to enter into contracts on a large scale to supply the world with Bibles, the price might soon fall lower still. And it was just the same with the present contract. He thought in all seriousness they would not be acting the part they ought to act if they allowed a contract for eight years to be ratified under the present circumstances. One of the Orient steamers lately made the trip from Adelaide to London in thirty-five days; and the same company were going to build a vessel which they anticipated would perform the voyage in thirty days. Would it not, therefore, be foolishness for the House to ratify a contract under which the steamers would take at least fifty-four days, when they could get a service which would do it in forty-two days at the most? Allowing time for transshipment from Adelaide, they might calculate that in perhaps two years they might be able to have their mails delivered in forty-two days from London, and that being the case they could scarcely be expected to agree not to obstruct the mail service if they were not satisfied with the Financial Statement.

The PREMIER said he had anticipated that the proposition he had made would have been met in a similar spirit to that in which it was made, and that the difficulties under which the House had laboured for the past fortnight would have been got over. That proposition had, however, been rejected, and a proposal had been brought forward on the other side which was no concession whatever on the part of the Opposition. In the discussion which had taken place, on the proposal of the leader of the Opposition, various opinions had been enunciated by members of the Opposition. Several of those hon. members had not had an opportunity of hearing the whole of the discussion—for instance, the hon. member for South Brisbane, who, while contending that it was rather unreasonable to stand out for the proposition of the hon. member, said that the Opposition ought to accept exactly the conditions which were contained in the proposition he (Mr. McIlwraith) had made. He saw from such indications as those that there was a disposition on the part of hon. members to end this obstruction. He believed the Opposition would be very glad to get out of the difficulty, and he gave credit to certain hon. members for being really anxious to try the whole question on its merits. In addition to that he saw that there was not the slightest disposition on the part of hon. members to discuss the mail contract to-night, and he had made up his mind that if the system of obstruction were to continue, the physical energies of gentlemen on that (Ministerial) side of the House should not be exhausted while the members of the Opposition conserved theirs. So long, therefore, as the

policy of obstruction was persevered in, the Government were determined, whilst standing to whatever course might appear to their minds best, not to be impeded in carrying out their intentions through physical exhaustion; and whenever he saw that obstruction was intended he should move the adjournment of the House. It was evident that the Opposition were not going to do any business to-night. He would therefore consider carefully between now and to-morrow what the leader of the Opposition had said, and what his party had said, and bring the matter before the House again to-morrow night. He was quite prepared to listen to any further remarks—the more hon. members spoke the better—but it was not his intention to listen to such a lecture as had been delivered by the hon. member for Ipswich: he had heard such fifty times before, and they would have as much effect in the future as they had had in the past. He therefore moved that the Chairman leave the chair and report progress.

Mr. GRIFFITH said before the Chairman left the chair he would take the opportunity of saying that the Opposition recognised the conciliatory spirit evinced by the head of the Government, and that they were equally desirous with hon. members on the Ministerial side to proceed with the business of the country. He would only ask the hon. gentleman, in considering between now and to-morrow the remarks which had been made, to endeavour as far as possible to follow the maxim of Charles Reade—"put yourself in his place"—and consider whether any member leading an Opposition could fairly be asked to say more than he had said this evening. Hon. members knew his views—they had been stated in public more than once—on the subject of obstruction: he regarded it as a weapon to be used only under exceptional and extraordinary circumstances. He trusted the hon. gentleman would give the members of the Opposition credit for being perfectly in earnest in what they had said during the debate. He might also state that in all he (Mr. Griffith) had said he had the full support and concurrence of every member on the Opposition side of the House.

Question put and passed; and the Chairman reported progress.

The House adjourned at ten minutes to 8 o'clock.