Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 20 SEPTEMBER 1880

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LEGISLATIVE ASSEMBLY.

Monday, 20 *September*, 1880.

Fire Brigades Act.—Motion for Adjournment.—Supply.

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

FIRE BRIGADES ACT.

On the motion of Mr. BEATTIE, a Bill to amend the Fire Brigades Act of 1876 was introduced and read a first time, and the second reading made an Order of the Day for Thursday week.

MOTION FOR ADJOURNMENT.

The HON. J. DOUGLAS said that before the Clerk read the Order of the Day he rose to address the House on a question of privilege. In connection with certain proceedings that had taken place lately in the Supreme Court, he conceived it to be his duty to address the following letter to the Speaker on the 17th September :—

"Brisbane,
"17th September, 1880.

"DEAR MR. SPEAKER,

"I do not feel quite certain as to how far you may consider it to be necessary to observe what transpires in the newspapers in connection with matters affecting the privileges of the House.

"I am disposed, however, to conclude, from what occurred the other day in the case of my alleged contempt, that you would conceive it to be your duty to call the attention of members to infractions of parliamentary privilege if they come to your knowledge, as well as to any grave infractions of the Constitution Act, if they should arise.

"May I therefore ask you if it is your intention to invite the special attention of the House to the present position of affairs as indicated by the judgment of the Supreme Court in the case of 'Miles *versus* McIlwraith?'

"It would appear from that judgment that there has been a most serious breach of privilege. The hon. gentleman who is at the head of the Government has for some time been a contractor for the Government. The fact does not appear to be disputed, and the plea that he is merely a fiduciary trustee for his family is not sustained by the Court.

"Nevertheless, Mr. McIlwraith continues to administer the Government, and retains his seat in Parliament. It seems to be almost probable that he may continue to do so in defiance of the law. What can be done in such a case? The circumstances seem to me to be altogether so unprecedented that I feel justified in appealing to you. In the first place, I should like to know whether you feel justified in noticing these newspaper reports, which purport to record the proceedings of the Supreme Court, or whether you propose to refrain from doing so? I feel that something must be said about the present extraordinary position, but I am reluctant to take any action before knowing how you view the matter.

"I am, &c.,
"JOHN DOUGLAS.

"The Hon. The Speaker."

In reply to that he received the following letter from the Speaker on the 18th September :—

"DEAR SIR,

"I have just received your letter of yesterday. So far as I understand the case, the decision just given in the Supreme Court on the demurrer in the case of 'Miles *v.* McIlwraith,' is not that the defendant is a Government contractor, but that the case is one to go to a jury. What the decision of a jury may be it is of course impossible to foresee.

"I do not think, therefore, that anything has occurred to which I should direct the attention of the Assembly.

"You will understand that I have taken no legal opinion upon the subject, Parliament not having provided any legal adviser for me, and the question being one which, as it affects the position of parties in the Assembly, I could not well submit to any of the leaders of the Bar, whose advice on a purely legal question of a different nature I should solicit.

"I remain, dear Sir,
"Yours very truly,
"H. E. KING,
"Speaker."

Mr. AMHURST said he also rose to a point of privilege; he did not think that the hon. member, being in the contempt of the House, should be allowed to be heard on a question of whether another member had a right to sit in the House or not.

The SPEAKER : The hon. member (Mr. Douglas) is in possession of the Chair, and I do not consider that any point of order has arisen which would justify the interruption of the hon. member for Mackay,

Mr. DOUGLAS said that, with the very greatest respect to the written opinion of the Speaker, difficult as it might be to consider, he still submitted that there were grounds for even the intervention of the Speaker, and, if not for the intervention of the Speaker, then he sincerely hoped of someone, at anyrate, on the part of the privileges of Parliament. He must, in order to indicate the conclusion he had thus arrived at, refer to some proceedings that had taken place at an earlier period during the session. On the first day of the meeting of the House a petition was presented from Mr. William Hemmant, which was the occasion of a lengthy debate. He intended at present simply to refer to one material point referred to by the petitioner. The petitioner thus set forth—

"That your petitioner has learnt that Messrs. McIlwraith, McEacharn, and Co. are also contractors with the Government of Queensland for the conveyance of emigrants from this country to certain ports in Queensland, and that under the provisions of their contract the 'Scottish Hero' sailed from this country in the month of March, 1880.

"That your petitioner is informed that in all contracts for the conveyance of emigrants the contractor signs the charter-party 'for and on behalf of the owners of the ship.'

"That your petitioner has learnt that at the time the 'Scottish Hero' sailed under contract with the Queensland Government, Messrs. Arthur Hunter Palmer and Thomas McIlwraith, both described as graziers, Queensland, were registered as joint owners of certain shares in that vessel, and your petitioner believes that both these persons are members of your Honourable House, and your petitioner respectfully submits that the interest which they have in this vessel, not to mention many others belonging to the Scottish line, constitutes such a 'direct or indirect interest in a contract on account of the public service' as to disqualify them under the Constitution Act from sitting or voting in your Honourable House.

"That your petitioner is informed that Messrs. A. H. Palmer, Thomas McIlwraith, and W. H. Ashwell are registered as owners or joint owners of shares in several of the vessels sailing under contract with the Government of Queensland, and your petitioner believes that any connection, however remote, between Ministers of the Crown or any official of the Government with important contracts is disadvantageous to the colony."

The debate on that occasion turned upon other matters rather than that, but some reference was made to this portion of the allegation made by Mr. Hemmant, and the hon. gentleman at the head of the Government referring to it, stated, as reported in *Hansard*, on page 5 of the first number—

"He would first state what the real facts in reference to his connection with ships were. Long before he was a member of that House, and of course before he was a Minister, he was a part owner of ships. Everyone knew that ships were divided into sixty-four parts. From his family connection it was in his judgment a good way in which to invest some funds he had, and about fifteen years ago he became the owner of certain shares in certain ships, which shares were managed by people at home. As a rule it was money set aside for the purpose of investment, such as settlements and provision for his children, and as a matter of fact he had never had the slightest thing to do with the ships except to receive the accounts."

And further on he stated—

"He might say this, that in all contracts made by his brother he had never had the slightest interest, not to the extent of one single penny, and that he would prove when he came to the particular cases."

Subsequently, also, in referring to the same matter, in consequence of some remarks made by the hon. member for Enoggera (Mr. Dickson), the hon. gentleman said—

"I protest against being misrepresented in that way. I never urged any such excuse. I will go on as long as I like being an owner of vessels without my position being questioned in the slightest degree. I do not recede from my position. I am perfectly entitled to own as much property of that kind as I like, and in the way I am doing at the present time.

"Mr. DICKSON said the hon. gentleman said it was all known long ago, and he (Mr. Dickson) inferred that he justified his position on account of his having been the owner of those ships long before he became a Minister of the Crown. But, be that so or not, the pertinent inquiry arose—Did not the hon. gentleman participate in the profits of those vessels? Perhaps the hon. gentleman might think that an impertinent question?

"The PREMIER: I do.

"Mr. DICKSON said that if such was the case it went very near the boundaries of those who derived benefit from Government contracts. It was not an edifying circumstance that a leading statesman should be placed in such a suspicious position."

They had now arrived at this point, that not only was the hon. gentleman placed in a suspicious position, but he learned from the proceedings in the newspapers, which on other occasions had been taken as valid presentments of what really took place, that by a judgment which was lately given in the Supreme Court the opinion of the Judges was so strongly expressed upon certain points previously raised in the House that he felt justified in referring to them. No doubt this was a trial that might ultimately result in the infliction of penalties. They were not so much concerned with that as with the strong opinion expressed by the Judges as to the position of a contractor as regarded a member of Parliament. He took it that it could not be disputed that the hon. member at the head of the Government had been, and was, a contractor, even if it must be also admitted—as he (the Premier) contended—that he was a contractor against his will. There could be no doubt, from the issue of the case raised, that the hon. gentleman was a contractor when the House first met; that he had contracted with the Government, as the owner of the ship "Scottish Hero," to bring out certain immigrants. He (Mr. Douglas) understood that the hon. gentleman's contention had been, that being only a fiduciary trustee for certain other parties he thereby escaped the penalties which would otherwise attach to his holding a contract from the Government. The Judges, however, clearly laid down the law as applying in this case. He should first refer to one or two points which his Honour Judge Lilley had raised in connection with that very important constitutional case. His Honour said, in referring to the defence made—

"That the defendant was not liable, being only a trustee without beneficial interest in the contract; that as a member he was not liable to any pecuniary penalty, or, if liable, not until his seat had been declared void—the validity of these defences, as matters of law, depends entirely on the construction of the 6th and 7th sections of our Constitution Act of 1867."

Then his Honour proceeded to show why he drew the inference that he ultimately arrived at. Further on the Chief Justice said—

"The effect of this part of the section is simply this:—'All contractors or persons interested in contracts, are incapable of being elected, or if elected they are incapable of serving in Parliament.' The persons disqualified are contractors, whether they are members or would-be members, and their disqualification is incapacity to 'sit or vote,' that is, to 'serve' in any way in Parliament whilst so disqualified."

Further on—

"Their effect is this—if a member enters into any such contract, or continues to hold it being so disqualified, the Assembly shall declare his seat void. The intention is plain enough. It is to remove a disqualified person, and to give the constituency an opportunity of electing a member who is not disqualified from serving. This part of the section neither qualifies nor disqualifies the person; it merely requires the performance of a specific duty by the Assembly. The words 'enter into any such contract or agreement or having entered into it shall continue to hold it,' were intended probably to give a member who had entered into a contract an opportunity of giving it up, and to the Assembly a discretion under such circumstances not to declare the seat void; but they do not give to the member who is a contractor the right to sit and vote whilst he is so disqualified."

Then the Chief Justice proceeded to say—

"And as to a trustee, there is nothing in the language of the 6th section which imports that he is not disqualified from serving in Parliament if he becomes a contractor for the public service, although he may have no beneficial interest in the contract. As a contractor he undertakes the burden of the contract—it is enough that he enters into the contract, which implies in law an obligation to perform it, and disqualifies him. The statute would be evaded in that way as easily as if he were to get someone to take the contract as a trustee for his own benefit. His vote might be subject to influence to obtain some advantage for those whom he represented. Many occasions and means of bringing corrupt influence to bear on trustee members can be imagined. It is enough, however, that the law enacts that the member shall not 'enter into' any contract for or on account of the public service. I think, therefore, that the language of the Act disqualifies a trustee contractor from serving in Parliament."

That was exactly the position in which the hon. gentleman now stood so far as the simple facts connected with that case were concerned, and so far as they were known to Parliament—that the hon. gentleman at the head of the Government was a trustee contractor in the case of the

"Scottish Hero." Then, with regard to the results of the decision, the Chief Justice said—

"There are two results of disqualification—the one a duty of the Assembly towards themselves and the electors, to declare the election and return or the seat to be void; the other a duty which any person may assume, to sue for the penalty."

He did not propose to deal with the penalty, that being a question which was, perhaps, rather beyond the strict constitutional question which the House might very fairly deal with. Before he left that part of the subject he wished to quote a few more words from the Chief Justice :—

"To hold that a member might at any time, whilst he was under contract with the Government for the public service, sit or vote in Parliament, unless we are forced by unavoidable interpretation of the statute to exclude him from its prohibition, would be to decide that our legislature had omitted the main security for the freedom and independence of Parliament. If members are excluded from the operation of the statute, then those who are most likely to be subjected to temptation, who can most readily and easily give the desired support for the price offered, are left free to sell or barter their political honour and the freedom and independence of Parliament."

Those were very strong and decided expressions, and left upon his mind no doubt that, on that broad constitutional question, Chief Justice Lilley had laid down as law that a contractor, even if he was a fiduciary trustee, could not sit in Parliament. Parliament was bound to declare his seat vacant, and that he would subject himself to certain penalties if he continued to sit and vote. He was quite aware that the contention of the hon. gentleman might still be that he had been made a contractor against his will, but he did not think it could be disputed that he was a contractor, and it was quite clear that the Judges had laid down the law that even a fiduciary trustee was quite as much liable to disabilities of Parliament as if he were a direct contractor himself. The other Judges laid down the law in a somewhat similar way. He did not think that it could be contested for a moment that the Judges themselves had expressed the strongest opinion as to the position of a contractor in Parliament. His object at the present time was to draw the attention of Parliament to this judgment, which he believed they were justified in taking notice of, and to ask whether they should not, on behalf of the honour of Parliament itself and of the great constitutional question which had been raised, take it into their deliberate consideration? Unfortunately, he was, perhaps, disqualified from speaking on such a subject entirely dispassionately; he was to a great extent identified with a party opposed to the present Government, and to the present head of the Government. He did not feel he should be justified, perhaps, under these circumstances, in giving anything more than a strong expression to his opinions. It would hardly have become him to take action in the matter, but he would crave that some hon. gentleman not immediately connected, probably, with the Opposition—that some member who cared more for the freedom and independence of Parliament than the aggrandisement of any contractor or any party—that some members who valued most these privileges, should take it into their consideration; and, having well thought over the matter, having taken counsel amongst themselves and with one another, some consideration might be taken for the facts which he had brought under the notice of the Speaker and of the House. He did not wish to do more than that which was the highest duty of every member—to assert the freedom and independence of Parliament. Facts had arisen, judgment had been given in the highest court of this territory, which seemed to indicate that the privileges of Parliament had been invaded. He gathered this from the judgment of their Honours in the Supreme Court. He appealed to the hon. gentleman himself at the head of the Government whether it would not befit him best to free himself at once from these complications, and purge himself by the best way he could from the disabilities which had attached to him in connection with this contract. Would it not befit him—would it not better meet the question of honour which was involved—would it not satisfy the constituencies at large infinitely more if the hon. gentleman himself volunteered to absolve himself at once from the disabilities which he had incurred? He (Mr. Douglas) did not wish this action to take the form of a hostile vote. Hon. gentlemen on the Opposition side—and he knew the thoroughly rigid position of parties in the House—were incapacitated from giving effect to any opinion which was not construed to be a party question. Do not let it be that, but let them arrive at something like a judgment worthy of the independent action of the House. Surely the position at the present time justified something like a departure from ordinary proceedings. He had been wonderstruck at the extraordinary developments of this session, and now it seemed to him that they were arriving at still more complicated developments. The highest court which they had any knowledge of seemed to assert, if they could attach any meaning to the English language, that the hon. gentleman at the head of the Government, being a contractor, was now disqualified to sit in Parliament. How did that affect all their acts at the present time? Should they not as soon as possible relieve themselves of any doubt which existed, and by the best means in their power place themselves in a thoroughly constitutional position?

The SPEAKER: Do I understand the hon. member to conclude with a motion?

Mr. DOUGLAS: No; I rose to a question of privilege.

The SPEAKER: I must point out that it is irregular for any member to address the House except in proposing a question or making a personal explanation.

Mr. DOUGLAS: Then, in that case, Mr. Speaker, I beg to move the adjournment of the House.

The PREMIER (Mr. McIlwraith) said that if the hon. gentleman had read the judgment and studied the case as it was his business to do, the House would have been saved the infliction of the speech it had just heard. The hon. gentleman had repeated over and over again a thing which he could not possibly discredit his judgment by believing that he did not know perfectly well not to be the fact—namely, that it had been proved he (Mr. McIlwraith) was a contractor—that his only plea was that he acted as a fiduciary trustee, and was not therefore responsible. The hon. gentleman had intimated that this was the opinion held by the Judges; but how could it be so when the matter had never been proved, or attempted to be proved, before them? How could this be admitted by him (Mr. McIlwraith) except in the pleas put before the Judges? Yet, in no one of these pleas had it been admitted by him that he had been a contractor in any sense whatever. He had never defended himself behind the fact that he acted as a trustee, even if he was a contractor. That was no defence of his. He said, as he had said from the first, that he was never a contractor; and the fact still remained that the real case had never been before the court for trial at all. Was it not a disgraceful thing for the hon. member for Maryborough purposely and deliberately to misunderstand the judgment given by the

Justices? He had himself read with great care and the greatest respect the judgment of the Chief Justice, and he thought it good law and agreed with it entirely. Though inclined to think differently before, he was now of opinion that the judgment of His Honour was right; but the hon. member for Maryborough had either misunderstood or purposely misstated the principal part of the judgment. His Honour commenced by saying that in order to judge the case he must take it for granted that the defendant was a contractor. Assuming, for the sake of argument, that the case was one in which the defendant was really a contractor, His Honour then proceeded to consider the pleas which the defendant put in. The three pleas amounted to the contention that the court had no right to try the case, as it could be properly tried only by Parliament. The decision left the case as it was before; no proof was brought forward by him (Mr. McIlwraith), nor was he called upon to furnish any evidence. When the right time came he should be quite prepared to prove that he had never been a contractor under the Government. The hon. gentleman (Mr. Douglas) said that he (Mr. McIlwraith) should a long time ago have told the House that he was a contractor. He (Mr. McIlwraith) had told the House plainly that he had never been a contractor under the Government in any shape or form—that he had never had any interest, direct or indirect, in a contract—that he had never been interested in any contract by which he received one single penny of profit ever since he had been a member of Parliament, or at any other time. There could be no misunderstanding about that, and he defied the hon. gentleman to show how any other view of the case had ever got before the Judges. Now the hon. gentleman tried to represent his (Mr. McIlwraith's) position before the House as it had been represented before the country by means of an article in the *Courier*, possibly written by the hon. gentleman himself, in which great injustice was done to him (Mr. McIlwraith). The hon. gentleman said that the only defence put forward was that he (Mr. McIlwraith) had been forced into the contract against his will. That was not so; it would be seen when the time came that he was not, and never had been, a contractor. The next defence, the hon. gentleman said, was that he had admitted that he was a contractor, but only in a fiduciary character. That plea was brought forward by the lawyers as a point of law, but he (Mr. McIlwraith) had never attributed the least weight to it, and he perfectly agreed with the decision of the Judges that a trustee could not defend himself on that account. The hon. gentleman advised him to purge himself of his disabilities, evidently proceeding on the assumption that he had proved, or he (Mr. McIlwraith) had admitted, having rendered himself subject to disabilities. Could anything be more absurd than the position taken up by the hon. gentleman, knowing, as he must, that he (Mr. McIlwraith) had never had a chance of disproving the charges that had been continually insinuated against him? The hon. gentleman wished that some hon. member on the Government side of the House—his own feelings being too strong on the subject—should take some action to purge the House of the discredit done to it by having him (Mr. McIlwraith) at the head of the Government. That hon. gentleman had never, however, been restrained by his feelings from doing the most cruel things possible against his (Mr. McIlwraith's) private character; no feeling of honour had prevented him from insinuating the worst possible charges; and he could not now be sincere when he stated that private feelings towards him (Mr. McIlwraith) restrained him from doing anything he as a member of Parliament could do, or from bringing forward any fact he could in the matter. His course was as plain as possible if the rights of Parliament had been infringed: if the hon. gentleman considered that he was indeed a contractor, he could present a petition to the House and have the matter dealt with. That would be a manly way of taking action, but the hon. gentleman had preferred to make out a long list of charges, which were dragged on month after month before the public, while he, the accused, had no opportunity of setting himself right. The hon. gentleman had got the Press, by means of which he was enabled to keep his statements before the public, while he (Mr. McIlwraith) had not the opportunity of refuting them except from his place in Parliament. The hon. gentleman knew that a sense of self-respect had prevented him (Mr. McIlwraith) from referring to these matters oftener than he could possibly help. He had been perfectly willing and prepared to meet those most harassing charges when made in such a form that he could meet them; but he had been persecuted in committee-rooms and persecuted in law courts, though there was the straightforward honourable course of having the whole case tried before Parliament open to any hon. member who chose to take action. If anything had been proved of what the hon. gentleman said had been admitted, the hon. gentleman knew there was not one member of the House who would support a Ministry of which he (Mr. McIlwraith) was the leader, or even the humblest member, if there were any gradation in a Ministry—not a single member would support him if on investigation those allegations were proved to be true; and he should not dare to use whatever influence he might possess to make such a matter a party question. The hon. gentleman knew that perfectly well when he shrank from bringing the case before the only tribunal which could try it—the House itself. He was perfectly prepared to meet the charges in any way, and he had never shrunk from doing so; but it savoured of nothing but persecution to constantly keep the matter before the public without bringing it before the House or some other competent tribunal.

Mr. DICKSON said he was sorry to notice the tone in which the remarks of the hon. gentleman were made. As far as he could judge, the remarks of the hon. member for Maryborough were not tainted with any personal animus against the hon. gentleman. The hon. gentleman was discharging what the hon. gentleman conceived to be his duty to the country at this particular juncture of affairs—a juncture when hon. members seemed hardly to understand the right position of the Premier, or whether the hon. gentleman had or had not a right to retain his seat in the House. The very lucid judgment of the Supreme Court, though intelligible to the legal intellect, was not so clearly understood by the public outside, but the public generally considered themselves justified in assuming that the highest tribunal had decided that the Premier was a contractor, and had consequently forfeited his seat. The hon. member (Mr. Douglas) was justified in arguing upon the assumption that, according to the decision of the Supreme Court, the Premier had forfeited his seat by being interested in a contract under the Government, whether his interest was direct or of a fiduciary character. The hon. gentleman, assuming that the Premier had vacated his seat, advised him to absolve himself from the responsibilities of the position he now held by complying with the decision of the Supreme Court on the subject.

The PREMIER: What is the decision?

Mr. DICKSON said he had read the judgment through very carefully, and without professing to be able to give an authoritative opinion upon it, he might state that the concluding sentence carried to his mind a conviction so far as the hon. gentleman's position was concerned. His Honour the Chief Justice said, in the concluding sentence of his judgment—

"Upon the whole, then, I think it is no defence on behalf of a contractor who presumes to sit or vote to say that he is a member or a member whose seat has not been declared void, or a trustee having no beneficial interest in the contract, and the demurrer must be allowed."

It was due to the House and to the country that the hon. gentleman should have made a Ministerial statement after the deliverance of that judgment, and he (Mr. Dickson) had expected that the hon. gentleman would have anticipated all other business by making a statement concerning his intentions, because the decision was, in his opinion, most unquestionable. He had not the slightest personal feeling in the matter, but he regarded the position of suspicion occupied by the Premier as anything but an edifying spectacle. The sooner the hon. gentleman removed himself from such a position, and reinstated himself in the confidence of the majority of the community, the sooner would he be relieved from the accusations from the Opposition side of the House concerning the unfortunate position in which he was placed. Both the Premier and the Colonial Secretary should have taken time by the forelock and retrieved their position by means of re-election. Any hon. member who read the judgment deliberately, and with a mind divested of party feeling, could not avoid coming to the conclusion that the decision of the court up to the present time was that the obligation of contractorship had been established against the Premier, even if his interest were only a fiduciary one. He did not profess to say that his view was an authoritative one or one that must be accepted, but he considered that the portion of the judgment which referred to the award to be made by the jury unquestionably referred to the amount of penalty accruing; and that the judgment of the court had been deliberately expressed concerning the position occupied by the hon. gentleman. It was all very well for the Premier to ask why the hon. member (Mr. Douglas) did not take advantage of his position to make a direct motion, but the hon. gentleman must have known that there would be no chance of carrying such a motion against the hon. gentlemen opposite who supported the Government so persistently. In questions of so large character, involving the freedom of parliamentary action which was so dear to all, it was a misfortune that hon. members could not divest themselves of party feeling and deal with such matters on their own merits; and it was a greater misfortune that the Premier did not see his way clear to accept the position assigned to him by the decision of the Supreme Court, and endeavour to obtain a condonation of the offence into which he had been led through the position he had occupied. It was a very unpleasant matter to enter into, because it partook of a personal nature, and hon. members addressing themselves to the subject might feel themselves placed in a position of hostility to the Premier. That was not the view he took, and his remarks had been made only with a view to maintain the purity of parliamentary institutions in the colony. He trusted that hon. members on the Government side would be induced to regard this very grave matter in this light, and that the uncertainty of the position occupied by the Premier and the Colonial Secretary would be removed without any unnecessary delay, so that the government of the country might proceed without those perpetual references, which must undoubtedly be unpleasant for the Premier to hear, and which were equally unpleasant to the hon. members on the Opposition side to make. The Opposition, however, had a duty to the colony to discharge, and that duty would necessitate a persistent repetition of such references until the Premier and the Colonial Secretary saw their way clear to occupy a position in the Government of the country free from even the suspicion of being interested in Government contracts. He trusted that those hon. gentlemen, as men who had been a long time before the colony, and who headed a powerful party, would acknowledge that the course recommended to them by the hon. member for Maryborough was the right one for them to adopt.

The HON. S. W. GRIFFITH said he felt bound to say something on the subject now, though he would rather have said nothing, for many reasons. There were certain things, however, which ought to be said. The hon. gentleman at the head of the Government asserted that he had been harassed, persecuted, and worried, in the committee-room and elsewhere, and that he had been anxious to do everything he could to explain matters in the fullest possible way. As to the Select Committee, he would recommend hon. members to read the report of the hon gentleman's examination, and see whether that showed that the hon. gentleman had been harassed; and, on the other hand, whether he had shown any willingness to give information. That could be discovered by perusal of the report of his examination which had been laid on the table of the House. The hon. gentleman said that the hon. member for Maryborough misrepresented the facts of the case recently determined by the Supreme Court, but he (Mr. Griffith) did not think the hon. gentleman had done so. The facts of that case as admitted by the Premier as defendant in the action, were that the charter-party of the "Scottish Hero" was made by McIlwraith, McEacharn, and Company on behalf of the owners of the ship, with the Queensland Government; and that he was one of the owners. That was all admitted; and that was what he (Mr. Griffith) understood the hon. member for Maryborough to say. The hon. gentleman admitted the fact that he was a contractor, and he admitted that the contract was made in his name. The hon. gentleman said that, in some way—which he would not deal with now—notwithstanding those facts, he was not really a contractor; but what the hon. member for Maryborough said the hon. gentleman had admitted, had been admitted by the hon. gentleman—namely, that the contract was made in the name of the owners and that he was one of them. More than that, it appeared by the contract between McIlwraith, McEacharn, and Company and the Government that the charter-party must be made in the name of the owners, it being one of the stipulations that in every instance the charter should be made in the name of the owners. That had been stated in the evidence given by the hon. gentleman himself before the Select Committee. The fact in dispute, and not admitted, was whether the Premier was bound by the contract so made in his name. That was the only thing which was in dispute. The Premier said that he forbade such a contract being made in his name: but it had been made in his name—the contractors were bound to make it in his name, or they would not have been allowed to send the ship out. That was how the matter stood now—beyond that it was *sub judice*, and he would not refer to it further. It was idle for the Premier to say that no party feeling would be shown in the matter. The hon. gentleman said that he was perfectly assured that hon.

members on his side of the House would not regard the matter from a party point of view. The hon. gentleman said hon. members had too much regard for the dignity of the House to consider the question as a party one. He (Mr. Griffith) would confess that he wished he could think so. However innocent the Premier might be in intention, and admitting that he derived no pecuniary advantage from the contract, the fact remained that a contract had been made in his name. Whether that fact subjected him to the penalties prescribed by the Act was another question. He thought the matter much more serious than the hon. gentleman seemed to think it. He was not referring to penalties;—for the matter of that he would assume that there were no penalties: the question which arose in his mind was, whether the fact that a contract under the name of the Premier had been entered into with the Government of Queensland was a light matter, one to be treated with indifference or to be laughed at. He regarded it as a very serious matter indeed—apart altogether from the circumstances of the Premier's case—that such a thing could be. It seemed to him that the matter required very grave attention, and he was satisfied that it would command attention—and grave attention, too—but whether it commanded that attention now was a matter of little consequence as far as he was concerned. He was satisfied that when they got a little cooler, when people both in the House and elsewhere had had an opportunity of considering the matter impartially in all its bearings, they would think that the matter which had been brought under the notice of the House by the hon. member for Maryborough was one which ought to have been brought under it. He had felt bound to say so much; but as to the disputed questions of fact he had nothing to say, as they were still *sub judice*.

The ATTORNEY-GENERAL (Mr. Beor) said he must say that he was astonished when he heard the hon. member for Maryborough at the end of such a speech as he had made talking about the honour of the House. He was surprised at that, but he was a little more surprised that the hon. member for North Brisbane should have in any way supported the appeals to prejudice made by the hon. member for Maryborough and the hon. member for Enoggera. He would acquit the hon member for North Brisbane of any malicious intent in the speech which he made. He believed that the hon. gentleman merely felt obliged to support what had been said by the other hon. members, or to support the attitude which they had taken up. Though he might acquit the hon. member for Enoggera, he would not acquit the hon. member for Maryborough of a malicious design to prejudice and pervert the minds of the people on this particular subject, in order to damage the Premier in the action which had yet to be tried by the Supreme Court. The decency of the speeches which had been made by the hon. members for Maryborough and Enoggera! Although they were not lawyers, did they not know—did not every man in the country who had a particle of education know—that it was considered a most highly improper thing to discuss a question which was before a court of justice, as they had done? Must not any man of honour feel that that rule was an admirable one—that it was a just one, and one which ought not to be infringed by any man—particularly by a man who talked calmly about the honour of the House. How did the hon. member begin the debate? By reading a letter addressed to the Speaker, and the reply to it. That letter contained statements which he would affirm before the House were wholly untrue: if the hon. member disputed what he said he should be very glad if the letter were handed to him. The letter asserted that the Judges had decided that the Premier was a contractor. The hon. member must know as well as he did that that was never decided by the Judges—nor anything approaching it. The hon. member had been backed up to a considerable extent by the hon. member for North Brisbane, who said that the Premier's defence admitted that the contract was made by McIlwraith, McEacharn, and Co. on behalf of the owners, and that the contract was bound to be made in that form. What was it to the Premier whether or not the contract was made in his name if he never authorised it to be made in his name? The hon. member knew as well as he did that a contract made by somebody for him without his authority was not a contract for him at all—that he was in no way bound by it. The hon. member for Maryborough, say what he would, and speak in what specious manner he might, knew that too. It was not only a mistake, but it was absolutely false to say that under the circumstances he had stated a man would be bound by a contract. What did it matter to the Premier whether his name was used or not if he had not authorised it? He did not know what misapprehensions Messrs. McIlwraith, McEacharn, and Co. could have had in their minds with regard to their right to make a contract without that form. He had not heard the case—it had yet to be tried by the court; but there was the inconvenience of having to discuss the matter on an accusation made by the hon. member for Maryborough—that the Premier had actually been found by a court of justice to be guilty of what he was accused, although no evidence had been brought before the court. What were the points decided by the Judges on the demurrer? He had had several conversations and interviews with the Premier's legal advisers, and he knew exactly the state of their mind with regard to the case. There were several defences to be raised, the most important—and the one on which the Premier's advisers mainly relied—being that the Premier was not a contractor at all. That question had never been decided by a court of justice. There were several defences which might have been raised about which there might be considerable doubt, and about which, he believed, there was in the minds of the Premier's legal advisers, and in the Premier's own mind, considerable doubt. One of these was that the Premier was a trustee, a second was that he was a member of the House, and a third was that the matter could not be inquired into by the Supreme Court without its first having been investigated by the House—without, in fact, the House having decided that the Premier's seat was vacant. Those defences were raised by counsel, not because they believed that they were defences on which they would strongly rely, but because they felt that they were matters about which there might be serious question; and therefore they were bound, in duty to their client, to raise them and have them discussed before the Judges. Demurrers were made to those three defences, and they had been decided against the Premier, although, as he had already pointed out, the main defence on which the Premier's legal advisers had relied from the beginning had not been discussed. The Judges had decided that it was not necessary that the House should declare the Premier's seat void; they had decided that a man was not exempt from the responsibilities of that part of the statute which made him liable to a penalty of £500 for sitting and voting in the House whilst he was a contractor, through the mere fact that he was a trustee and had no beneficiary interest—that a trustee was equally liable as a man who held a contract in his own name. They had also held that it made no difference if

a man was already a member of Parliament when the contract was entered into. These matters did not touch the merits of the case; counsel, doing their best for their client, were bound to raise them. The hon. member for Maryborough, in what he (Mr. Beor) considered a most base and shameful attempt to prejudice the minds of a jury before a case came before them, had alleged that the Premier had been declared by the Judges to be a contractor. The hon. member for Enoggera had gone further, deeper, and lower; he had not only done and said much what the hon. member for Maryborough had said and done, but he had actually said that what was left to the jury to decide now, or what he understood to be left to the jury, was only the question of the measure of damages. That statement would go forth to the public with some weight as having been uttered by a member of the House who had been an important Minister in a previous Government. For that reason the statement would have considerable weight with the public. There was nothing more remote from truth;—anything so utterly far from truth than that utterance of the hon. member he would declare he had never heard in his life, and so he believed the hon. member for North Brisbane would tell the hon. member. He had some confidence in the honesty of intention of the hon. member for Enoggera—it was quite possible that he might have made the statement from ignorance—but if the hon. member felt that he was not in possession of knowledge to speak accurately on the case, he as a man of honour ought to have restrained himself, and to have refrained from making any such utterance, which must go forth to the public in print to-morrow.

The COLONIAL SECRETARY: That is what it was done for.

The ATTORNEY-GENERAL said whatever might have been the intentions of the hon. member, he had never heard of a more disgraceful attempt to prejudice a case, or of a more disgraceful attempt to injure a gentleman sitting on the opposite side of the House, than that which had been made by those hon. members who had enlarged on this case. The hon. member went on further to say that the Premier should accept the position assigned to him by the Supreme Court. He had not the least doubt but that the Premier did accept that position. But the hon. member by his statement endeavoured to mislead the public mind with another base and disgraceful insinuation—namely, that the position assigned to the Premier was that he ought to vacate his seat. That was neither uttered in, nor could it be inferred from, the judgment. The Judges never for a moment intended such a thing. The hon. member for Maryborough also read from the judgment of one of the Judges, that the contractor being a trustee, or something to that effect, would be as liable to vacate his seat as though he had entered into a contract for his own profit. The hon. member for Maryborough must have known, when he read that extract, that the Judges in this as in all similar cases were treating the subject in the abstract, and that by deciding that a contractor, as a trustee, was liable to lose his seat, they did not say that the Premier was a contractor and should therefore lose his seat. The Judges would never be guilty of such a gross injustice as to prejudge a case in such a way; and that must have been the conclusion of any man hearing or reading the judgment with a desire to deal justly with his fellow-men. Now, hon. members had probably noticed that he had been reticent in speaking upon all the calumnious matters which had been constantly brought forward in the House from the commencement of the present session. He had been reticent fearing lest he should, by his indignation, be led into saying something which he would afterwards bitterly regret. But he would no longer refrain from speaking, and saying what he thought about the calumnies and slanders which had been cast against the leaders of the Government side of the House—and particularly the Premier. He believed that every hon. member with a sense of honour and justice must feel himself humiliated and degraded by the speech made at the commencement of the session by the leader of the Opposition, and by the speeches which had since been delivered by the hon. member for Maryborough. Possibly the leader of the Opposition may have believed what he was saying; but he must express his firm conviction that the hon. member for Maryborough, in the attacks he had made from time to time upon the leader of the Government, was actuated by malice and a fixed desire to prejudice the public throughout the colony against the Ministry in preparation for the next general election. They had had specimens of the hon. member's attempts in that direction before that evening. The other night the hon. member tried to make out that the hon. member for Mitchell was a deadly opponent of the Germans, and had great influence with the Government. The hon. member endeavoured to make the public believe—and he ascribed things to the hon. member for Mitchell, which ought never to have been ascribed to him—that the hon. member for Mitchell was disposed to influence the rest of his party to go against the Germans in every possible way. The hon. member was evidently anxious to influence the Germans against the Government. The hon. member might laugh—that was an easy way of shifting out of a shameful attempt at prejudice. If they had any doubts previously as to the hon member's desire to deal honourably with that side of the House, they were fully confirmed by what had transpired that evening. Why did not the hon. member go to work straightforwardly—like a man? The hon. member for Mitchell might occasionally say harsh things; but he was invariably truthful and straightforward, and never failed to say what he meant. He never spoke with malice, concealment, design, or insinuation. He only wished that all hon. members, whether on that or the other side of the House, would show the same disposition. He repeated that that House was humiliated and degraded by the leader of the Opposition, who was trying with all his might, by all honourable means—he did not know about other means—to change his position to that of leader of the Government. The hon. member, however, by the course he had taken, deserved that position as little as anyone in the country. Whichever side in politics might occupy the Treasury benches, they needed as leader of the House a man of honour, a man who was straightforward, who would not attack the opposite side by means of base insinuations. He did not mean to say that the hon. member would say a thing knowing it to be untrue; but they must have for the leader of the House a gentleman who, if he made a statement and afterwards discovered it to be untrue, would not hesitate to retract and confess his error. They had hitherto borne among the nations with which they had been connected the highest character among all the Australian colonies. He believed that they now bore the lowest: he believed that the stains which had been inflicted upon the character of that House by the leader of the Opposition and by the hon. member for Maryborough were stains which it would take years to wipe out. He believed that not only those hon. members but the whole House would

labour for years under the shame and disgrace brought upon them by the action taken by the leader of the Opposition and the hon. member for Maryborough.

Mr. SWANWICK said the leader of the Opposition had struggled—and to some extent successfully—to keep up a show of consistency; but he would remind the hon. member of a little affair which took place last session. A case came on in the law courts, and the then Attorney-General—now Mr. Justice Pring—had taken certain action which did not meet with the approbation of the leader of the Opposition. Knowing something about the case, he ventured to make a few remarks, and when he was leaving the House he was interrupted by the leader of the Opposition, who told him that he had no business to say anything about a case then proceeding. He might mention parenthetically that the hon. member had endeavoured to get rid of him as a member of the Bar, but had not yet succeeded. Now, bearing in mind what he had already said, he thought it would have been more decent—to use a very mild word—on the part of a gentleman who had accepted the position of counsel against the Premier, who occupied a prominent position upon a commission to inquire into what was virtually the Premier's conduct, who occupied the strange and novel position of prosecutor and one of the judges—to have refrained from commenting in any way upon the case in which he was in so many ways interested. The hon. member had two very easy wires to pull, and one of these was the hon. member for Maryborough, who for many years had been as plastic as clay in his hands. They were, of course, all honourable men. But it was very well known that the leader of the Opposition pulled the wires of the late Government in any way he liked. The hon. member for Maryborough should be the very last person to talk about the honour of the House. The hon. member laid himself open to attack from all sides; he had nothing but his absurd conduct to blame for every attack made upon him. The hon. members for Maryborough and Enoggera knew perfectly well what they were doing. They knew very well that the Judges had only decided in a preliminary matter. A few cobwebs had been swept away, and things were made plain. He believed both hon. members intended deliberately to prejudice the public—and more especially that section of the public likely to read *Hansard*, from whose ranks jurymen would most probably be chosen. No reasonable man in the House could entertain any other opinion of the speeches delivered by the hon. members than that they intended, by false statements and accusations, to prejudice the minds of those who were likely in the course of a few weeks to act as jurymen in the case of "Miles *v.* McIlwraith." The attempt was a most disgraceful one, because they knew what the public was when prejudiced. It was something like getting a joke into the head of a Scotchman: it required a surgical operation to get it out. They knew perfectly well that, in addition to what had fallen from the hon. member, the present leader of the Opposition, who was one of the judges sitting on the Select Committee, and who had actually got up the case of "Miles *v.* McIlwraith," had also made statements which most hon. members, and certainly all who knew anything about the case, did not believe to be true; and had endeavoured to throw dust into the eyes of hon. members who knew nothing about the facts, and to blind the minds of the public as to his own ulterior motives. It had been well said, "What is Government? A thousand a-year. What is Opposition? To be without a thousand a-year." That was exactly the position of the Opposition. What was ambition but a wish to get a thousand a-year? and he believed that was the end and aim of the members of the last Government. They did not care two pins for the honour of the House, but only wished to cross over to the Treasury benches and draw their thousand a-year.

Mr. DOUGLAS said he did not wish to refer to the legal aspect of the case; but he had a few words to say with regard to what had fallen from the hon. the Premier, who had stated that he (Mr. Douglas) was actuated by something like malice with regard to his private character. He must beg it to be clearly understood that he had never said anything malicious with regard to the hon. gentleman's private character. On the first occasion that they met this session he took the opportunity of distinctly stating that he did not impute to the hon gentleman anything corrupt, anything base. His position with regard to the Premier had been as a public individual entirely. Whatever the hon. gentleman might say, he did not know Mr. McIlwraith in the business at all—he only knew the Treasurer, or the hon. member at the head of the Government, and he was bound by his position as a censor of the Government to challenge their acts and to show where they failed in what he conceived to be their duty to the public. He had never spread any scandalous reports about the hon. gentleman. The hon. gentleman had stated that he (Mr. Douglas) had influence with the Press which he did not possess, but the hon. gentleman had just as much influence as he had;—at any rate, they were in the House as equals, and the Premier had the same opportunity of vindicating himself as he had of charging him with dereliction of duty. He had openly told him in what respect he considered he had been guilty of dereliction of duty, but in no respect had that attached to the hon. member's private character; and he entirely repudiated any supposition that he had attacked his private character, and denied that the hon. gentleman had any right to charge him with doing so. He had kept aloof from such a thing—he had simply to do with those public acts of the Premier which he was entitled to challenge—which he was in the House to criticise, and because he did so was he to be told that he was undermining the hon. gentleman's private character? The reason why he had to charge the Premier and others with matters which appeared to have a personal character was because their personal acts—their dealings in business—had been too intimately connected with the Government. As members of the Government they ought to have kept entirely aloof from those matters. It was their intimate relation with these ships, not the legal aspect of the question, which affected the public mind. The public were indifferent to the fact whether the Premier was a legal contractor or not; but they knew this—and it had been the means of causing doubts and suspicions to spread throughout the country—that not only were the hon. gentleman's relations with the ships, but with banking and other concerns, such as to throw doubt as to the complete impartiality with which he could administer public affairs. It was in consequence of the equivocal position which the hon. member occupied that these views and suspicions prevailed. Unfortunately, it became his (Mr. Douglas') duty, last session, to draw attention to the position which the Colonial Secretary occupied as one of the directors of the Government bank. He had not hesitated to express his opinion regarding that matter. It was an unpleasant duty—it was one which probably made him personally objectionable to men whom in other respects he had no reason to disrespect. It was not a pleasant duty, but he felt that he was discharging a public duty, and whatever he had said in regard

to contracts and the Premier's action in London had been simply on account of what he considered the indiscretions that the hon. gentleman had been guilty of. The Attorney-General had accused him of shameful malice, and of trying to pervert the minds of the public. He was quite free to admit that he had not the power, the Opposition being in a minority, to give expression to his opinion other than in words. In that respect he was quite free to plead guilty to the indictment. He was trying, with others, to educate the public mind into seeing and believing that the relations of the present Government with contractors and other men of business were too intimate, and were, perhaps, one of the gravest dangers with which our administration might in the future be encompassed. It was the intimate relation with men of position, with the source of money power, that the people dreaded, and it was because they knew the Government were intimately connected with these sources of power that they viewed the acts of the Government with disfavour and doubt. He hoped, therefore, that the Premier would accept his disclaimer of any desire to malign his character. He was simply dealing with his acts as a public man, and should continue to do so. With his private business he had nothing to do; but where the transactions of private life and interest conflicted with those of public interest, then he held it was within his rights to show in what way they might prejudice administration, and it was on that account he felt it his duty to draw attention to these facts. He might be prejudiced by his position of political antagonism to the hon. gentleman, but he thoroughly believed that the statements made in Mr. Hemmant's petition had been emphatically proved in every respect with regard to the contract; and, passing from that matter, he would say that the question had been tried by what was an impartial tribunal—by the highest tribunal in the land—and the views there taken of the acts of the hon. member were exactly those taken by Mr. Hemmant. Taking these two things in connection with one another, it seemed to him that it was not unfitting to draw attention to the matter, and that, without taking any steps himself, and regarding it apart from a party point of view, he should ask the House to take the matter into consideration. He was willing to submit to the sneers which had been heaped upon himself and other members of the Opposition, knowing that it was part of the tactics of some members on the opposite side to abuse and malign. He did not feel it necessary to say that his position in the House was that of a public man, and simply to do what he believed to be his public duty;—it was necessary, however, to repudiate that he was guided in his action by a desire for office. Office in itself was an object worthy of ambition, worthy of being aspired to by good men, and he merely claimed for himself what he willingly accorded to others; but he entirely repelled with scorn the imputation that he was guided by any mercenary motives in the duty which he performed. Any member of the House was open to that taunt, and if those who made it against him chose to reiterate it they were welcome to do so. For himself, he would merely say that it really was indifferent to him—arrived as he had at a time of life when one ceased almost to hope for this sort of thing—whether such imputations were made against him. Of course, if they were made he must accept them; he was simply at liberty to do his duty and to attempt to educate the people into a perception of their duties. He was quite willing to admit that that course was the only resource of the Opposition. Hon. gentlemen opposite had command of the Government benches, of a majority which was willing to serve them in everything. It was all nonsense for the Premier to say that the matter need not be a party question. They knew that the existence of the Government, and the existence in his place of the hon. gentleman, must be made a party question by hon. members opposite; and held together as their party had been by the strongest ties of personal interest, it was no wonder that in a small Assembly of this kind it was a difficult matter to secure any independent judgment. The only independent judgment that could be secured was outside opinion. He appealed to that. It was the only resource of the Opposition; they could do nothing in the Assembly but attempt to educate their fellow-colonists into the present state of affairs, and show them that those who represented them were in reality misrepresenting them, and were willing to study their own personal advantage—to subserve the higher principles of constitutional law to those objects which consisted in their remaining in office. He thought it his duty to call the attention of the House to these matters, and considered that there his duty had ended. It would be impossible for him to carry any resolution which would have the effect of unseating the Premier. He believed that at the present time the hon. gentleman had committed an act which constitutionally disqualified him from sitting in the House, and that all the acts of the Government would be affected in consequence; but he was well aware that he was not in a position to give effect to his opinion further than by expressing it. It was impossible to carry a vote to that effect, but it was quite justifiable to say what he had in a case of what he believed to be constitutional order.

The MINISTER FOR WORKS said he had no intention of replying to the hon. gentleman (Mr. Douglas). He merely wished to say that, in his efforts to educate the people to a sense of their duty, the hon. gentleman might just as well educate them honestly and truthfully. With regard to the speech of the leader of the Opposition, it was both unwise and unjust on the part of the hon. gentleman to make any reference to the examination going on in the committee-room. The Premier had said that he was prepared, at all times, to make a true statement of the case as regarded himself in the matter; whereupon the leader of the Opposition, referring to the examination going on below, inferred that the Premier was not trying to make a true statement, and that his evidence before the committee was not given willingly and truthfully. He (Mr. Macrossan) had not been on many select committees, nor had he attended many courts of justice, but this he could say, that on the committee in question the leader of the Opposition asked questions in such a way as to leave the impression that the witnesses were telling untruths. He was not satisfied with one answer, but required another—as much as to say, "You are not telling the truth." The hon. gentleman knew he was privileged there, and took advantage of it to do what he dare not do to any person outside the House, more especially to any person who was his equal. So far from the Premier being unwilling or untruthful, he (Mr. Macrossan), as a member of the committee, could say that his answers were given willingly to every question upon every subject. But when a man was asked a question a second time, after stating that he knew nothing about it, the only answer in such a case outside the House would be a knock-down blow.

The PREMIER wished to say a word in explanation, in reply to a remark of the hon. member (Mr. Douglas), who had opened up new

ground. Underlying and running through the hon. gentleman's reply was the close relationship between the contractors and the Government, leaving the impression that the Government had been giving contracts to their friends. The hon. gentleman knew perfectly well that the contract about which the whole thing had arisen was one made by himself (Mr. Douglas), and that if there was anything wrong in it he had only himself to blame. If he (the Premier) had any interest in the matter he certainly did not act consistently with it, for the first week he came into office he found it his duty to telegraph home to stop the contract.

Mr. GARRICK said he regretted having to say anything about the matter; but what the Premier had just said was not strictly accurate. A contract was made with McIlwraith, McEacharn, and Co. in 1878; but the difficulty was, that that company afterwards employed ships of which the Premier was part-owner to fulfil a contract made with the Government. It was not that they executed the contract with ships of their own, but with ships part of which belonged to the Premier. Under the charter-party, every person mentioned was a part-owner of one or more ships executing the contract. It was exceedingly to be regretted that reference had been made to what was going on in the committee-room. Such a proceeding could only tend to make the people outside lose confidence in the committee, and lead them to conclude that the verdict of the committee, when taken, would not be worthy of implicit reliance.

Mr. ARCHER said the allusions to the proceedings of the committee were begun by members of the Opposition.

Mr. GRIFFITH: They were begun by the Premier.

Mr. ARCHER said that, at any rate, he quite agreed with the hon. member (Mr. Garrick). He wished to say just a word with regard to the remark of the hon. member (Mr. Douglas), that certain members on the Government side made it their practice to malign members of the Opposition and bring them into contempt with the people. He (Mr. Archer) had never made a personal attack on anyone, and did not intend to do so. The hon. gentleman appeared to utterly misunderstand the question. The hon. gentleman had no doubt a perfect right to educate public opinion in any way he thought proper, and to persuade the people, if he could, that they had made a mistake in putting the present Ministry into office, with the view that the Opposition should fill their places. But the hon. gentleman was not doing anything of the kind. He was trying to educate a jury on a matter which was yet to be tried—and there was all the difference in the world between the two things. By continually saying the same thing the hon. gentleman could influence men of weaker minds than himself, and, as they all knew, juries were not always composed of strong-minded men. The hon. gentleman might educate a jury to give an opinion which was not in accordance with the evidence. Baseness was not imputed to the hon. gentleman because he wanted to educate the public in political matters, but because he was trying to educate a jury to deliver a verdict in a matter which was not yet before it. The hon. gentleman said the jury was likely to be drawn from the class of men who read *Hansard*, and the inference was that by reading his speeches the jury would be educated in the view they ought to take of a case respecting which not one word of evidence had yet been taken.

Question of adjournment put and negatived.

SUPPLY.

On the motion of the PREMIER, the House went into Committee of Supply.

The ATTORNEY-GENERAL moved that £3,952 be granted for Law Officers of the Crown.

Mr. LUMLEY HILL said he wished to test the opinion of the House with regard to the position held by the Crown Solicitor. Not only had that official a salary of £500 a-year, with clerks and offices provided, but he had a right to private practice and to charge for work that he actually did for the Crown. His attention was first called to the matter when he called for a return of the expenditure of the office, some of the items in which seemed rather outrageous. He referred particularly to the cost of transferring land on the Bundaberg and Mount Perry line and the Maryborough and Gympie line. In the latter case £225 14s. 2d. was paid to the Crown Solicitor, and £11 6s. to his clerk; and in the former he got £57 7s., and his clerk £17 9s.; making a total in those two railways alone of £311 16s. 2d. On those two lines of railway it appeared that the Crown Solicitor had been paid more than half the amount of his salary. With regard to his other duties, so far as criminal cases were concerned, the Crown Solicitor was somewhat lax in attending to them. When he (Mr. Hill) was last in Rockhampton and the assizes were on, the Crown Solicitor was represented by a small boy with a blue bag; nor was the Attorney-General there. This might have been owing to the fact that there were races at Brisbane at the time. He had seen and heard of cases where there had been what was called miscarriage of justice, but in these cases there was a total abortion of justice. Then again, with regard to the Crown Solicitor being allowed private practice, it was most objectionable that a Government officer should be placed in such a position as that of being a sort of shuttlecock between the Government and his own clients. He believed the Crown Solicitor acted in that way, and that owing to his being connected with a private firm he had frequently acted in a manner more conducive to emptying the pockets of the Government than would otherwise be the case. At the same time it was not fair to other solicitors that the Crown Solicitor should be allowed private practice, because he had the power and influence to bring business into his own office which he otherwise might not get. Speaking from his own personal experience, he (Mr. Hill) was about seven or eight years ago so humbugged by the Crown Solicitor that he had actually to take his business from the solicitor he then employed to give it to the firm of which the Crown Solicitor was a member, for he found that was the only way to get his business expeditiously done. He was a struggling man in those days, and found that delays most injurious to him were being put in his way by the Crown Solicitor. He asked his own legal adviser the cause of it, and that gentleman told him that it was done in order to get business for themselves—meaning the Crown Solicitor's firm. In fact, he found that the only way to get what he wanted done was to take his business from his own solicitor and give it to the firm. It was rather a mean thing to do, no doubt, but he was obliged to do it. He was happy to say he had not had much business of the same kind to do since then, but to what little he had had there had not been the same frivolous objections offered as formerly. He had since taken his business away from the firm, as he was now in a better position to think for himself than he was in the days he had referred to. It was his intention to move that three months' salary only be voted to the Crown Solicitor, in order to give the Government an opportunity of appointing in his stead a gentle-

man who should not have any private practice. From the returns which had been laid on the table he was of opinion that a salary of £1,000 a-year, with allowances for clerks, would be sufficient, and that such an arrangement would be conducive to the better transaction of public business. The tables which had been furnished showed that, on an average, the Crown Solicitor was annually drawing £1,200 exclusive of offices and the services of clerks; and it would be much better if in future that officer was debarred from any private practice. He begged to move that the sum of £500 as salary for a Crown Solicitor be reduced by £250. That would allow the Government six months to make other arrangements.

The HON. J. M. THOMPSON said it was not to be expected for one moment that such an amendment would go with a rush. He should like to hear something said on the subject.

The ATTORNEY-GENERAL said the hon. member for the Gregory stated, first of all, that the Crown Solicitor was lax in the performance of his duties. On that point he could not agree, for he did not think the country had an officer who was more attentive to them. As to cases being badly got up and leading to miscarriage of justice, he thought the hon. member was mistaken——

Mr. LUMLEY HILL rose in explanation, and said that he had only referred to cases at the Rockhampton court on the occasion when he was there.

The ATTORNEY-GENERAL said he had a keen recollection of the court referred to by the hon. member. He did not know the particular cases alluded to, but from his experience of other cases he could hardly think the hon. member was right. He presumed that the cases in question, like other cases, were got up in Brisbane, and that the Crown Solicitor had been compelled to remain in Brisbane through having to attend to more important business. If the cases were got up in Brisbane, there was every reason to suppose they were prepared, as well as all other cases were, by the Crown Solicitor. As to the hon. member having been humbugged by the Crown Solicitor in reference to some private business, he (the Attorney-General) could say nothing; but he thought the delays mentioned must have been due to some totally different cause than that mentioned by him. The hon. member had moved that the item of salary to the Crown Solicitor be reduced with the view of debarring that officer from private practice; but he (the Attorney-General) did not suppose they could get the Crown Solicitor's business done for less than double the salary now paid; and since the work could not be found fault with, so far as he knew, he did not see any reason for altering the present arrangement. The hon. member had criticised the return laid on the table item by item; but, if he referred to the travelling expenses of the Crown Solicitor, he would find that they were now half of what they used to be. Then, with regard to the railway work to which the hon. member alluded: there was originally a railway conveyancer who was paid £300 a-year, but the duties were afterwards given to the Crown Solicitor; and if the hon. member examined the returns more closely he would see that the average amount received by the Crown Solicitor since he undertook that work was very much below that sum, being only £472 odd for three years, or little more than one year's salary allowed to the gentleman who used to do the work before the Crown Solicitor was appointed to do it. The hon. member would find that the money received by the Crown Solicitor for private work was apparently a considerable sum; but the Crown Solicitor was not responsible for those cases, and if those that were not advised by that officer were taken away, there would be nothing except the costs in the matter of the transfer of the Government accounts from the Union Bank, which amounted to three guineas. That was all that was done in three years, and he did not think hon. members would say that the private work done by the Crown Solicitor was very profitable to him. With the exception of the work he had mentioned, with the commencement of which the Crown Solicitor had nothing whatever to do, that officer, or rather the firm of Little and Browne, had received nothing beyond three guineas for the last three years. He admitted that the Crown Solicitor made a large sum out of Crown cases, but those were cases for which that officer was not responsible. Of course, if the Government decided to enter upon cases independently of the Crown Solicitor it was for the firm to conduct that work. The Crown Solicitor was only bound by the conditions under which he held the office to do criminal work and a certain description of civil work. There had been certain Crown cases given to Little and Browne, but he thought no one could object to that, because they were a firm of as great experience as any solicitors in the place—in fact, he would sooner have Mr. Little's opinion on almost any subject. That gentleman was of immense assistance to him in the work of the office, and he (the Attorney-General) did not think anyone else could be found who would be of so great assistance. He should certainly oppose the amendment of the hon. member for Gregory, because he did not think it would benefit the public service in any way.

Mr. MOREHEAD said the Attorney-General had not touched the point at issue at all. No one would for a moment be prepared to deny the great ability of the present occupant of the office of Crown Solicitor, but what the hon. member for Gregory meant—at any rate, what he (Mr. Morehead) meant—was this, that it had become an incongruity that the position of Crown Solicitor should be combined with private practice. What they wanted now was a Crown Solicitor who was cut adrift altogether from private practice, or any business except that under the Government; and he thought the Attorney-General had proved, by his own statement, that it would be a saving to the country if it were so, because he had pointed out that at least £800 paid in the case of "Macdonald and Tully" would never have gone into the coffers of Messrs. Little and Browne, but would have been saved by simply employing a Crown Solicitor. He (Mr. Morehead) certainly thought it was time that this abnormal state of affairs ceased to exist. No doubt when a Crown Solicitor was first appointed in the colony it was absolutely necessary, from the small emolument paid to that individual, that he should combine private practice with the office; but he thought the time had now come when they should do away with private practice, and let the office be a well paid one, say £1,000 a-year. He believed that was the feeling of the Committee, and he was sure it was the feeling outside. A great deal might be said against the existing state of affairs. The return referred to by the hon. member for Gregory did not show all the fees the Crown Solicitor received. He (Mr. Morehead) had in his possession a power of attorney from a partner of his who lived out of the colony, drawn up by a clerk of Messrs. Little and Browne, and it was plastered all over with the initials "R. L." and every time these initials were put on it cost two guineas. Whenever there was a transfer of land or any transaction dealing with real or leasehold property he had to go to the Crown Solicitor and get his initials, for which he had to pay two guineas.

That fee alone must bring in a good sum in the year; and he said that such a state of affairs should not be allowed to continue, because, let hon. members say what they would, there was no doubt that the position held by Mr. Little as Crown Solicitor did unduly foster the business of his firm. He believed that Mr. Little was a capital man; he had had a very good time of it, and he (Mr. Morehead) hoped he would continue to be Crown Solicitor for the colony; that if a change were made and an adequate salary was given it should be given to Mr. Little first, because there was no more worthy officer in the employ of the Government. The time had come when a severance should take place, and he believed it would be a saving to the colony if the whole work of Crown Prosecutor were done by an officer not connected in any way with any practising firm. He held that it was unfair to other members of the same profession, who were just as able and competent as Messrs. Little and Browne to conduct such a case, for instance, as "Macdonald and Tully" that they should not have an opportunity of doing such work. Another thing that had not been taken fully into consideration when referring to the remuneration given to this firm was, that they would have had to pay £300 or £400 a-year for a set of offices similarly situated to those they occupied in Queen street; so that they should add £300 or £400 a-year to the advantages that firm received from one of its partners being Crown Solicitor of the colony. He thought it would be well for the Government to accept the amendment and make provision on the Supplementary Estimates for the salary of the Crown Solicitor. He (Mr. Morehead) would not give a less salary than £1,000 a-year, and if they could retain the present Crown Solicitor in the office all the better, because he was a first-class officer, who he was sure would be glad to be placed in that position rather than in the anomalous one he now occupied.

Mr. THOMPSON said this question had been discussed previously, and at that time it was on the ground of expense. What would be the expense? On referring to the New South Wales estimates he found that the Crown Solicitor's Department cost about £3,000 a-year, and besides that the Attorney-General had a secretary at £500 a-year, and clerk £104. In Queensland they paid the Crown Solicitor £500 a-year and travelling expenses; the secretary to the Attorney-General, who was also secretary to the Crown Law Officers, £400; a clerk and clerical assistance they employed when required. It had always been considered that they did very well in getting such an economic service, and it had not been alleged by the hon. members for Gregory or Mitchell—with the exception of one case, which he believed arose from a misconception on the part of the judge—that there had been any failure of justice. On the ground of expense he should oppose the amendment. If he were asked his opinion on the question of principle he should carry it a great deal farther and allow no man in the Government service to receive any fees for private purposes. Whether it was time that the Crown Solicitor should be deprived of private practice was a matter for the Government—whether they could afford it. He said nothing about that, but if they were to carry out the principle they should go further and put a stop to the exaction of guineas by officers in the receipt of public pay. Payment of officers by fees to be received from the public was essentially bad, and he would not allow a Government officer to be a commissioner for affidavits even if he took fees for swearing. He believed they had a select committee on this very point some time ago, and it was then decided that public officers should not be allowed to take fees. He would not further refer to the matter than to say that an abuse in connection with this matter had lately sprung up in the profession of the law, and the sooner it was stopped the better. In regard to the particular matter under discussion, the present arrangement answered very well, and if any change was made the present occupant of the office was entitled to the position; there would, he imagined, be no attempt to deprive him of it.

The COLONIAL SECRETARY said, as an abstract question he quite agreed with the hon. members for Gregory and Mitchell. It would perhaps be better as a matter of principle if the Crown Solicitor was paid an adequate salary and not allowed private practice, but as to the expense he believed it would cost the country double the amount the Department cost now. The Government, of course, intended to stick to their Estimates. They had given the matter careful consideration, and decided to keep on in the same way that they had been going ever since the colony had been established. He might also mention that the present Crown Solicitor, who had filled the office ever since Queensland had been Queensland, was going home on account of ill-health, and had applied for leave for that purpose, so that any change at the present time would be very inconvenient, and if there was no other reason he thought that would be sufficient to make the Government stick to their Estimates. He hoped the amendment would not be pressed.

Mr. GRIFFITH said this question had often arisen before, and he had occasion, when Attorney-General, to give it careful consideration. He did not think that the advantage to be gained by the change was worth the money it would cost. In principle it was perhaps desirable that the Crown Solicitor should not have any private practice; but there were a great many difficulties involved in that. He believed some change in the law would be necessary; nevertheless, as an abstract question he believed it was desirable to have the change, but he did not think it would be worth the expense. In New South Wales the Crown Solicitor's Department cost about £3,500; here it cost only £1,400, and he was sure they could not have a separate department without doubling the expense. If the Crown Solicitor did all the civil and criminal business, he would require more clerks. On the whole, therefore, they had better let the office remain on its present footing a little longer. Some time ago he seriously contemplated proposing a change himself, but was deterred by the same reasons as those mentioned by the Attorney-General.

Mr. LUMLEY HILL said that the members who had spoken on the subject had admitted the justice of the thing in the abstract, but they had gone in for procrastination, saying that the abuse had been going so long that it might be kept going a little longer. The only matter brought to bear upon the question in a pecuniary point of view was the analogy drawn between Queensland and New South Wales. In Queensland a bare £1,400 a year was supposed to cover the expenses, but there were pickings besides both from the Government and individuals. Of course, no one supposed for a moment that there was half the work to do here that there was in New South Wales, and he believed that the work could be carried on under another system quite as economically as now. As to the Crown Solicitor going away on leave of absence, that would be just the time to make an alteration if one was to be made.

Mr. THOMPSON said that he underrated one item in New South Wales, where there was a department of the clerk of the peace which cost a large sum of money; and no doubt some of the duties of that officer could in Queensland be

performed by the Crown Solicitor; nor had he taken into account the expenses connected with the district courts in New South Wales.

The ATTORNEY-GENERAL said that he could inform the House that the Estimates for the New South Wales department amounted to £5,476; but in this colony they paid a much smaller sum—namely, £1,271. Hon. members had said that there would be a saving if the private business were taken away from the Crown Solicitor; but they would find that the total amount of private business that the firm had received from the Government amounted altogether to about £1,600 or £1,700 for the three years, and during these three years there had been some of the heaviest and most expensive cases the Government ever had, including "Macdonald *v.* Tully," and such land cases as the Crown against Davenport. So far from a saving being effected at a salary of £1,000 a-year, to include everything there would be a great increase of expense.

Mr. DAVENPORT said he would support the amendment. Ever since he had known anything about public matters he had thought that the dual position occupied by the Crown Solicitor was invidious and doubtful, and that the fact of his enjoying private practice was prejudicial, not only to justice, but to the general weal. When he said that he meant that they were authorising a very bad precedent, which was demoralising to professional honour and honesty. For years past, to his own knowledge, the Crown Solicitors—Little and Browne—had been doing a private practice and making their own charges: whenever public professional legal business came within their scope they turned round on their clients and used the knowledge they obtained on behalf of the Government. He might take one notable instance of last session—that of a person named Clarkson. From some *faux pas* of the Real Property Office, it turned out that Messrs. Little and Browne had, in their private capacity as representing some insurance company, got possession from the Real Property Office of some deeds which deprived that man of a sum of money. He did not know how far the Government were committed to the land cases of the Crown Solicitor; did they act upon his legal opinions? All he could say was if they were biassed at all, and consulted him, the Crown Solicitor had been a very expensive officer to the colony, and the sooner the country got better and cheaper law the better. The case of "Macdonald *v.* Tully" was an instance among others. Although the returns referred to might be complete as far as was known, they must be very incomplete as far as the emoluments of the Crown Solicitors were concerned. From all they could hear, the emoluments of that firm through powers of attorney were not shown by any return in the House, but he should imagine that they amounted to close upon £1,000 a-year. In the public interests he strongly recommended that a thoroughly competent man should be secured, with an office and clerks, simply doing the public business, and that all the business hanging to the powers of attorney should be simply passed through at a small registration fee.

Mr. LUMLEY HILL said that the discussion which had taken place had been a useful one, and it had been the means of eliciting one or two further particulars showing the indecent position which was occupied by the Crown Solicitor with regard to the public. He would rather that the discussion had taken place in a full Committee. At the present time the country members were absent, and the Bar was very strongly represented in the Committee; and if the question went to the vote under such circumstances there was no doubt his amendment would be lost, as he entertained no hope that any barrister practising in Brisbane would vote in favour of it. If the Government would postpone the item he would withdraw his amendment; if not, he intended to see the matter further ventilated, and to take any steps that might be necessary in order to remedy what he considered to be a glaring evil in the administration of the law.

The ATTORNEY-GENERAL: I certainly cannot consent to postpone the item.

Mr. LUMLEY HILL said he intended to press his amendment to a division, however small his minority might be. It was almost proverbial that the firm of Little and Browne, or Browne and Ruthning, could get work done through the Crown Law Offices that no other solicitors could do. That had become a trite saying about the place, and it was time that such a state of things should be put a stop to. With regard to the abortion of justice at Rockhampton to which he had referred, the Attorney-General seemed to think he had been labouring under some misapprehension; but he could assure the Committee that such was not the case, and he could call upon the hon. member for Leichhardt, who was present during the greater part of the assize, and who observed the general effect produced on the people of Rockhampton, to either confirm or refute what he had said. The hon. gentleman must also allow that he (Mr. Hill) had a better knowledge of his own private affairs than any other person had, and he was perfectly satisfied that he had made no mistake. The sole plea of the Government for continuing the state of which he complained was that of economy; but if they were going to stick to a cheap system which was admittedly bad, it was a poor lookout for the general public. There was no real economy in it. The Government might have saved themselves the expense of a great many heavy cases, many of which had been decided against them, if they had incurred a little more regular expenditure; and no doubt they would have done so if they had not been in the hands of a member of a private firm, to whose advantage it was that there should be a great number of law cases the cost of which came out of the pockets of the people. It was a very unsatisfactory state of things, and he most emphatically protested against its continuance.

Mr. FRASER said he held the opinion that, on principle, it was undesirable that the office should be continued as it was, and at first he was disposed to vote for the amendment; but having heard the statement of the Government, that the officer had twelve months' leave of absence, and also the general expression of opinion that if any change were to be made in the arrangements the present officer would, in fairness, have the first offer of the new position, he should vote against it. As it was utterly impossible at present to make the offer of a new position to the officer absent on leave, it would be unfair to press the matter any further. He thought that, after having received such a general expression of opinion, the hon. member for Gregory might leave it in the hands of the Government to provide a change next session.

Mr. MOREHEAD said he admired those hon. members who spoke in favour of the amendment, but expressed their intention to vote against it. Was it because of the regard they had for Mr. Little—who was esteemed, and very properly so too—that hon. members were going to vote for what they believed to be wrong? He maintained that it was a glaring impropriety that the Crown Solicitor should be a member of a practising firm of solicitors. He did not care in whose hands it was, such a state of affairs

would lead to improprieties, and he had not the least hesitation in saying that business had been directed to Mr. Little's firm, which would not otherwise have gone there, from the fact that Mr. Little was Crown Solicitor. It was unfair to the other firms. Members who had had anything to do with solicitors in town must know that Mr. Little's firm had a decided advantage over all other firms, because of Mr. Little being Crown Solicitor. He did not assert that Mr. Little had done anything improper, or that he had used any undue influence. It was wrong *ab initio* that the Crown Solicitor should be a member of a private firm. Every member of the Committee seemed to be agreed on that point, yet when the question was put to a vote he should not be surprised to find only two or three members voting for it. The question was really a test one, and the division would be pointed to next year, and so the state of things, which all considered undesirable, would go on from year to year. When the Government were challenged on the matter next year they would refer to the division this year. Were they going to perpetuate an admitted injustice, or were they to understand that it would go on until Mr. Little ceased to exist? Were they to understand that individual merit was to stand in the way of what was right and just and fitting? Now was the time for them to say that they would have no more of it. Because an evil had been of long duration that was no reason why it should be continued. If the Government would tell them that they would appoint a Government officer having the necessary qualifications instead of a practising solicitor, their opposition might be disarmed; but if the position was to be given to a practising attorney, they would be simply continuing a grave impropriety and a considerable injustice and robbery to the outside public.

Mr. MACFARLANE said he should vote for the amendment if it were pressed to a division. It would be better for the people and for the lawyers if the office was separated from private business, and a gentleman who had no other work to do appointed to it. The fact that the present officer had twelve months' leave of absence ought not to weigh with them in considering the matter; they had nothing to do with that.

Mr. FEEZ said it seemed to him that the hon. member for Gregory and the hon. member for Mitchell treated the matter from different points of view. The latter dealt with the principle of the appointment of a practising solicitor to the office, which he (Mr. Feez) could very well follow; but the former based his opposition to the item because of some neglect of which the Crown Solicitor was alleged to be guilty. The hon. member referred to occurrences which took place at the last October sittings of the Assize Court at Rockhampton. He (Mr. Feez) was present in court, and his impression was that a gross miscarriage of justice took place, but the cause was difficult to ascertain. Mr. Justice Harding sat for the first time in criminal jurisdiction; it was the Crown Prosecutor's first attempt, and the instructing officer sent up by the Crown was a junior. In consequence, therefore, of the *tout ensemble* being inexperienced, five or six prisoners who were charged with serious crimes were let off. The only man who was found guilty was a poor unfortunate fellow who, when suffering from *delirium tremens*, attempted to cut his throat, and he was sentenced to three months' imprisonment. Strong charges of neglect were made against the Crown Prosecutor, but he was not prepared to say who was to blame. As he believed it would be a public inconvenience to change the office at present, he should vote against the amendment.

Mr. SWANWICK said he thought it only fair that he should make some reference to what had been said by the hon. member for Leichhardt. Mr. Justice Harding was known to be a painstaking judge. He (Mr. Swanwick) acted as Crown Prosecutor. He admitted he was inexperienced in criminal prosecutions—but not so in regard to the defence of criminal cases—and was left very much to himself. Still, he could hardly allow the strictures that had been made to go unchallenged. Mr. Alfred Cooling, who was sent up from the Crown Law Offices to instruct him, did as much as it was possible for him to do to secure convictions. If Mr. Little or Mr. John Keane had gone up he did not think they could have done more; they could not have worked harder than Mr. Cooling did. He knew that Mr. Justice Harding felt that, as that was his first circuit, the Crown Solicitor should have accompanied him, and he (Mr. Swanwick) sympathised to some extent with the judge on that point. The Crown Solicitor was ill, and out of Brisbane at the time, and Mr. Keane was not able to go up North. Under the circumstances he thought any shortcomings which might have taken place ought to be overlooked.

Mr. WELD-BLUNDELL said he intended to support any motion which might be brought forward for the separation of the duties of the Crown Solicitor from private practice, because he believed that nothing could be more detrimental to the interest of the public service than the existing state of things. It was the custom, he believed without a single exception, in other colonies to give lawyers employed upon public business sufficient salary to make up for the loss of private practice. Difficulties might arise if immediate action were taken in the present case, owing to the absence of the Crown Solicitor; but that should not deter the Committee from dealing with the question, which was one of principle rather than of expediency. Perhaps the views of hon. members supporting the hon. member for Gregory would be met if the Government would undertake within the next twelve months, or upon the return of Mr. Little, to make the alteration which was generally admitted to be necessary?

The ATTORNEY-GENERAL said he was glad the hon. member for Bulimba had spoken concerning the officer who represented the Crown Solicitor upon the occasion referred to by the hon. member for Leichhardt. The gentleman in question was an able and competent clerk, and he could not understand how any mishap—if any mishap did occur—could have been due to shortcomings on his part. The clerk was not in a position to defend himself, and, as he had been spoken of in terms of reprobation, he felt pleasure in corroborating what had been said by the hon. member for Bulimba.

Mr. NORTON said that even if the Committee determined that the Crown Solicitor should not carry on a private practice, it would be necessary to vote a salary. They could not increase the amount upon the Estimates, but they might just as well leave it there because it would have to be paid. He quite agreed with what had been said as to the desirableness of debarring the Crown Solicitor from private practice, but he could not regard the amendment of the hon. member for Gregory as bearing simply upon that question. If the amendment were carried under the circumstances in which it was placed before the Committee, it would not only affirm the principle that the Crown Solicitor should not have a private practice, but would also be a vote of censure upon the gentleman who then occupied the position of Crown Solicitor.

An HONOURABLE MEMBER: No.

Mr. NORTON thought he was right in his statement, and would endeavour to prove that he was. The hon. member for Gregory, in proposing his amendment, told the Committee that some years ago he had some business which had to be brought before Mr. Little as Crown Solicitor. The business appeared to have been a good deal delayed, and the hon. member was told that he would do better to give it to the firm of Little and Browne if he wanted it done expeditiously. The hon. member acted accordingly; and found his business transacted as he wished.

Mr. LUMLEY HILL: That is right.

Mr. NORTON said that apart from that the hon. member for Toowoomba (Mr. Davenport), in supporting the amendment, said the Crown Solicitor had in his private practice obtained information which he afterwards, as Crown Solicitor, used against his client. Now, these were serious charges; and now that they were instituted they deserved more inquiry than they were likely to receive at the hands of the Committee that evening. He was surprised to hear the charges brought forward, and regretted that that had been done. The firm of Little and Browne had held a good position not only in Queensland but in the neighbouring colony of New South Wales. He had heard them well spoken of there by gentlemen high in the legal profession. Until that evening he had not heard a word uttered which reflected in the slightest degree upon the honour of the firm. Under these circumstances he would be sorry if the amendment were carried. Not only would it fail to advance the object of the proposer, but it would lead people outside to suppose that they desired to express an opinion unfavourable to Mr. Little, in consequence of the charges which had been made against him.

Mr. GRIFFITH said the hon. member for Gregory had made a very serious charge. He understood the hon. member to say that he was told that some business he had with the Government departments would be facilitated if he employed Little and Browne as private solicitors. The hon. member ought to state who gave him that information, because the inference was that it had been given him by a member of the firm. Of course, if anyone else told the hon. member so it might be mere idle gossip. The hon. member for Toowoomba (Mr. Davenport) had also made a serious charge. The hon. member had accused the Crown Solicitor of using information given him as a private solicitor. The hon. member ought to specify the case in which that occurred. Charges of this kind would be dealt with far more satisfactorily if hon. members would only give particulars. An indefinite charge of that kind might hang over a man like a cloud for a long time. He would ask the hon. members for Gregory and Toowoomba to give particulars.

Mr. LUMLEY HILL said he was not in the habit of making insinuations; when he made charges he made direct ones. The manner in which Little and Browne came to be employed as his solicitors for the past eight or nine years was this—at that date he was employing another solicitor, and was kept in town at considerable inconvenience and expense which he could ill afford. He was met with the most frivolous and vexatious opposition and hindrance.

Mr. GRIFFITH: From whom?

Mr. LUMLEY HILL said it came from the Crown Solicitors. He asked his solicitor why it was done; and he said, "Oh! it's done to get business for themselves." He therefore took his business away from his solicitor, and he placed it in the hands of Little and Browne. That was done upon the suggestion of the solicitor he was then employing. It was rather a mean thing to do, and he did not mind saying that he had since been ashamed of it; but he nevertheless did it; and if the leader of the Opposition asked him for the name of the solicitor who gave him the information he would furnish it without the slightest hesitation, although it would not be a very pleasant thing to do. The information was not given him, as the hon. member supposed, by one of the members of the firm.

Mr. GRIFFITH said he did not ask for the name of the solicitor. A charge had been made against Little and Browne. He was not interested in knowing the name of the gentleman who had slandered the firm. The accusation made against the firm was made in such a way that hon. members might infer that the firm were responsible for the information upon which it was based. It now appeared that the information was supplied by a rival firm.

Mr. LUMLEY HILL: Which gave advice to its own detriment, and lost its business. But I had the correct hint; I never had frivolous and vexatious opposition when my business was in the hands of Little and Browne.

Mr. GRIFFITH: I should like to have an answer from the hon. member for Toowoomba.

Mr. DAVENPORT said he should like to know whether Little and Browne were responsible for the bad law which had been meted out to the colony for so many years past? If so, that fact in itself was sufficient to justify the action taken by the hon. member for Gregory. With reference to the particulars for which he had been asked, he might say that it was nothing but his native modesty which prevented him from giving, at an earlier period of the evening, the name of the gentleman referred to. He was, unfortunately, the gentleman: he spoke feelingly, and could produce the documents necessary to prove what he had said.

Mr. GRIFFITH thought that in this instance, too, particulars would dispel the accusations which had been made. He was in a position to know, having been Attorney-General at the time, that no information—nothing of a confidential character—was got from the Crown Solicitor on the subject of the hon. member's case.

Mr. MOREHEAD wished it to be distinctly understood that he made no charge against the firm of Little and Browne. He believed them to be honest men and honest attorneys. What he complained of was that the Crown Solicitor should be the member of a working firm.

Mr. DAVENPORT said the very admission made by the leader of the Opposition showed the invidious position in which the Crown Solicitors were placed. In the case mentioned they claimed and received battledore-and-shuttlecock money from two clients, both of whom probably suffered.

The ATTORNEY-GENERAL said that if the Crown Solicitor acted in the way the hon. member imagined he must have suffered from a serious aberration of mind, for he was willing, apparently, to offend a valued client in order to put information into the hands of the Attorney-General. He had reason to know that the land cases were the cause of serious loss to the firm. The fees they received would nothing like repay them for the loss of several valued clients which they sustained in consequence of conducting the land cases.

Mr. DAVENPORT said that, irrespective of the land cases, he would ask what about the case of P. F. McDonald, which would be a lasting disgrace to the country until it was settled?

Mr. GARRICK was understood to say that in that case nothing was done by the Crown

Solicitor without the advice of counsel, and he happened to know this, having been one of the counsel.

Mr. DOUGLAS said he fancied that the retention of the vote could best be defended on the ground that the gentleman who had filled the office of Crown Solicitor had discharged his duties for many years to the satisfaction of every Government, and that Government had suffered no loss through him. A case had been cited of miscarriage of justice at Rockhampton. That was rather an exception. Possibly it might be admitted that there was some miscarriage of justice, but when they considered that Mr. Little had chiefly conducted the affairs of Crown Solicitor for so many years with such great satisfaction to all Governments, then there was good ground for supposing that the present arrangement might at any rate be maintained. It was the cheapest that could be made. If any other were made it would cost more money, and those were two good considerations for continuing the present arrangement. When they knew that the duties of the office had been discharged as they rarely were anywhere else, they should be making a mistake were they to get rid of a man of the large experience possessed by Mr. Little and thoroughly acquainted with their forms of business, and were they to expend probably three times the amount in some other way. When Mr. Little retired from his business it might very well be a matter of consideration whether they should make some other arrangement; but, unquestionably, whatever arrangement they should make would cost more than at present. It was not a good argument to say that the present arrangement was not fair to other firms. What the Committee had to consider was whether the Government got their business done well, and at a price which was not exorbitant. If they did, why should they make a change to gratify some other solicitors who desired to participate in the business?

Mr. SWANWICK thought that a most unworthy slur had been cast by the member for Maryborough. Why did he talk about other solicitors wishing to participate in the business of the Crown? The name of not a single gentleman had been mentioned as wishing to get Mr. Little's work; and he did not suppose that anyone would care to have it at the salary Mr. Little received. He should like, also, to ask the hon. member what he meant by saying that possibly there had been a miscarriage of justice at Rockhampton? Was he aware that one of the cases was for perjury, and that of all convictions a conviction for perjury was the most difficult to obtain? Was he aware that two of the other cases which were tried before the Judge at the same Assizes—the first over which the learned Judge presided—were for obtaining money under false pretences, which were also difficult matters in which to obtain convictions? If the hon. member was in the position that he did not know what he was talking about he should say so. Out of all the cases of perjury which had been tried in the colony there had been at the most only three convictions, and he would repeat that there was no charge harder to prove than one of perjury. He happened to be prosecuting for the Crown on that occasion, and he would confess that he was new to the work. There must be a beginning to everything under the sun. They were not all born as wise as the hon. member, and doubtless even he had risen gradually. He did not suppose that the hon. member, in spite of all the experience that he must have had, according to the newspapers, long before he (Mr. Swanwick) emerged from a state of obscurity, would say that he knew anything about prosecutions for perjury, and seeing that at the time he (Mr. Swanwick) had been called to the Bar only twelve months, the hon. member must know that he had a great deal to learn. At any rate, he might have done him the justice to say that according to the light that was in him he (Mr. Swanwick) did his best, that the clerk who was sent up did his duty, and that the Judge did his duty. If he knew where there had been a miscarriage of justice he should point it out. If the hon. member did so he should say that he was right, but the hon. member should not stab in the dark.

Mr. RUTLEDGE said actions spoke louder than words, and the hon. member for Gregory had himself given the best testimony to the honour and efficiency of the Crown Solicitor by mentioning that he had given him his business and reposed his trust in him as a client for nine years. In the attempt that was made by a solicitor to slander the Crown Solicitor they had an example of the danger into which a man was likely to precipitate himself when he endeavoured to take away a man's good name, for, by trying to damage Mr. Little, the solicitor referred to lost a good client and transferred him to Little and Browne. Seeing that Mr. Little had been Crown Solicitor ever since Separation, and had discharged the duties of his office to the entire satisfaction of those who were best acquainted with the nature of those duties, and that he was about to go away on twelve months' leave of well-earned absence, it would be most ungracious to do anything which would be likely to inflict a moment's pain upon him, or be considered as a reflection upon the valuable services rendered by him for a number of years.

Mr. LUMLEY HILL said there was one explanation which he wished to give the member for Enoggera as to the testimony that he bore to the character and ability of the Crown Solicitor in giving him his business for a lengthened period. He had no high opinion at the time—it was impossible to form one. He did it in his own interest. He did it solely with a view to his own interests, and not because he believed or disbelieved in Mr. Little in any way.

Mr. GRIFFITH said the Crown Solicitor's work was not sufficient to occupy the time of one man. When the services of a gentleman were only wanted for half his time, why should they pay him a large salary and engage him for the whole of his time?

Mr. LUMLEY HILL said the £500 a-year for half-time was not all the pay the Crown Solicitor got from the Government. For the past three years he had been making £700 additional, to say nothing of the two-guinea fees for initialling powers of attorney. The whole of a man's time could be secured for £1,000 or £1,200 a-year—a man who would not make additional plunder out of the Government or private individuals.

Mr. THOMPSON said the two-guinea fee existed in New South Wales, and had never been objected to here. No impropriety could be alleged in regard to it, and it was not worth £20 a-year. In connection with selectors the fee was not charged. The reason why the work of the Crown Solicitor's Department was well done was because, from long experience, they knew how to do it.

Mr. DAVENPORT said he had seen dozens of selectors' accounts in which the two-guinea fee was charged.

Mr. DOUGLAS said he was amused at the persistent way in which the hon. member for Gregory pressed his quarrel. It seemed as if the hon. member had a private *vendetta* against Mr. Little. Now that he thought of it, he could trace the quarrel to its real source. Some little

time ago, the hon. member took to himself the profession of a common informer; he informed against Messrs. Little and Browne in some capacity connected with the Press. The hon. member got frightfully involved on that occasion, and came off with the worst of the encounter, and now he had sworn he would see it out in that shape. Surely, the hon. member had far better perform his legislative duties with a purer eye to the public interests than pay out on the floor of the Assembly an antagonist who had floored him at law. He had expected some higher standard of duty from the hon. member.

Mr. LUMLEY HILL said he was not floored by Little and Browne on the occasion referred to. He wished to see the law carried out, and surely that was a duty which in a peculiar manner fell upon those who made the laws.

Mr. HAMILTON said he should vote for the amendment on principle. He objected to the position held by the Crown Solicitor. The division list would enable the Ministry to form an opinion as to the course of action they would take when next the item came before the Committee.

Mr. GRIMES thought the division list would not by any means be a fair test of the opinion of the Committee, on account of the many side issues that were involved. He trusted the hon. member would not press his amendment, more especially as the Crown Solicitor was about to go on a twelve months' leave of absence and it would be an injustice to reduce his salary at the end of six months.

Mr. BEATTIE said that if the Committee were to affirm the principle that private practice should not be allowed, it ought to be carried out to its fullest extent. Last year, after a long discussion, the Master of Titles was allowed private practice, and his salary was cut down accordingly. If the amendment were carried the Master of Titles and other officials ought not to be allowed private practice.

Question—That the item objected to be reduced by £250—put.

The Committee divided :—

AYES, 8.

Messrs. Hamilton, Amhurst, Morehead, Weld-Blundell, Davenport, Bailey, Macfarlane, and Hill.

NOES, 21.

Messrs. Garrick, Griffith, Dickson, Feez, McIlwraith, Beor, Perkins, Palmer, Fraser, Rutledge, Walsh, Macrossan, Thompson, Beattie, Grimes, Kingsford, Archer, H. W. Palmer, Stevens, Douglas, and Norton.

Question, therefore, resolved in the negative.

Mr. AMHURST said that after the serious charges which had been made against the Crown Solicitor, for that gentleman's own sake the Government should consent to a select committee being appointed to investigate the whole matter. Nothing could be fairer, and therefore he should take the earliest opportunity of moving that a select committee—elected by ballot—be appointed. Two grave charges had been made against the Crown Solicitor, and therefore such a course as that he proposed would be only just to that gentleman and satisfactory to the public. Hon. members were not aware what fees were attached to the office, and the best way to ascertain that would also be through a select committee.

Mr. MOREHEAD wished to know from the Government whether the Crown Solicitor was to have the leave of absence, to which he was fully entitled after so many years' service, on full pay; if so, whether the Government intended to appoint an acting Crown Solicitor, and, if so, whether the appointment would be given to a solicitor practising in Brisbane?

The ATTORNEY-GENERAL said the matter had not yet come under the consideration of the Cabinet. The Crown Solicitor would have leave of absence for twelve months on full pay. He thought it would be most detrimental to the public service if they appointed as acting Crown Solicitor at a salary of £500 a gentleman who consented to give up his private practice, as he did not think there was any solicitor qualified to perform the duties who would accept the office on such conditions.

Mr. MOREHEAD said he understood, then, that the Crown Solicitor was to go home on full pay, and that another solicitor was to be paid £500—making altogether £1,000 a-year for a Crown Solicitor. If that was so, then it amounted to this—that they would be paying £1,000 a-year for a Crown Solicitor; and surely a gentleman who devoted all his time to his public duties would be worth that. For his part, he believed it would be a saving to the State to make such an appointment. What was done in much smaller cases should be done in regard to the Crown Solicitor. Where telegraph and postal offices were consolidated the officers had to hand over to the State the guinea a-piece they received for private mail bags; and why should not the Crown Solicitor hand over the two-guinea fees he received for doing very little work? If that was done he himself believed that the actual sum to be paid by the State would not come up to nearly £500 a-year. He joined issue with the hon. Attorney-General that no attorney in Brisbane would accept the office of Acting Crown Solicitor at £500 a-year unless he was allowed private practice. Were there no gentlemen in the Government service who were competent, and who would be glad to accept such an office? He did not profess to know any himself, but there were hon. members who had filled the office of Attorney-General who no doubt could answer the question. Surely that or some other arrangement could be made to put a stop to the present objectionable state of things, especially now when the Crown Solicitor was about to have twelve months' leave of absence. He did not believe it should be delegated to any solicitor to run the office in connection with his private business. It would be placing most dangerous patronage in the hands of the Government, and that he believed was the feeling of almost every hon. member who had spoken. Of course, there was a strong feeling in favour of the gentleman who was now Crown Solicitor and who had filled the office for so many years, but that should not be allowed to interfere with any fresh arrangement being made.

The ATTORNEY-GENERAL said the office would be given to some other solicitor for only a year, and if it was made part of the agreement that that gentleman was to give up his private practice they could only get an inferior man, and the office would come to grief. With regard to what the hon. member had said about paying another solicitor £500, raising the cost of the officer to £1,000 a-year, there was no doubt that Mr. Little would be entitled to £1,000 if he chose to sacrifice his private practice.

Mr. AMHURST said that the hon. Colonial Secretary had, at the request of an hon. member on the opposite side, consented to the postponement of an item in the Estimates until the others had been passed, and he thought that the same courtesy might be extended to supporters of the Government that was extended to the Opposition, and that the item now under consideration might be withdrawn for a time.

The ATTORNEY-GENERAL said that if he thought it would do any good he would postpone it, but he had not heard any reason adduced for adopting such a course.

Mr. DAVENPORT said that if it was proposed that the Crown Solicitor should have leave of absence on full pay and that another gentleman should be paid £500 for performing the duties of the office, he should oppose it when it came before the Committee. It must be remembered that the present Crown Solicitor had, during his tenure of office, had a large private practice, and that by his position he had been able to do far better than any other solicitor in the country.

Mr. MOREHEAD believed that the secretary to the Crown Law Officers, Mr. Keane, was a solicitor and must be well up in the Crown Solicitor's work from having been chief clerk to him.

Mr. GRIFFITH : He is not a solicitor.

Mr. MOREHEAD said he was perfectly certain that the Government were insisting on a proceeding of which the Committee disapproved, if they intended to give the Crown Solicitor leave of absence on full pay and to appoint a solicitor in the town to act during his absence. If they did that they would show that they persisted in perpetuating the present state of affairs contrary to the expressed opinion of the Committee. There was a Master of Titles, and surely he had not so much to do that he could not act as Crown Solicitor. Instead of that they were going to use their patronage and throw this work into the hands of some other firm in town.

The ATTORNEY-GENERAL said there was a rifle corps in London called the London Scottish, and a person was elected a member of that corps some time before he (the Attorney-General) left London because he had a Scotch terrier. Now the hon. member for Mitchell wished the secretary to the Attorney-General to be appointed Crown Solicitor because he had had a brother who was a solicitor. The chief work of the gentleman referred to was as secretary to the Attorney-General ; he had very little work in connection with the Crown Solicitor's office, and he (the Attorney-General) believed he would not accept the office if it were offered to him.

Mr. MOREHEAD said he did not request that this position should be given to the secretary to the Attorney-General because his brother had been a solicitor, but he thought that gentleman was a solicitor himself, but he was mistaken. What he objected to was the Government perpetrating a system that was contrary to the wishes of the Committee.

Mr. THOMPSON would object to the whole arrangement if any practising solicitor was employed to do the work of Crown Solicitor during Mr. Little's absence. He had supported the vote on personal grounds only. That gentleman had a vested interest in the office ; he had served the country well, and it would be very ungrateful to make any change that would injure him, but he (Mr. Thompson) should do all he could to stop the extension of the principle.

The ATTORNEY-GENERAL asked the hon. member if he knew any competent solicitor who would undertake the work for £500 a-year and throw aside his private practice ?

Mr. AMHURST said it was rather novel that the Attorney-General should ask the Opposition whom he should appoint.

Mr. FRASER said the Registrar and the Deputy-Registrar of the Supreme Court were solicitors, and no doubt either of them would be able to do the work during the absence of the Crown Solicitor.

The ATTORNEY-GENERAL said although he had great respect for the abilities of those officers he should be sorry to appoint either of them to the position of Crown Solicitor.

Mr. GRIFFITH thought it was unnecessary to appoint any person Crown Solicitor during the absence of Mr. Little. The work of that office required peculiar knowledge, the chief part of it being connected with indictments and drawing informations, and a new hand would simply have to learn the business. No doubt the Registrar of the Supreme Court, who had been Crown Solicitor at Bowen, had some knowledge of the work ; and if the Government pleased they could easily arrange to give Mr. Little leave of absence without paying anybody £500 a-year to do his work. Mr. Keane was more familiar with some part of the work than anybody else and he (Mr. Griffith) did not see any difficulty in the way.

The ATTORNEY-GENERAL pointed out that it would be utterly impossible for the Registrar of the Supreme Court to do his own work and that of Crown Solicitor as well. The work of Crown Solicitor was much heavier than hon. members seemed to think.

Mr. WALSH had no doubt that the leave of absence applied for by the Crown Solicitor was well deserved from long and faithful service, but he thought that either the Government or the Crown Solicitor, or both of them, should make provision for having the work of the office carried out during his absence.

Mr. FRASER said no doubt the Registrar of the Supreme Court had his own work to do, but it was a notorious fact that in the time of the late registrar and his predecessor three-fourths or nine-tenths of the work was done by the deputy-registrar, who was a competent solicitor, and there was no earthly reason why the duties of Crown Solicitor should not devolve upon him. He (Mr. Fraser) was sure that the office of Registrar of the Supreme Court would not suffer in the slightest degree.

The ATTORNEY-GENERAL said the leader of the Opposition had suggested a thing which, in his opinion, would be highly detrimental to the public service, and no doubt they would find any number of members who knew nothing about it following suit.

Mr. MOREHEAD said if the Government were going to put £500 on the Supplementary Estimates for the services of an Acting Crown Solicitor he was willing to withdraw his opposition to this vote, and when the Supplementar Estimates came on he would try and throw the item out. He considered that the country would be robbed by voting such sum when there were plenty of half-worked officers in the service able to do the work.

Mr. GRIFFITH did not see that there was anything absurd or impracticable in the suggestion he had made. What he said was, that the work could be done without employing another Crown Solicitor; and knowing, as he did, as much about the working of the office as any man in the colony, he had no doubt such an arrangement could be carried out.

Mr. AMHURST asked, was it the intention of the Government to put a further sum on the Supplementary Estimates for an Acting Crown Solicitor, or were they going to leave it over so that the matter could not be discussed ? If they were going to put it on the Supplementary Estimates he was willing to defer his opposition until they came before the House.

The ATTORNEY-GENERAL said he had already answered the question, and he did not see why time should be wasted.

Mr. AMHURST repeated his question, and said the Attorney-General would gain nothing by not answering it.

Mr. RUTLEDGE thought it would be simple waste of money to vote £500 for a *locum tenens* of the Crown Solicitor.

The PREMIER said, as had already been stated the matter had not yet come before the Cabinet. All that had been done was to give the Crown Solicitor twelve months' leave of absence, and whatever arrangement was made about filling the office the sum must come on the Supplementary Estimates.

Mr. DOUGLAS thought the demand that the Government should give some pledge that the individual who would be called upon to perform the duties of this office should be some officer at present in the service of the Government was a most reasonable one. When the hon. gentleman talked about refraining from expressing his opinion he should have refrained a little longer, for the more he expressed it the less it would be valued.

The ATTORNEY-GENERAL said he did not want the hon. member to value his opinion. It was quite enough for him if the House listened to it and took it into consideration. With regard to what had fallen from the hon. member for Enoggera (Mr. Rutledge), he did not deny the experience of the hon. member for North Brisbane (Mr. Griffith), but chose to have and follow his own, though it might differ from that of the hon. gentleman's.

Mr. AMHURST said it was most amusing to hear the hon. member for Maryborough accuse anyone of talking too much, for that hon. member was himself the most verbose, and, at the same time, illogical, member of the House. The hon. member no doubt had great powers of elocution; but anyone who paid attention to his speeches could see that he lacked the gift of logic.

Mr. DOUGLAS pointed out that the greater portion of the evening had been taken up by the hon. member for Mackay and the Attorney-General debating with one another; and the Attorney-General, when in a difficulty, appealed to a member of the Opposition for advice. If the hon. member went on in the way he had done this evening he would not advance the work of the Committee very rapidly.

The ATTORNEY-GENERAL said the hon. member had better hold his tongue if he was desirous of getting on with business, and not continue his habit of misrepresentation whenever he got on his legs. The hon. member said he (Mr. Beor) appealed for advice to a member of the Opposition. He never did anything of the kind. The hon. member (Mr. Thompson) challenged the course proposed by him, and made a suggestion; and he (Mr. Beor) challenged the hon. member to point out how it could be carried out.

Mr. GRIFFITH said the hon. member had given advice about holding the tongue, but he would find it better, when trying to get Estimates through the Committee, to keep a civil tongue in his head. They had not yet got an answer as to whether the item for the Crown Solicitor would be put on the Supplementary Estimates or not? The Premier had said the amount would be put on the Supplementary Estimates if necessary;—that might mean that the money would be spent this year and voted next. If hon. members opposite were content with that assurance, he was not.

Mr. MOREHEAD would certainly withdraw his opposition if he got an assurance that the question would be discussed on the Supplementary Estimates.

The ATTORNEY-GENERAL said the money would be put on the Estimates in the proper place. When the hon. member advised him to keep a civil tongue, that hon. gentleman ought to have shown a better example in the past.

Mr. GRIFFITH would like to know what the promise of the hon. member was?

The PREMIER said the Attorney-General would bring before the Cabinet certain proposals which would be discussed, and then the amount would be placed on the first Supplementary Estimates that came before the House.

Mr. GRIFFITH said that would, perhaps, be after the session was over. He was satisfied the Government did not intend to put the money on the Estimates this year.

Mr. MOREHEAD said he was satisfied with the assurance given by the head of the Government. The hon. member was showing a want of faith that could only exist in himself.

The ATTORNEY-GENERAL said the hon. member for North Brisbane had presumed to offer him advice. He would now advise the hon. member not to leap before he came to the stile. The hon. gentleman would have an opportunity of discussing the salary of the Acting Crown Solicitor when it came before the Committee.

Mr. GARRICK said the hon. gentleman might say whether the sum would be placed on the Supplementary Estimates of this session?

The PREMIER said hon. members had already got all the pledges they would get. It did not lie with the Attorney-General to say what should appear on the Supplementary Estimates, but with him (the Premier). Now that hon. members opposite had failed in drawing those on the Government side off the scent, he hoped they would get on with the Estimates. Three hours had been spent in discussing an item that could have been disposed of in a quarter of an hour.

Mr. GRIFFITH said he did not know about putting hon. members on the wrong scent, but he knew that hon. members on his side were prepared to discuss something quite different. The Government had given no pledge whatever. There was another item on which he wanted some information. The office of Crown Solicitor at Bowen was vacant at the present time, and he wished to know whether it was proposed to fill it; and, if so, when? He believed it was intended to keep the place warm till a gentleman not yet in the profession passed his examination. The office, which was an important one, was vacant; the assize came on almost immediately; and some arrangement ought to made.

The ATTORNEY-GENERAL said the matter had not yet come under the consideration of the Cabinet; but he had been unable to find any candidate for the office of equal abilities to a gentleman who would in a few days be in a position to pass his examination as a solicitor.

Mr. FRASER asked whether the Committee were to understand that, amongst all the solicitors in the colony who had passed their examinations and given evidence of their ability, there was not one to be found equal to a man who had not yet passed? He was surprised at the answer of the Attorney-General.

The PREMIER said it was out of place to discuss the matter at present. The responsibility of making appointments rested with the Executive. The sum of £200 was put down for a Crown Solicitor at Bowen; but they were not going to commit themselves to the appointment of anyone.

Mr. FRASER said he did not wish to discuss the matter; he was only taking exception to the views of the Attorney-General as most extraordinary.

Mr. GRIFFITH said according to his knowledge of parliamentary business this was the time to discuss the matter. An important office was vacant and there was no sign of its being filled. The only information they could get was that if a certain gentleman passed his examination he would have the appointment. The gentleman alluded to might be eminently qualified, for all he knew, but the course proposed was wrong in principle. People outside were apt to look upon the matter from a different point of view and to consider that experience should be an element in such an appointment. He was not sure that he knew the gentleman referred to even by sight, and he could not say whether the gentleman had had experience; but if there was no necessity that the place should be filled by a solicitor he did not see the necessity for the office at all. In his opinion the office was a very important one, requiring to be filled by a gentleman of considerable experience, because the duties to be performed were as heavy in their way as those entrusted to the Crown Solicitor. Under the circumstances, the Committee had a right to expect from the Government a distinct statement of their intentions.

Mr. RUTLEDGE said the remarks of the Attorney-General were a singular commentary upon the statement made some time ago, that it was absolutely necessary to appoint someone to discharge the duties of Crown Solicitor in Brisbane, where there were a number of experienced officers in the Crown Law Offices and where the Attorney-General could always be referred to, in the event of difficult questions arising. If a gentleman of no experience could be entrusted to go to Bowen, where there was no Attorney-General, to discharge important duties, how could it be contended that in Brisbane, where there were trained subordinates and the Attorney-General to apply to, it was necessary to appoint a Crown Solicitor at £500 a-year to discharge the duties of the office during the absence, for twelve months, of Mr. Little?

The ATTORNEY-GENERAL said the work of the Crown Solicitor at Bowen was very different from that of the Crown Solicitor at Brisbane.

Mr. DICKSON said he wished to ask the Attorney-General to give his opinion with regard to the propriety of appointing a parliamentary draughtsman. The question had been mooted when the estimates for the Legislative Council and Legislative Assembly were before the Committee, and the Colonial Secretary then gave it as his opinion that such an officer ought not to be connected with the House. The Attorney-General was then about to express his opinion, but did not do so. He (Mr. Dickson) held that the appointment of such an officer was very desirable indeed, as it would afford private members an opportunity of obtaining assistance in drafting their Bills. Notwithstanding the very strong expression of opinion on the part of the Colonial Secretary, it appeared to him (Mr. Dickson) preferable that such an officer should be connected with the House, because hon. members would not like to be under an obligation to the Ministers of the Crown or to officers of the Crown Law Department. Another matter to be considered was the large amount which, according to a recent return, had been paid to members of Parliament for drafting Bills. The subject was considered of sufficient importance to give rise to a discussion every year, and it would be well if the Attorney-General would state what his views were, and whether he contemplated making any change by which the services of a parliamentry draughtsman might be secured.

The ATTORNEY-GENERAL said he fully agreed with the hon. member for Enoggera as to the necessity for a parliamentary draughtsman. That item, and also the item of fees to counsel, appeared to him to be very objectionable; and the Colonial Secretary had very tersely expressed his (Mr. Beor's) views on the subject in replying to a question put by the hon. member for Enoggera. The best way to meet the difficulty would be to appoint a gentleman to conduct all criminal cases for the Government, and possibly to assist the Attorney-General in civil matters, and also to draft Bills. The work of drafting Bills would not be nearly sufficient to employ the whole of the time of a competent man, and it would be an act of extravagance to appoint a gentleman solely for that purpose. In the same way with regard to fees to counsel, the work required to be done would not be sufficient to employ the whole time of any gentleman who might be appointed. He considered that it was undesirable that gentlemen should do Government work and private work also, or that practising barristers should be employed in drafting Bills. The objection against private members doing criminal work for the Crown was not so great, and he thought the best way would be to appoint a gentleman to conduct criminal cases and draft Bills. He could see no objection to the adoption of such a course.

Mr. GRIFFITH said he had formerly brought the subject of the appointment of a Solicitor-General before the House in the form of a Bill; but there was a difference of opinion between the Government and the House, and that part of the Bill was dropped. He doubted whether the arrangement proposed by the Attorney-General would be satisfactory unless a gentleman could be found who had the necessary capacity for drafting Bills and was also a good advocate in court. It was not for the interest of the public that criminals should be allowed to escape, and therefore the proposal required serious consideration. He understood the Attorney-General to say that practising barristers ought not to be employed in drafting Bills; but he should have thought that those who were most in the habit of drafting would have been most able to properly draft Bills. He noticed that the item of "fees for counsel" was less than usual this year. Unless he was mistaken a considerable slice of that £200 would be dispensed this week and next week. Some counsel would be required to prosecute at Rockhampton and Maryborough, and he learnt that, for the first time in the history of the colony as far as his memory served him, a member of Parliament was to be paid to leave his place in Parliament. He (Mr. Griffith) had on one occasion given a member of the House—the present Attorney-General—a commission to prosecute, but that was at a time when Parliament was not sitting; but he had never before known such a case as this to occur, and he must emphatically protest against the feeing of members of Parliament who are in attendance at this House and taking them away from their place. The appointment of a member of this House to prosecute on circuit while the House was sitting was discreditable. He would say nothing about the gentleman who had been appointed—he believed it was the first time he had acted in that capacity in this colony—but surely some other barrister could have been found to prosecute. There were plenty of Crown prosecutors in the colony, and there was no economy in appointing this gentleman if, as he presumed was the case, the usual fee had been given. A short time ago, when attention was called to the abominable practice of feeing members by fees for drafting Bills hon. members on the Government side of the House expressed

their disapproval. Now the Government were giving fees to prevent hon. members from doing their duty to their constituencies. These were practices that must come to an end some day, and the more public attention was called to the evils resulting from those practices the sooner would they be discontinued.

The ATTORNEY-GENERAL said he objected to fees being given to members of the House as much as any hon. member did.

Mr. GRIFFITH: Why do you do it?

The ATTORNEY-GENERAL said that circumstances compelled him—he did not know any other member who was available for the service at that particular time. The hon. gentleman (Mr. Griffith) made some sort of objection to the gentleman appointed; though that gentleman was the senior member of the Bar, and a long way senior to the hon. gentleman.

Mr. DOUGLAS asked if that fact constituted the compulsion which the hon. member was suffering from at the present time? He was glad to see that the other member for Cook was present upon this occasion—probably it was his presence that had made the liberation of his colleague possible. He (Mr. Douglas) objected so entirely to the item that he regretted the hon. member did not back his opinion by moving the omission of the item; he should do so himself, believing that it was far better that the item should be omitted. There were a number of Crown prosecutors for whom amounts were voted, and it was part of their duty to attend these courts. Exception had before been taken to the practice of doling out this kind of pabulum on occasions—small considerations were given for certain work performed. This was very unsatisfactory from a parliamentary point of view, and he hoped to succeed in securing the omission of the item altogether. If not successful in doing that he should propose that a foot-note be attached stating that the money was not to be given to members of Parliament. That might be effective, and it would carry out the principle of the resolution which he had had the privilege to submit to the House, and which he hoped to have carried, there being a division of opinion on the subject. He moved that the item—fees for counsel, £200—be reduced to 1s.

Mr. AMHURST said he must congratulate the hon. member for Maryborough on his consistency, but he could not extend the congratulation to the hon. member for North Brisbane, as he remembered, when a motion was brought forward relating to the employment of barristers who were members of the House, that hon. member voted against it on the ground that it was absolutely necessary that barristers should be employed occasionally.

Mr. GRIFFITH said he voted against the motion referred to because it was of too sweeping a character; it would have prevented the employment of members in absolutely necessary instances. Such services would be exceptional. He objected to money voted by Parliament being voted as largess to members. The Crown Prosecutors were paid to do the work, and to pay a member of the Bar who was a member of the House to do the work was simply monstrous—it was nothing less than largess; he would even say it was bribery and corruption. Such things required plain speaking, and he did not mind speaking plainly when occasion required that he should do so. The Attorney-General said that the gentleman referred to was the oldest member of the Bar. As far as he (Mr. Griffith) knew, that gentleman did not even pretend to be a practising barrister. Even if he were the most distinguished member of the Bar, that was no reason why public money should be applied as it was done.

Mr. THOMPSON thought that the hon. member for North Brisbane was labouring under a misapprehension. When he was in office he knew that the Crown prosecutors did not consider that they were bound to prosecute in Supreme Court cases, and he understood that they had successfully sustained that contention.

Mr. GRIFFITH: Not whilst I was in office.

The ATTORNEY-GENERAL said the hon. member for Ipswich was quite right. He did not know that the Crown prosecutors had actually sustained their right to be exempted from prosecuting in the Supreme Court, but they have always maintained that they ought to be. He did not consider it right to take a gentleman away from his private practice when there was another thoroughly competent member of the Bar who was willing to undertake the work.

Mr. AMHURST said he thought the Government were more to blame for sending a supporter of theirs up the country than they were for paying fees to a member.

Mr. DICKSON said that £300 was voted for counsels' fees last year, and £488 5s. was actually expended. He should like to know how the Attorney-General considered that £200 would be sufficient for this year?

The ATTORNEY-GENERAL said the amount paid last year was £231.

Mr. GRIFFITH would like to know how much was spent already this year on the Northern Circuit. The ordinary fee was eighty guineas, and the courts at Rockhampton and Maryborough would at that rate absorb nearly the whole of the vote.

Mr. FEEZ said he was surprised that objection should be raised to the continuance of what was an old custom. Ever since he had been in the North it had been the practice of the Attorney-General to send up substitutes. When the leader of the Opposition was in office he sent up substitutes—sometimes young barristers who were unable to conduct cases properly.

The ATTORNEY-GENERAL said he was informed by a gentleman of long experience in his department that the fee of eighty guineas was paid only to barristers of high standing and large practice. The gentleman who was now prosecuting would receive the same fee as would have been paid to the Crown prosecutor had he gone.

Mr. GRIFFITH: What is that?

The ATTORNEY-GENERAL: Seventy guineas.

Mr. GRIFFITH: Does that include Rockhampton and Maryborough?

The ATTORNEY-GENERAL: Yes.

Mr. GRIFFITH said they were coming to a Dutch auction in the Crown Law Office. People went there and said, "Give me this; I will do it cheap." The depths of degradation to which the Government were bringing the colony were unheard of. He was ashamed of the gentleman who temporarily occupied the position of head of the Bar, and of the gentleman who condescended to accept such fees. As to the Crown prosecutors, an Executive minute provided that it should be part of their duty to prosecute in the Supreme Court. He knew they objected to it, and when he was in office he endeavoured to consult their wishes as far as possible. The Attorney-General had just told them that a gentleman—whom he described as the senior member of the Bar—was performing the work at a lower fee than had ever been paid previously. He did not remember ever offering any member of the Bar less than eighty guineas. When the

Attorney-General was a junior member of the Bar he employed him at the usual fee. He heard of a case last year in which a Crown prosecutor got nothing but his travelling expenses, but afterwards he put in a claim for extras. He heard that from the then Attorney-General. If such things were to go on the profession of the law, instead of being an honourable one, would be one of disgrace. The House was degraded and the profession was degraded by conduct of the kind.

The ATTORNEY-GENERAL said he feared the depth of degradation referred to existed only in the imagination of the hon. member for North Brisbane. He had offered the work under discussion to an hon. member who was absent, without any solicitation whatever on the part of that hon. member, and because he thought it would be unfair to take the Crown prosecutor away from his private practice.

Mr. AMHURST did not exactly understand what the hon. member for North Brisbane meant when he referred to Dutch auction in the office of the Attorney-General, but thought the Attorney-General was perfectly right in endeavouring to ascertain what was a fair remuneration for the work to be done.

Mr. LUMLEY HILL failed to see what degradation could result to the order of which the hon. member for North Brisbane was a member, by one of that hon. gentleman's colleagues being paid seventy guineas for a fortnight's work. He did not think the general public would object, in spite of the opinion of the hon. member for North Brisbane, to see the price of law reduced a little.

The ATTORNEY-GENERAL said the hon. member for North Brisbane had spoken of the capacities of the gentleman who had gone north——

Mr. GRIFFITH : I never said a word about them.

The ATTORNEY-GENERAL said the gentleman in question might not have a large practice in Brisbane, but he had a considerable practice in the northern part of the colony.

Mr. FRASER thought cheap law a step in the right direction. At the same time, he thought the objections which applied to the Government giving employment to lay members of the House were applicable with equal force to legal members. This was the third or fourth instance of hon. members of the legal profession drawing pay from the Government during the present session. Undoubtedly, these precedents should be called in question. They opened the door to a vicious and dangerous system, whatever Government might be in office. He believed the drafting of Bills was formerly left to the Master of Titles; and he would suggest that the present Master, Mr. Miller—who was generally admitted to be a very competent officer—should be asked to perform the duties of draughtsman.

The ATTORNEY-GENERAL said he had as strong an objection as anyone to the system which the hon. member characterised as vicious and dangerous.

Mr. GRIFFITH : Then, why do you do it ?

The ATTORNEY-GENERAL said hon. members opposite were amusing themselves by picking holes without suggesting any remedies. With regard to the draughtsmanship being given to the Master of Titles, that officer might accept the appointment, but it was most likely that he would not ; and he certainly had a right to retain his present office without accepting the second.

Mr. FRASER : He would, if he were properly paid.

The ATTORNEY-GENERAL said he did not know. He was aware that the Master of Titles had a great love for his private practice, and he did not believe he would give it up for a salary which would much more than compensate him for its loss.

Mr. DOUGLAS said he would be willing to withdraw his amendment if the Attorney-General would strike the amount off the Estimates and appoint an officer.

Mr. THOMPSON : Is not the money spent ?

The ATTORNEY-GENERAL said some of it was. He could not accede to the proposal of the hon. member for Maryborough. The work must be done until an officer was appointed, and the money must be voted.

Mr. BEATTIE said that if it were conceded that the public duties of a Crown prosecutor were in no way to interfere with his private practice, the office would be found a very expensive one. Some hon. members had expressed their surprise at the large amount paid for the Crown prosecution at the Rockhampton assizes ; but he remembered hearing twelve months ago of a learned gentleman who received £120 odd for two days and nights at Toowoomba. The salaries of Government officers should be sufficient to render them quite independent of private practice.

The ATTORNEY-GENERAL said the Crown prosecutors had made a great stand against being obliged to go upon Supreme Court circuits. Their work, properly speaking, lay in district court prosecutions. He did not believe it was stated in their commissions, even, that they were to go upon Supreme Court circuits.

Mr. GRIFFITH : It is stated in the Executive minute by which they are appointed.

The ATTORNEY-GENERAL believed it was not in their commissions. He believed they were willing to go upon Supreme Court circuits if they were secured against loss in their private practice in Brisbane ; but it was never part of their work until the hon. member for North Brisbane came into office, when he imposed that duty upon some of them. But the hon. member knew perfectly well that the Crown prosecutors objected and denied the hon. member's right to send them upon Supreme Court circuits.

Mr. GRIFFITH said the hon. gentleman was altogether wrong in his information. He (Mr. Griffith) did not originate the system, but found it in practice when he took office. Whether it was good might be a matter for discussion, but it was at least economical. His impression was that it was originated by Mr. Bramston ; it must have been originated by the Palmer Government, because almost immediately after the Macalister Government came into power his learned friend, the present member for Moreton, was appointed Crown Prosecutor, and it was part of the condition that he should prosecute at assizes. He recommended the appointment of several Crown prosecutors, and it was a condition of the appointment of all of them. It might be a hard thing, it might be unwise and improper, but it was a condition upon which the appointment was accepted. Whether it should be applied was a matter for the Attorney-General to decide. He (Mr. Griffith) thought he was rather too easy with the Crown prosecutors ; they, on the other hand, no doubt thought he was hard. What was the use of the Attorney-General saying it was not in the commission ? It could not be. The Attorney-General only held a commission to prosecute in the Supreme Court, and anyone who was appointed to prosecute in his place had to receive a special commission. The Attorney-General objected

to this feeing of members of Parliament, but it was a strange commentary that during the present year it had been done worse than before, and new forms of what he called bribery had been invented. For the first time within his recollection had money been given this year to members for drafting Bills, and to go away during the sitting of Parliament to do work for the Crown. If the hon. gentleman objected to the feeing of members of Parliament he need not do it. He must know perfectly well that many barristers who were not members of Parliament were quite as competent as the member for Cook, and willing to do the work.

The ATTORNEY-GENERAL: No.

Mr. GRIFFITH said he could name half-a-dozen barristers not members of the House who were equally as competent. He would say that barristers more competent could have been obtained, but this was not the place to discuss the question of the competency of members of the Bar.

Mr. MOREHEAD said it was astonishing how virtuous members became when they went into opposition. In the Estimates of 1878-9 the same item appeared, but the amount was £300.

Mr. GRIFFITH: Not to fee members of Parliament.

Mr. MOREHEAD said he would tell a story about the hon. gentleman. Some weeks ago, when there was a long and tolerably hot discussion with reference to the question, raised by himself, as to the impropriety of giving fees to members of Parliament, he asked the hon. gentleman if he would support a resolution prohibiting any member of Parliament from receiving fees, and the hon. gentleman replied that he would not unless lawyers were excluded. The Attorney-General had been wonderfully moderate, as he had only put down £200 for the item, whereas £300 was given before. On the occasion to which he referred it was argued by the leader of the Opposition that if lawyers were not excluded the Government would be prevented from employing the best legal talent because it found its way into the House; and the argument received serious consideration. But he maintained that if the leader of the Opposition came into power he would have to do the same thing. He would give fees to the junior member for Enoggera—he would have to do it. There were certain hangers on the flanks of the Government of the day; they were composed almost wholly of members of the legal profession on both sides, who had to be dealt with thus. It was not a pleasant state of affairs, but it would continue to exist unless some such resolution as that proposed by the member for Maryborough, probibiting members of Parliament from accepting fees of any sort, was agreed to. So long as the system did exist one must expect that the Government of the day would help those who helped them. No doubt it was a corrupt and improper system, and one he should like to see done away with, but if the hon. gentleman was in power he would do the same thing.

Mr. GRIFFITH: I would rather cut my hand off! I had the chance; but I never did it.

Mr. MOREHEAD said the hon. gentleman had the chance of putting his hand into the public pocket, and had done it more than any other man. He need not affect a purity which he did not possess. He was not actuated by the high-souled patriotism which he wished the outside public to believe. There was nothing too hot or heavy which he would not take to get himself into power, or to keep himself there. There was no dodge or subterfuge to which he would not resort—there was no amount of infamy which he would not cast upon members on the Government side in order to get into power. Had it been with any high-souled patriotism—with any desire to benefit the State that he had acted as he had done during the present session? He had simply attempted to blacken the character of members of the Government. The hon. gentleman did not like to hear about the matter, but as long as he (Mr. Morehead) had a tongue he would show that it was not patriotism which had actuated the hon. gentleman in the line of action he had taken, but a desire to step into power over the injured reputations of the men opposed to him. The arguments of the hon. gentleman with reference to this particular vote fell to the ground when it was shown by the Estimates, as it could be, that he had whilst he was in office allowed it to remain on the Estimates in a more aggravated form, even.

Mr. GRIFFITH said he was sorry to hear that there were hangers-on the flanks of the Government who must be paid. The hon. member for Mitchell said that they were on both sides; they must be on the Government side, for there were none on the Opposition side. He would say this, that never in his experience did he know of such a state of things existing. The hon. member had said that he (Mr. Griffith) had carried this vote through the House. So he did, but he did not use it to bribe members of the House. Only on one occasion did he give a fee out of it to a member of the House, and then to a member of the Opposition. He did not know whether it was worth while to defend himself from the charges of the hon. member. The records of the House would show what had been done with the money, and that he had never applied it to such a purpose. The hon. member said that he had asked him if he would support a motion to prevent fees being given to members of Parliament, and that he declined to do so unless lawyers were excluded. What he said was, that he did not see his way to support it altogether; and he had pointed out before, and would again point out cases which had arisen where the Crown would have been prejudiced had it been debarred from employing the service of barristers who were members of the House. One was the case of "Macdonald *v.* Tully," in which the Crown, if it had been deprived of the professional services of members of the House, would not have been in a fair position. Another case was one of murder, which took place in 1874. It was a very difficult case of circumstantial evidence which the Attorney-General did not feel equal to conduct alone; he wanted the assistance of an experienced member of the Bar, and it was thought desirable to engage the services of Mr. Lilley. In both those cases the engaging of their services was perfectly justifiable. In some cases it might be in the highest degree expedient in the interest of the public service that members of the Bar who were members of the House should then be employed for the Crown, but these cases occurred rarely. But he would say advisedly that if it came to a choice between the evil of allowing criminals to escape, and the evil of distributing public money indiscriminately among members of Parliament, he would be prepared to take the first alternative. Sooner let the Crown suffer, sooner let criminals escape, than allow the state of things they had lately to continue. Sooner than allow it to continue he was quite prepared to support any resolution prohibiting any member of Parliament from receiving any money from the public service. The thing had gone so far that it was necessary to adopt some remedy, and though the remedy suggested might do harm it was better to adopt it than allow the disease to remain.

Mr. RUTLEDGE said there was a simple way out of the difficulty. The Colonial Secretary thought the proper thing would be to appoint some gentleman to conduct all the public prosecutions, and discharge the duties of parliamentary draughtsman. If that were done, the vote for the salary would be passed without opposition. The hon. member for Mitchell had referred to hangers-on on both sides who expected something from the authorities of the Crown Law Offices, and had said that when the leader of the Opposition again got into power he would have to give him (Mr. Rutledge) some of the bounty that was dispensed by that department. The hon. member had better speak for those with whom he was more intimately associated. As a pledge of his *bona fides* in the matter, and his hatred of such insinuations, he would undertake to promise the hon. gentleman now that if he would bring forward a resolution similar to that proposed by the hon. member for Maryborough (Mr. Douglas) last year, prohibiting the employment of members of Parliament by the Crown in any capacity, he would give him his hearty support. He (Mr. Rutledge) could scarcely be called a briefless barrister, who had to live on what a benevolent Government chose to put in his way, but could make a good living without any Government bounty. There were no doubt strong temptations to Governments to fee members in a substantial manner, and often those temptations were too strong to be resisted. The time had now come when the system should be abolished altogether, and he would strenuously support any proposal to abolish the pernicious system of giving money grants to members of Parliament in any shape or form.

Mr. LUMLEY HILL said it was quite delightful to see the conversion of the lawyers all at once, and to hear the honest indignation they had expressed about the plunder business. When the motion of the hon. member for Maryborough was before the House last year, it was opposed by every lawyer in the House, including the leader of the Opposition and the hon. member (Mr. Rutledge), who now so ferociously protested that he would not do it again.

Mr. MOREHEAD said the hon. member (Mr. Rutledge) had admitted that he had got beyond that position when he would require sops from a Government, and could now afford to give a vote that would leave his conscience quite clear. It was gratifying to number the hon. member amongst the illustrious band who were opposed to the improprieties of the existing system. The leader of the Opposition denied that he had ever bribed, or in any way given anything to supporters—that he had only once paid a fee to a member, and that was to a member of the then Opposition. But the hon. gentleman was like the "Heathen Chinee"—his ways were dark. The hon. gentleman worked outside the House, and men likely to rival him were made Judges, until he was left a Triton among the minnows. Judges Paul, Blake, and Pring were all removed out of the way of the man who would brook no opposition, and he was left master of the situation. But there were some young men growing up now who knew not Joseph, and, no doubt, when he got into power he would have to pension them off. He would bring forward a resolution, if the hon. member for Maryborough did not; and he was glad the times were so good for the lawyers that some of them, at any rate, could give an honest vote.

Mr. GARRICK wondered when they would find any conversions among the squatters. He was afraid there would never be any conversion there. They would vote for any Financial Statement that did not impose a tax on stock or increase the rent of their runs. They would sit and vote shoulder to shoulder until they swallowed all the lands of the colony. They would go in for increased pre-emptive rights, and pick out the eyes of the land, and vote for themselves in a phalanx. While there was a single acre of good land in the colony they would never turn round, and as soon as they had got the whole of the colony they would go to Tasmania and make it their garden. He wanted to see some of the Crown lessees converted, so that the people might have a fair chance of settling on the lands of the colony. That was a small matter, but the squatters were not satisfied unless they could appropriate the entire colony.

Question—That the item objected to be reduced by £199 19s.—put.

The Committee divided:—

AYES, 10.

Messrs. Douglas, Griffith, Garrick, Dickson, Rutledge, Meston, Fraser, Grimes, Macfarlane, and Beattie.

NOES, 21.

Messrs. Palmer, Feez, McIlwraith, Perkins, Beor, Macrossan, King, Thompson, Swanwick, Hamilton, Amhurst, Stevens, Davenport, Morehead, Hill, Low, Norton, Weld-Blundell, Kingsford, Archer, and H. W. Palmer.

Question, therefore, resolved in the negative.

Mr. GRIFFITH asked, with regard to the item of £300 for drafting Bills, whether it was the intention of the Government or of the Attorney-General to pay any more money to members of Parliament for drafting Bills?

The ATTORNEY-GENERAL said that was a matter on which he should be advised by his colleagues.

Mr. GRIFFITH said that the hon. gentleman had on a former occasion expressed the strongest objection to such a practice, but now he said he would do as he was told.

The ATTORNEY-GENERAL said that there were occasions on which it was absolutely necessary to secure the services of hon. members.

Mr. GRIFFITH said that if it was absolutely necessary, it was so only in the sense spoken of by the hon. member for the Mitchell—namely, to satisfy the claims of hungry hangers-on of the Government.

The ATTORNEY-GENERAL said it might be absolutely necessary in the service of the country to retain members of Parliament to do that kind of work.

Mr. GRIFFITH asked whether it was absolutely necessary to retain members of Parliament to draft Bills, especially when it was known that the hon. members selected were most inexperienced in that kind of work? It was an insult to the country to suppose such a thing, and therefore, as he had said, it would have been better to put the matter as the hon. member for the Mitchell had done.

Mr. ARCHER could see very little difference between employing members of Parliament to draft Bills and employing them to prosecute criminals—but perhaps after the opinions which had been expressed by members of the legal profession on both sides of the Committee, it would be better not to employ members of Parliament in that capacity. What he had understood the Attorney-General to mean was this—that he must employ the best skill he could obtain—but even then he (Mr. Archer) thought it would be better to employ gentlemen outside of the House. He had himself voted against the motion of the hon. member for Maryborough last year, as he

thought that there were no hon. members who could be bribed in that way, and also that it was sometimes necessary for the Government to have the assistance of legal members; but after what had been said by the lawyers on both sides he should vote against the item.

The ATTORNEY-GENERAL said he must apologise for having misunderstood the leader of the Opposition, as he thought the hon. gentleman was referring to fees paid to hon members as counsel and not for drafting Bills. At the same time, if fees were to be paid to members of Parliament for their services as counsel, they might just as well be given to them for drafting Bills.

Mr. SWANWICK agreed with what had been said that there was not a member of the House who would accept a fee as a bribe, but he thought that when hon. members were asked to prosecute in the country, when the Attorney-General could not go himself, they were entitled to receive something as they had to neglect their business in town; but that was different to gentlemen having to do what had been rendered necessary by the action of the leader of the Opposition. He remembered, not long ago, when certain learned counsel who were holding the positions of Crown prosecutors were forced to take certain work in one of the law courts—and that without fees—which peculiarly devolved on the then Attorney-General but now the leader of the Opposition, those unfortunate gentlemen were forced to do work for which they were not paid, but for which the leader of the Opposition was paid. The present Attorney-General thought it only fair that when a man did a fair day's work he should receive a fair day's wage; but the present leader of the Opposition took quite a different view, which was that he should, whilst drawing £1,000 a year, get all he could on the *Nisi Prius* side of the court, and make the unfortunate Crown prosecutors, who received only £400, do work for which he was specially paid and which he ought to have done. If the hon. gentleman liked, he (Mr. Swanwick) would give the names of the gentlemen whom he forced to do the work.

Mr. AMHURST thought such a grave charge as that made by the hon. member for Bulimba should be at once refuted by the leader of the Opposition, or the hon. gentleman's best friends might suppose it was true.

Mr. GRIFFITH: The reason why I pay no attention to it is the source from which it comes.

Mr. BEATTIE said they had heard a great deal about the unfortunate Crown prosecutors who were paid only £400 a-year; but, considering they only went on circuit twice a year, and their expenses were paid, they were very well paid indeed. It would be better and far cheaper to the country for the Government to fee counsel when required than to employ these Crown prosecutors whom the hon. member called unfortunate.

Mr. SWANWICK said it would be better if the hon. member would confine himself to things he knew something about, and look after the police caps——

Mr. BEATTIE said: I tell the hon. member he is telling a falsehood; but he is so contemptible, especially in his recent career, that no honest member will pay any attention to what he says.

Mr. SWANWICK said it would be better if the hon. member would speak of what he knew something about. He might state that many Crown prosecutors had a great deal more to do than to go on circuit twice a-year, in the northern district especially; and it should be remembered that when they went on circuit they had to give up many briefs that they might hold in Brisbane.

Mr. FRASER said one would imagine from what they had just heard that the Crown prosecutors were a company of martyrs; but the question before the Committee had nothing to do with those gentlemen, as it was whether members of the legal profession, whilst members of that House, were to be paid by the Government for professional services. He thought an opinion had been expressed universally on both sides of the Committee that it was a bad system, and that it was time to put a stop to it, and the legal members of the Committee had arrived at the decision that sooner than do any more such work they would support a motion against the continuance of the system.

Mr. SWANWICK said it came with very ill grace from the hon. member for South Brisbane to attack him upon legal matters, because there was no doubt whatever that he (Mr. Fraser) was in the habit of doing a great deal of illegitimate legal work. Anybody who knew anything at all about that hon. member knew that he was in the habit of executing transfers and other business which no one but a lawyer had a right to do in this colony. There was no doubt whatever that the hon. member must derive a very large portion of his income from drawing transfers, and doing other work which he had no right whatever to do, and which under the Act he was liable to a penalty for doing. He thought the hon. member had better say very little about legal matters in that House, because he knew very little about them; he had got himself into a great many messes already, and he might get into a great many more.

Mr. FRASER said he said nothing, and expressed no opinion about legal matters. So far as a knowledge of illegitimate legal matters was concerned he presumed the hon. member spoke from experience.

Mr. DOUGLAS said they had rather diverged from the point under discussion—the drafting of Bills. They were told when the parliamentary vote was before the Committee, and the question of appointing a parliamentary draughtsman was raised, that this would be the proper time to hear from the Government an announcement of their policy in regard to this matter. They had had some weeks to consider the question, and the Committee might now be told what they proposed to do. From the remarks previously made by the Colonial Secretary, he understood it was suggested that the office of parliamentary draughtsman should be combined with that of Solicitor-General. If that were the intention this vote was not required.

The PREMIER said the hon. member could not suppose that the Government would have submitted the Estimates in this form if they had intended to appoint such an officer as he had referred to at a high salary. The Government asked the House to grant £300 for drafting Bills, and the Attorney-General stated three hours ago that they did not intend to appoint any such officer. The Government had given no indication that they were going to make such an appointment. He thought the proper time to make an appointment of that kind was when they came across a gentleman qualified to fill such a position; but it required peculiar attainments, and he did not know that there was one in the colony. As to how they were going to dispose of this vote, they would dispose of it just in the same way as before. Until a resolution was passed by the House preventing legal members of it being paid fees, he should not

hesitate to employ legal members to draft Bills any more than any other legal work.

Mr. DOUGLAS said then he understood that the Government had abandoned the partially expressed intention of the Colonial Secretary to appoint a Solicitor-General, and reverted to the old system of paying fees for drafting Bills. With regard to the item for defending aborigines, he wished to know from the Attorney-General whether any arrangement had been made for defending other criminals who had not the means of defending themselves? He referred more particularly to the case of the Cunnamulla bush-ranger. He felt strongly that it was a discredit to our jurisprudence that that man was not defended. He understood the excuse given was that there were no rules of court which enabled counsel to be appointed on that occasion. Perhaps the Attorney-General would state whether such was the case now, or whether any alteration had been made in consequence of the comments made at that time as to the fact of the man not being defended?

The ATTORNEY-GENERAL asked whether the hon. member meant seriously to suggest that they should pay fees to counsel to defend white prisoners?

Mr. DOUGLAS: No.

The ATTORNEY-GENERAL said the practice in the old country and all the colonies was, that when the judge thought it necessary that a prisoner should be defended he requested some counsel present in court to undertake that duty, and he (the Attorney-General) never knew a case where counsel refused. Why that was not done in the case referred to he did not know, as he had nothing to do with it.

Mr. SWANWICK said he could state why the course mentioned was not adopted in the case of the man Wells. He (Mr. Swanwick) was in court at the time the prisoner was arraigned, and he at once pleaded guilty. His Honour the Chief Justice then explained to him what he rendered himself liable to by his plea; and he (Mr. Swanwick) remained in court, and would have been very glad to have defended the prisoner if called upon to do so. But in his opinion the prisoner was well defended by the learned Chief Justice, than whom a fairer man could not exist. He did not think any barrister in the colony could have done more for the prisoner than the learned Chief Justice. Generally speaking, judges took good care that full justice was done to prisoners, and in this instance that was undoubtedly the case.

Mr. DOUGLAS said he felt it necessary to refer to the case, because many people looked upon it as a blot upon their system of legal administration that a man should be arraigned and tried for his life and left undefended. He thought that under such circumstances, no matter how degraded a criminal might be, the best that could be said for him should be said. It was chiefly on that account that so much influence was used in order to secure the pardon of the criminal referred to, and he hoped such a case would never occur again.

Question put and passed.

On the motion of the PREMIER, the House resumed, and, the Chairman having reported progress, the Committee obtained leave to sit again to-morrow.

In reply to Mr. GRIFFITH, the PREMIER said the business to be proceeded with to-morrow would be probably the Estimates.

The House adjourned at a-quarter to 11 o'clock.