Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 18 NOVEMBER 1880

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LEGISLATIVE ASSEMBLY.

Thursday, 18 *November*, 1880.

Formal Motion.—Question.—Gympie Goldfield.—Motion for Adjournment.—Question.—Prospecting for Gold—Report of the Committee.—Toowoomba Church Lands Bill—committee.—Crown Solicitor's Office.—Toowoomba Church Lands Bill—third reading.—Crown Solicitor's Office—resumption of Debate.

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

FORMAL MOTION.

On the motion of the Hon. J. DOUGLAS, it was ordered that there be laid upon the table of the House a return showing the average cost of railway lines in the Northern, Central, and Southern districts, which were either completed or in progress during the years 1872 to 1878 inclusive; such return to include everything except survey, lands, and rolling-stock, together with the total cost of the Central line from Westwood to the Comet, and from Dalby to Roma, exclusive of survey, land, and rolling-stock.

QUESTION.

Mr. BEATTIE, pursuant to notice, asked the Colonial Treasurer—

1. If it is illegal for the Shipping Master or Police Magistrate to ship Kanakas or Australian Natives for more than twelve months?—If not, how is it they refuse to do so?

2. If it is necessary to put a 2s. 6d. stamp, in addition to the 2s. shipping fee, on all other engagements?

The PREMIER (Mr. McIlwraith) replied—

1. I do not know whether it is illegal, but I know it is customary.

2. It is necessary to put on a 2s. 6d. stamp in addition to the 2s. shipping fee on all other engagements.

GYMPIE GOLDFIELD.

Mr. HAMILTON, in moving—

That, in the opinion of the House, it is desirable that no area of land held as a Gold-mining Lease on the Gympie Goldfield should exceed ten acres.

That such resolution should not apply to any Leases at present in force—

said that the richest portion of Gympie was comprised within an area of two or three square miles, and for that reason it was considered that the present areas of twenty-five acres were too large, and it had been almost the unanimous desire of the inhabitants that such large areas should not be granted. The development of the field had been retarded through such large lots of land being locked up, and it was the desire of the residents that the extent should be limited. Large leases such as twenty-five acres might not be objectionable on many of the northern fields, on account of their unlimited extent of auriferous country; but in a field like Gympie it was prejudicial to its interests that such large blocks should be allowed. A large extent of ground under lease was given as an inducement to work ground which would otherwise remain unworked. There were many payable claims on Gympie which originally consisted of one or two acres; they then tacked on another twenty-two or twenty-three acres, but did not attempt to develop the resources of the additional ground they became possessed of, and the quantity of men necessary to work the original claim sufficed to enable the owners to comply with the labour conditions necessary to keep possession of the whole lease. In the ground thus monopolised and lying dormant there were frequently good reefs which, under other circumstances, would be developed. The only way to prevent this was to restrict the area allowed, and for that purpose he proposed the resolution standing in his name.

The MINISTER FOR WORKS (Mr. Macrossan) said the hon. member for Gympie was quite right in stating that the amount of auriferous ground at Gympie was very limited in extent, and probably the same area that was given in a lease should not be given there that was given on other goldfields where the extent of auriferous country was much larger. But the hon. member must remember that there was an Act under which they were bound, and he did not think that any resolution of that House could override an Act of Parliament. The Goldfields Act of 1874 distinctly said that a gold-mining lease shall be twenty-five acres, and he did not think that any Minister for Mines had any power to refuse to grant that quantity of land, simply on the ground of the small extent of auriferous country in the district. He could not comply with the resolution unless an Act was passed for the purpose. As he had already said, although he agreed with the hon. member that the extent of auriferous ground at Gympie was limited, he had no power to reduce the acreage of leases.

Mr. HAMILTON said he was perfectly well aware that a resolution of the House had not the authority of an Act of Parliament, but at the same time he felt certain that the Minister for Mines would attach sufficient weight to a resolution as not to go against the opinion of the House. Possibly, if the warden recommended a lease of twenty-five acres, the Minister for Mines would under ordinary circumstances feel bound to grant it; but if the warden were acquainted that Parliament had expressed an opinion adverse to granting any area of land exceeding ten acres he would not, in the face of such an opinion, make such a recommendation. He had intended to bring in a Bill this session on the subject restricting the area, but on corresponding with Gympie he had received such varied opinions as to the maximum limit which should be allowed—all, however, agreeing that no larger extent should be allowed than ten acres, although some preferred that the extent should be limited to five acres—that he thought it better in the meantime to temporarily restrict the limit to ten acres until he could visit Gympie after the session was over and ascertain for himself the precise amount which the majority thought the interests of the field required that leases should be limited to, and he would be thus guided in fixing a limit which would give satisfaction.

Question put and passed.

MOTION FOR ADJOURNMENT.

Mr. MOREHEAD said he rose to move the adjournment of the House, and he did so for the purpose of calling attention to the reporting in *Hansard*. He believed it was the first time he had ever called attention to the fact that the reporting in *Hansard* was most wretched, and he regretted having to do so now. Last night he made certain remarks with reference to the hon. member for Moreton which he desired to have reported in *Hansard*—in fact, he was particularly anxious that they should be reported—but those remarks were every one of them suppressed. He should like to know what right the senior reporter had to curtail or interfere with what was said by any hon. member, and more especially to omit reports when direct charges were made by one hon. member against another. There was not a single word of what he said last evening against the hon. member for Moreton recorded in *Hansard*. It was useless for him in such a case to go to Mr. Senior and make a complaint, as no doubt he would say that the reporter was not up to his work, or that he had put on one of his learners, and that would be all the satisfaction he would receive. But it was hardly right, when a distinct charge was made against an ex-Minister of the Crown, that all mention of that charge should be omitted from *Hansard* altogether. He regretted that he had to make this complaint, but he had been sitting silent for months under misreporting, and had refrained from calling attention to it; but when they found that garbled reports of what was said in the House were put into *Hansard*, it was time for hon. members to speak out. He believed there was some roguery going on in the reporters' gallery, and if it was the fact that any undue influence was used with the reporters let it at once be made known. He was rather inclined to think that such was the case last night. The reporter who reported him might say that what he stated in regard to the hon. member for Moreton was not a nice thing to say, and that therefore he had struck it out; but that was his (Mr. Morehead's) affair. There was no doubt that the printed words should have been in *Hansard*, as it was not the reporter's business to say what should and what should not appear. He had noticed that during the present session there had been a wretched combination of errors that was not observable in *Hansard* for some time previously, and he had considered it was his duty to move the adjournment to call attention to the omission of the words he had used in respect to the hon. member for Moreton. If possible he should like the short-hand notes that were taken of his speech published. He should like to know by what right Mr. Senior cut down what hon. members said; it was that gentleman's business to report as nearly as possible *verbatim* what hon. members said. Last night he did not do that, and on several other occasions lately that had not been done. If it was within the province of an hon. member to move such a thing he should like to have the Shorthand Writer called to the bar of the House and asked his reason for not reporting *verbatim* what he (Mr. Morehead) said last night. It seemed to him that there were wheels within wheels in connection with the reporting that hon. members were not aware of, and he believed, as he had already said, that there was some roguery going on in the reporters' gallery, which he was only sorry was not discovered earlier in the session.

Mr. DOUGLAS said that if the hon. member had good grounds for complaining of the way in which he was reported he was quite justified, no doubt, in calling attention to it. There were times when hon. members had reason to complain of bad reporting, perhaps, but he regretted to hear the too sweeping terms in which the hon. member based his criticism of the *Hansard* reporting. He did not think it was necessary, and he thought it was rather cruel to a set of gentlemen who, even admitting that they occasionally made mistakes, did wonders. He did not think there was any place in the world, not even the House of Commons, where such ample reports were given of the debates as were given in the *Hansard* of this colony. He understood that the reports they had been recently having in *Hansard* would cover six pages of the London *Times*, and hon. members would thus see that if their speeches were fully reported it would be necessary to still further extend that publication. Considering all the difficulties that had to be encountered, and the smallness of the reporting staff, it was really a great wonder that twelve pages of *Hansard* should come out early in the morning after hon. members had been sitting till 12 o'clock at night. He regretted that the hon. member should have used such strong terms, as he thought that, on the whole, the *Hansard* reports were really a wonderful achievement for

such a small staff. It was also unfortunate for the House that the hon. member should have said anything to lead to the supposition that the reporters were what was called "squared."

An HONOURABLE MEMBER: You said the same thing yourself.

Mr. DOUGLAS said he had always been sorry that what was a mere jocular remark of his should have had the effect it had on that occasion, and he could not say more. He certainly expressed his regret to Mr. Senior at the time, and expressed a hope that he would have an opportunity of meeting the gentleman in question and expressing his regret that his remarks should have had the effect of causing him pain. He was justified in saying that the remarks of the hon. member for the Mitchell were scarcely justified, and would have the effect of disheartening men who really had done the best they could do for the House, considering the difficulties under which they laboured and the vast amount of work they brought out every day. He did not object to notice being taken of errors, but he did object to its being in the very extravagant terms used by the hon. member for the Mitchell.

Mr. HORWITZ said he would take advantage of the motion for adjournment to call attention to the management of the Railway Department. Some time ago his firm got up 15 tons of salt, and when it arrived in Warwick they found only 13¾ tons had come. They deducted the freight on 1¼ tons, but the Commissioner for Railways declined to make any reduction, as he considered that he had delivered the salt as he had received it. He then called on the Commissioner to arrange about the reduction, and he declined to make any. He told the Commissioner that as the Railway Department was only in the position of a carrier they must deliver what they signed for, but he referred him to the Minister. Mr. Herbert was called in at an interview he (Mr. Horwitz) had with the Minister, and still held that he was not liable, and said that he was quite willing to have the matter settled in a court of law. He (Mr. Horwitz) did not care to go to law with the Government, but if it was Mr. Herbert himself he certainly would have done so. Mr. Herbert then stated in the presence of the Minister that with regard to all sugar and salt in future he would give an instruction that the weights should be taken at the railway station. Instead of giving that instruction as promised, he instructed that the freight on all salt belonging to his (Mr. Horwitz's) firm must be paid at the Brisbane Railway Station, and that no delivery of salt should be taken. He was at a loss to know how freight on salt could be paid before delivery was taken by the Commissioner. This was not the only complaint his firm had had, and there were complaints made by other firms in Brisbane. Cotton and Irving, of Warwick, had a plant of heavy machinery on which the freight, according to schedule, should have been 70s. instead of 105s. which was demanded. The extra sum was paid under protest. The same firm had written for refundment, but the Commissioner had declined to allow it. Mr. Macansh, of Canning Downs, had 200 hurdles sent from Toowoomba, of which fifteen were broken;—that led to a long correspondence, and although he (Mr. Horwitz) considered the Commissioner was responsible, he declined to make good the loss. Mr. Donald Gunn, of Pikedale, had also a complaint, but the Commissioner refused to make any settlement. Private parties could not carry on their business in the same way as Mr. Herbert did. If that gentleman was unable to manage the railways better, the sooner the Government got someone else to do so the better for the colony.

Mr. O'SULLIVAN said that as the adjournment of the House had been moved he would carry the joke a little further. He wished to call the attention of the House to the fact that last night he saw a petition, addressed to the Speaker, in the hands of a member of the Upper House. It would appear as though someone had stolen the petition, although he would not like to make a charge to that effect. He was under the impression that the hon. member for Rosewood had some hand in it, as the petition was signed by over 100 people residing in the hon. member's electorate; but the hon. member had denied any knowledge of it. The petition was made the instrument to throw out the Esk railway. Mr. Mein, of the Upper House, got hold of the petition, showed it privately to other members, and made the greatest possible use of it. After having made members thoroughly acquainted with the contents of the petition, and turned them against the proposed railway, he acknowledged that the petition was not formally before them. A meaner thing than that no man could do. He should like to know whether the petition was to be presented to the House. Mr. Mein had shown it to him and then put it in his pocket. They ought to know something about the petition, as it might be that the signatures to it were forgeries. If legislation was to be carried on in that way in the Upper House it was time this House took notice of it; they could very well do without an Upper House if business was to be conducted in that way. The members of the Upper House spoke with regard to the proposed railway as though they knew nothing about it. If they were taken out three or four miles into the bush at Mount Esk, and turned round three or four times, he was confident that they would be lost, and would be starved with hunger. He was not inclined to submit to such action on the part of the Upper House; their action with regard to the petition was simply disgraceful.

Mr. MESTON said he was astonished when the hon. member spoke to him about the petition, as he had not heard anything about it. Had the petition been handed to him he would have presented it to the House in the usual way.

Mr. KELLETT said he was glad attention had been called to the matter. The proceeding was one of the most extraordinary he had ever heard of. There was not the slightest doubt that the document was stolen, but the difficulty was to get at the thief. The receiver of it could be got at: they knew the man—it was Mr. Mein. That gentleman made use of it in the Upper House; as a lawyer he knew that he could not present it to the House, but he took good care to let the members know its contents. He believed that Mr. Mein first of all showed the petition to all the members with the exception of two—the Postmaster-General and another member; he represented that it was the unanimous decision of the people of the district that the route proposed was not the proper one. The hon. gentleman "got at" the members of the House, and the weak-minded Postmaster-General believed that he had such a bad case that he withdrew the motion. He had never heard of such action on the part of a man put in that House as leader for the Government. The motion was withdrawn, he might safely say, without the sanction of any other member of the Ministry. He was very sorry to think that the Postmaster-General allowed himself to be led away by that astute lawyer, Mr. Mein. He gave the Postmaster-General the credit of having more sense, but now it was evident that he was not fit to be the leader in the Upper House, or fit for any position of the kind. When he heard that the

motion had been withdrawn, he asked the Minister for Works if he knew anything about it, and he never saw a man look more astonished. The look of astonishment depicted on the Minister's face convinced him that the hon. gentleman knew nothing about it. He was present when the Minister for Works and the Postmaster-General had a conversation on the subject. The Minister asked the Postmaster-General what he meant by withdrawing the motion, and the latter replied that he knew that it would not be supported and therefore he withdrew it. The Postmaster-General was then told that the proceeding was an improper one, that he ought to have allowed the question to go to a division; whereupon he said that he had the management of business in the Upper House, and would not be talked to by anyone as to how it was to be done. Very hot words followed that. He was very glad to think that the Postmaster-General would occupy the position of leader of the Upper House for only a short time longer. He hoped that the hon. gentleman would get into some other sphere of life more suited to him. He could not conceive a more disgraceful proceeding than that taken by the hon. gentleman in withdrawing the motion. He did not know whether the hon. gentleman had been "got at" by Mr. Mein, or whether they made it up between them. If it had so happened that he was not in the House last night, and heard what was going on, he would have come to the conclusion that the Minister for Works had sold him with regard to the railway. He did not know whether the Postmaster-General was getting imbecile, but it was certain that he was totally unfitted for his position. He hoped that the hon. gentleman would be able to better fill his next position, but he pitied the position of trust which the hon. gentleman was going to after that.

The PREMIER (Mr. McIlwraith) said that the hon. member (Mr. Kellett) had spoken about the Postmaster-General evidently in utter ignorance of the character of that gentleman. He was sure that no man who knew the Postmaster-General would speak of him as being at all weak-minded or of his having been "got at," or of his having been influenced or cajoled by the leader of the Opposition there. The hon. gentleman had all through enjoyed the confidence of Ministry; he did so still, and it was a matter of deep regret to him to think that they would soon be forced to do without his services. He knew that the retirement of the hon. gentleman from his position would be a great loss to the the Ministry. He wished now to express his heartfelt gratitude to the hon. gentleman for the good work he had done in connection with the Ministry. He was one of the strongest supports of the Ministry, there was no one in whom they had greater confidence, and no one had done his work so well or so manfully. The hon. member (Mr. Kellett) had spoken under great mistake. He declined to discuss the propriety or otherwise of certain action taken in the Upper House by the hon. gentleman, but he had inquired into the circumstances connected with it, and the more he inquired the more was he satisfied that the Postmaster-General acted with discretion and to the interest of the Government in an endeavour to push forward the business. Had he been in the hon. gentleman's place he would have acted in the same way under the circumstances.

Mr. O'SULLIVAN: What about the petition?

The PREMIER said he had heard nothing about it until it was referred to by the hon. member.

Mr. MILES said he was glad that the Premier had spoken out in defence of the Postmaster-General, as he was quite sure that the hon. gentleman was entirely unblamable for the action he took on the previous night. The petition had nothing to do with the result of the motion in the Upper House, as it was known that only the Postmaster-General and Mr. Ivory were in favour of it. The petition was only a bogus one. He knew for a fact that, had it not been for the action of the Postmaster-General, the House would have been counted out. The hon. gentleman did his best to carry the motion, but he withdrew it on finding that he would be supported by one member only.

Mr. KELLETT: We know better than that.

Mr. PERSSE said he regretted extremely that the motion should have been withdrawn without a division being taken on it, as, if a division were taken the people would have known the members of the Assembly and the Council who were in favour of branch lines. He had maintained all through that the present Government had been more enthusiastic with regard to branch lines than the Opposition, and the proof of the pudding was in the eating. They had passed the Fassifern line, and it would have been a great advantage to the farming interest in the locality if the Mount Esk line had also been passed. He knew that the Minister for Works was anxious that that line should be constructed, but the hon. members for Stanley gave him little credit for what he did. He did not believe for a moment that it was the fault of the Postmaster-General that the motion was lost. It would have been waste of time for him to have proceeded with it, when he knew that it would be supported by one member only.

Mr. KELLETT: No.

Mr. PERSSE said the proof of that was in the fact that the members of the House, with one exception, walked out. That did not look as though the Postmaster-General had more than one follower. Mr. Ivory and Mr. Foote might have supported the line, but it was evident that there would have been no more to support it. He most emphatically refuted the charge of incapacity made against the Postmaster-General. A more energetic or a better Postmaster-General, or one who had done more for the welfare of the colony, they had never had. The hon. gentleman had always been willing to assist hon. members like himself in drafting Bills, to give them information which they desired, and to listen to any suggestions which they had to make relating to affairs connected with his department. He had done more for them than any other Minister—from the Premier down.

Mr. O'SULLIVAN: We were only condemning his conduct last night.

Mr. PERSSE said that the junior member for Stanley had said that the hon. gentleman was not fit for the position of a leader. His opinion was that the Postmaster-General was the best leader they had ever had in the Upper House, and he regretted that the hon. gentleman was about to leave the Ministry. Mr. Mein had, no doubt, been a good leader of the Upper House, but Mr. Buzacott was as good a man as they were ever likely to have for the position. The junior member for Stanley no doubt felt warmly, and so did he (Mr. Persse), at the loss of the Esk line. He regretted that it was not agreed to, for the reason that it would be a benefit to the district; and the fact of its being passed would have been an evidence that the Ministry were sincere, and wished to carry out branch lines as they stated they would do when they proposed the £3,000,000 loan last year.

Mr. DICKSON said he thought it was only due to Mr. Mein, who was a former colleague of his,

that a denial should be given to the statements of the hon. member (Mr. Kellett). The hon. gentleman had been referred to as a thief; it was said that he stole a petition which he presented to the Upper House.

Mr. KELLETT: I did not say so. I said he was the receiver.

Mr. DICKSON said the hon. member knew that the receiver was as bad as the thief. He was sure that all the members of the House would say that Mr. Mein would be about the last man to commit any such disgraceful action. He would state some circumstances connected with the petition which would put an entirely altered complexion on the whole affair. A man who had charge of the petition called on him in Queen street and showed it to him. The petition was addressed to the Speaker of the Assembly, and in reply to him he told the man who had it that it could not be presented to the Upper House in its then form, and that the only thing for him to do was to get a duplicate petition addressed to the Upper House. The man said that there would not be time to do that, and he asked him (Mr. Dickson) whether he would present it to the Assembly. He advised the man to call on the member for the district (Mr. Meston), and, failing to see him, to call on the hon. member for Ipswich (Mr. Thompson). To his mind it was evident that the man failed to see either of the hon. members named, and then called on some members of the Upper House and asked that the purport of the petition should be made known. He had no actual knowledge of what became of the petition after he had the conversation with the man who had it in his possession, but he thought he had shown enough to convince hon. members that the attack made on Mr. Mein was as ungenerous as it was ill-founded.

Mr. MOREHEAD said he would bring the House back to the subject on which he had moved the adjournment of the House. The hon. member for Maryborough had been kind enough to say that he used exaggerated language in speaking of what he considered the *laches* of the reporting staff. He was certain that the hon. member was perfectly correct in one statement he made—that was, that some speeches were very well reported. The hon. member's speeches were very well reported, but there was a bond of union between the hon. member and the *Hansard* staff which did not exist between himself and the staff.

Mr. DOUGLAS: None whatever.

Mr. MOREHEAD said the hon. member was what was known as a "pressman." On the previous day he stated in the witness-box that he had been a contributor to the *Courier*, although he denied it in the House previously. He (Mr. Morehead) knew that there was a bond of union between pressmen, and it was in consequence of that, probably, that the hon. member was reported better than other hon. members. Probably the hon. member only read his own speeches, and therefore came to the conclusion that the reporting was very good. He was not at all sure that the hon. member did not revise his speeches before the first copy of *Hansard* was sent out. He knew that some hon. members did it. The hon. gentleman's connection with the Press was, no doubt, honorary and peculiarly satisfactory to him. He (Mr. Morehead) had not been asked to write anything for a newspaper, beyond an advertisement, which he had to pay for; whilst the hon. member got in the inside sheets, and was paid for what he did. The hon. member had insinuated that the attack he had made on *Hansard* was a gross one. But what had been the hon. member's attack on it? Did he (Mr. Morehead) ever deprive a man of his bread by attacking him?

Mr. DOUGLAS: I never did.

Mr. MOREHEAD would prove that the hon. member did, by dealing with the "jocular remarks" of the hon member. In a speech made on the 8th July, the hon. member said—

"He had every confidence in the head of the *Hansard* staff, but he declared that suspicions entered his mind that hon. members might be 'got at' even in the reporters' gallery."

Was there anything jocular about that?

"The London office was now almost in the possession of the McIlwraith family, and he was informed that there was one of the family or clan in the gallery. He should not feel confidence in any department of the Government if this sort of extension of family influence was to prevail."

There was an immense amount of jocularity there, no doubt, but he failed to see the fun of it. What he said was that he believed, or that it appeared, that the *Hansard* staff had been "squared;" but he made no accusation against any individual member of the staff. The hon. member did, and succeeded in driving from the gallery a man who was making an honest livelihood—a man who was an honest worker and an honest man. That was the result of the hon. member's jocularity, but it was not likely that his (Mr. Morehead's) attack would have such a result. He would advise the hon. member not to be jocular in future, as he might injure someone through his putting his jokes in such a way that they were not understood as jokes. That was the man who got up and lectured hon. members because they dared to say one word about being misreported. Misreporting was a very trivial offence, but suppression was a serious charge to bring against the staff, and that was the charge which he had brought against them. Any reporter was liable to misunderstand what a speaker said, but no honest reporter, no reporting honestly managed, could suppress what had been said in the House. Hon. members did not want to have their remarks culled by the reporting staff. The leader of the staff was not to be their *censor morum*. Let him hold up members in their nakedness if it was necessary. It was not for him to say that such and such portions of a member's speech should appear and other portions be omitted. He had seen plenty of hon. members in this House painted with their warts, and he thought it was right that they should be. It was not the duty of the leader of the *Hansard* staff to cut out what he in his wisdom might consider improper, irrelevant, or calculated to bring discredit upon the member speaking, or hold him up to opprobrium. In this morning's report it was palpable that there had been a *suppressio veri*. Words that had been used, and used intentionally, had been carefully excised from the speeches of hon. members—or from his own, at anyrate. As a rule, he did not read his proofs, but on this occasion he had done so, because he wanted particularly to see whether the remarks he had made had been reported; and finding they had not he called attention to the matter. He thought that when members made objections of this sort the notes of the reporters should be searched, and a proper and a truthful report issued in place of the garbled one. The *Hansard* reporters, no doubt, had some show of right to curtail the speeches of members, but they had no right to cut out what they chose as they had done yesterday and heretofore, and would do in future unless strong steps were taken to prevent them. He would point out that the terms which he had used could not be said to be exaggerated, and he would repeat that, whatever he had done, he had never yet by any word of his deprived an honest

man of his bread as the hon. member for Maryborough had done.

Mr. REA said the hon. member had talked about *Hansard* being squared, but he could show that the reporters had omitted a portion of his speech last night. He had stated that the Ministry were like Kelly, who, when he was in the dock, regarded himself as the only innocent person and the policemen as the culprits. That was left out, showing that the cutting down had been done equally in the speeches of members on both sides of the House.

Mr. BEATTIE said the hon. member for Warwick had made a serious charge against the Commissioner for Railways, and he (Mr. Beattie) had expected that some reply would have been made to it. He could hardly think that Mr. Herbert would make fish of one and flesh of another, as it would appear from the statement of the hon. member that he had done. The hon. member complained that because he had asked for a refund on some salt the department had since demanded freight in advance before they received his goods. It was usual, it appeared, to carry salt at eleven bags to the ton, but the hon. member had made an arrangement by which his salt was to be carried according to actual weight, and as it came to hand under weight he claimed a refund. He could not believe that Mr. Herbert could be in the habit of making a down upon any business man in a case like that.

Mr. HAMILTON said he thought attacking *Hansard* was a very one-sided fight, and if its chief were allowed to come down into the House and give his version of the matter things would bear a very different aspect. He was not quite sure whether the chief of the *Hansard* staff had a discretionary power to suppress offensive expressions unconnected with politics, but he thought he had. He had heard persons in that House express themselves in a manner that would have discredited themselves and also the House had their words appeared as uttered; and he thought Mr. Senior deserved the thanks of the House as well as of the individuals who made these utterances for exercising a wise discretion as to the publication. There were occasions when members could not expect to be fully reported. Last night, for instance, the House sat until after 12 o'clock. In such cases the speeches of some members had to be cut down, and no member who was aware of the work which had to be done to get the *Hansard* ready for publication in the morning could possibly make any objection. It was the opinion of everyone who knew anything about the subject that the Queensland *Hansard* staff compared favourably, not only with any of the colonial reporting staffs, but also with any in the United Kingdom.

The MINISTER FOR WORKS, in reply to the hon. member for Fortitude Valley, said he was not aware that Mr. Herbert had been guilty of any favouritism. If any hon. member had any charges to make against the department, he should formulate them in such a way that they could be dealt with. He knew that there had been some dispute between the hon. member for Warwick and Mr. Herbert about salt. It was the usual practice to carry eleven bags as a ton, and in this case it appeared that when the salt reached Warwick there was not the nominal weight in the bags. It was simply a question of whether Mr. Herbert was right in charging as a ton of salt what was not actually a ton in weight.

Mr. HORWITZ, by permission of the House, said if eleven bags of salt were always to be carried as a ton the department would lose, because a ton could be put into six bags.

Question put and negatived.

QUESTION.

The HON. J. M. THOMPSON asked the Secretary for Public Lands—

Is there any Executive minute ordering the preparation or issue of the lease of the Canning Downs Run (under the Pastoral Leases Act of 1863) which expired on the 31st October, 1865?

The MINISTER FOR LANDS (Mr. Perkins) said he was not able to answer the question then, but he would make inquiries and furnish the answer to-morrow.

PROSPECTING FOR GOLD—REPORT OF THE COMMITTEE.

On the motion of Mr. HAMILTON, the report of the Committee, that £2,000 be granted for prospecting purposes for gold, was adopted.

TOOWOOMBA CHURCH LANDS BILL—COMMITTEE.

The House went into Committee to consider the Bill.

On the motion of Mr. GROOM, the Bill was amended in accordance with the recommendation of the select committee on the subject.

The CHAIRMAN reported the Bill to the House, and the third reading was made an Order of the Day for a later hour in the day.

CROWN SOLICITOR'S OFFICE.

Mr. NORTON, in moving—

That the report from the Select Committee appointed to inquire into the working of the Crown Solicitor's Office, laid on the table of the House on the 17th instant, be now adopted—

said he had received to-day the following letter from Mr. Little with respect to an alteration which it was too late to correct in the minutes of evidence:—

"Crown Solicitor's Office,
"18th November.

"DEAR SIR,

"On looking through the evidence annexed to the Report of the Select Committee on the working of this office, I find that at page 41, a few lines from the end, I am reported to have said, 'I was going to refer to Mr. Morehead's evidence and contradict it.' When the proof was sent to me I corrected this, altering the name Morehead to Morris Simpson, although I think it would strike anyone reading the evidence that the name Morehead must be an error, seeing I had referred to Mr. Morehead's evidence. I would like you, if you can, to have it altered, or draw attention to it. I suppose in the hurry to get the evidence printed they did not wait for the corrected proof. I regret having to give you this trouble, and remain,

"Dear Sir,
"Yours respectfully,
"ROBT. LITTLE.

"Albert Norton, Esq., M.L.A."

It would be remembered that when the House was in committee on the Estimates, during the debate on the salary of the Crown Solicitor, a number of serious charges were made against that individual. It seemed that it was a mistake ever to have made those charges. His own experience had been that when charges were made in that way they were apt to be made rather at random—those who made them did not really consider the full import of the words they used; and, although they did not doubt the correctness of what they said, they had not gone far enough into the details as to be able to say positively that the statements were correct. Those serious charges were made by the hon. member for Gregory (Mr. Hill) and the hon. member for Toowoomba (Mr. Davenport). He believed that he (Mr. Norton) was the first to take notice in the House of the seriousness of the charges made, and to express his opinion that some further inquiries should be made into them. Immediately after he sat down on that occasion the leader of

the Opposition also referred to the charges, and said it would be only fair that the hon. members who had made those charges should formulate them; and another hon. member suggested that they should be inquired into by a select committee. That was the origin of the committee being appointed; and although the committee was appointed to inquire into and report upon the "working of the Crown Solicitor's office," the investigation of those charges was the real inquiry, and the committee had dealt almost exclusively with them. He consented to sit on the committee somewhat reluctantly, and was appointed chairman of it—a position which he was not at first inclined to take. The notice for the committee was placed on the paper by the hon. member for Fassifern, but as there was some informality about it he (Mr. Norton) was requested two or three days afterwards by the hon. member for Gregory to give fresh notice for a committee, which he did at the request also of the hon. member for Fassifern. The committee had already been named, but his opinion at the time was that it was not quite such a committee as he himself should have selected. He did not complain of the gentlemen themselves; on the contrary, he thanked them for the interest they took in the matter and the help they had given him in carrying it out. His objection was that, out of the seven members of the committee, three had only sat in the House during the present Parliament, and therefore their experience of committee work was limited; and another objection was, that only three of the seven lived in town, rendering it sometimes difficult to form a quorum. However, he did not know that any other committee could have done their work better, and they carried it out to a successful issue as far as they could under the circumstances. He said "under the circumstances," advisedly, because the time was so short that it was impossible, except in a very small way, to inquire into the real working of the office. The committee was appointed on the 7th October, and it was then supposed that the House would close much sooner than would actually be the case. The consequence was that before going into the working of the office they had to inquire into the charges made against the Crown Solicitor. There were several matters to be inquired into. The first three were charges made against the Crown Solicitor; the fourth was a matter connected with the Customs Department; the fifth was a charge made, he thought, during the same debate on the Estimates; and the other two were minor matters —one referring to a charge of two guineas made by the Crown Solicitor for initialling powers of attorney and other documents, and the other with regard to a failure of justice at the circuit court held at Rockhampton some time ago. The two last matters were not dealt with specially, because they were not matters which concerned the honesty of the Crown Solicitor. It was not merely a matter of personal honour, but if the charges against the Crown Solicitor had been proved he would have been proved to be a rogue—such was the light in which he regarded it. It was therefore desirable, before inquiring into the working of the office, to investigate the charges that had been made; because had they been proved the committee would have had to send up a report advising the dismissal of the Crown Solicitor. That was the object he had in view in making the inquiry and in drawing up the report. As he had before said, it was a pity that the charges were ever made, although he had no doubt that those by whom they were made sincerely believed that the charges were correct. The first charge was that of having unnecessarily hindered the transfer of certain runs in order to obtain business for the firm of Little and Browne. That charge was absolutely contradicted, and it was not for the committee to decide which of the statements was correct, although, as a matter of course, one of them must be incorrect. The evidence that had been brought forward in support of the charge showed clearly that Mr. Hill believed his charge was a correct one, although he (Mr. Norton) could hardly tell what induced him to believe so; but the belief was evident from the way in which he made the statement, and from the fact that before the transfer was completed he had removed his business to Little and Browne. Mr. Hill was evidently of opinion that what he said was true. There was some slight discrepancy in Mr. Hill's account of the matter. Mr. Hill was also a little forgetful with regard to the case. Having given certain evidence on one day, he asked, on the next day the committee sat, to be allowed to correct a statement he had made. He gave Mr. Hill great credit for that—for coming forward, as a man of honour, to correct a mistake which he discovered he had made. Still it showed that Mr. Hill's mind was rather confused as to what really took place. The committee had had to take those matters into consideration in preparing their report. The report was not a complete one by any means. It merely placed one statement against another—the charges and the evidence in support of them against the evidence which had been brought against them. The committee did not go so far as to say that the statement had been disproved. The concluding paragraph of the report simply stated—

"Your committee are of opinion that none of the charges against the Crown Solicitor have been sustained."

That was exactly the condition of things at the present time. With regard to the charges made by Mr. Davenport, that hon. gentleman was not clear about the transactions that took place, and from the evidence he gave before the committee it was evident that there had been some mistake. He did not altogether blame the hon. member for coming to the conclusion that information which had been furnished to Messrs. Little and Browne had been made use of by them; for in affairs of that kind men were apt to come to conclusions rather hurriedly. If hon. gentlemen would read over the evidence they would see that Mr. Davenport and Mr. Simpson had not sufficient ground for making the charges which they did make. The evidence of the Attorney-General at the time (Mr. Griffith) was very distinct. He said that all the evidence that was used in those cases was either documentary evidence or the evidence of official witnesses and some other evidence which he had himself collected. With regard to the statement of Mr. Davenport that the Crown Solicitor had made use of confidential information which had been given to the firm of Little and Browne, the evidence given by Mr. Davenport and that given by Mr. Little and Mr. Browne appeared decidedly contradictory —although it was not altogether so, as would be seen from a careful examination of it. At the time when Mr. Davenport first came to the colony certain business was placed in the hands of Little and Browne by the firm of Slade and Spain, who were agents for Mr. Davenport. Little and Browne evidently considered that they were acting as agents for Slade and Spain, who were the confidential agents for Messrs. Davenport and Fisher. It seemed unreasonable that Mr. Davenport should regard himself as occupying the position that was generally occupied by a client who took business direct to a solicitor's firm. That was the way the mistake had occurred. If Mr. Davenport had been a regular client he would have gone direct to Messrs. Little and Browne with his business. The last case was that of the North-British Australasian Company, and

't, also, was connected with the transfer of land. He was asked to summon Mr. George Raff, the agent of the company, to give evidence. He understood that Mr. Raff was anxious to be examined, and he did not feel called upon to inquire what sort of evidence he was likely to give, for if a witness was anxious to give evidence there was never any difficulty in eliciting it from him. It happened that Mr. Davenport was ill at the time of Mr. Raff's examination, and unable to attend. Mr. Raff, who appeared to give his evidence in a very straightforward manner, said that he never knew of any irregularity in connection with the matter. It was plain that correspondence convicting the firm of any malpractices could not pass through the principal of the firm or their agent without the agent knowing something about it. That gentleman's evidence was so clear and distinct on the matter that he (Mr. Norton) could not help thinking that the hon. member who mentioned that as a charge had made some mistake in connection with it. The next case was that connected with the Customs—Curphey *versus* Hoffnung. This was not what the law called a criminal action, but was tried as a civil action, and Mr. Little himself explained in his evidence given in the first instance that an arrangement was made some years ago by which the firm of Little and Browne should undertake civil business for the Crown; he explained that this case came under that arrangement, and the hon. member for North Brisbane (Mr. Griffith) also gave it as his opinion that it would come under that arrangement. The fifth matter was in reference to the case of a man named Clarkson, which a select committee was appointed to inquire into last year. The hon. member stated that £300 was recommended to Mr. Clarkson for the loss of his property, but owing to the close of the session the vote was not carried. He (Mr. Norton) had referred to the debate on the subject, and he could not agree with the hon. member that that was the reason why the vote was not carried. He (Mr. Norton) voted against it himself because, after reading over the evidence very carefully, he did not think that Clarkson was entitled to the money, and if the case were brought forward again he should vote in the same way. It was shown by Mr. Browne's evidence, and also by the evidence taken in the case last year, that Little and Browne were acting for solicitors in Sydney, who instructed them to apply for certain certificates then in the Lands Title Office. The certificates were applied for by a clerk; they were given at once without demur, and sent to Sydney; and it was after they had been sent away that the Registrar-General wrote to Messrs. Little and Browne asking that the certificates might be returned. Of course it was not in their power to return them. They acted as agents in receiving the certificates and as agents they sent them to their principals, and it was not likely their principals would send them back again. Therefore, as far as he could see, he could not agree with the complaint against the Crown Solicitor of having acted wrongfully in the matter. Moreover, he would point out that in a case of this kind the action was taken not by the Crown Solicitor, but by the firm of Little and Browne, and he did not see, if any irregularity did take place, that the Crown Solicitor was in any way connected with it. The probability was that he knew nothing whatever about the certificates until after they had been sent away. He might say that he looked upon these charges in this way: that it was not merely the honour of the Crown Solicitor that was concerned, but it was a charge of personal dishonesty; and if that had ever been proved the committee would have had to bring up a report to the House recommending his dismissal. He had not expressed his feelings so fully as he had done now to the committee, but he believed that other members who acted on the committee would be inclined to agree with him on that point. He did not see any other conclusion that could be arrived at. With regard to the other minor matters, the report, he thought, fully expressed the feeling of the committee. He had now to refer to the 6th subsection of the 3rd paragraph, which related to the conduct of the office itself. It must be remembered that this committee was appointed consequent upon certain charges made against the Crown Solicitor—against his personal honesty; and he thought, considering the shortness of the time the committee had before them, the House could hardly expect them to inquire very fully into the working of the office itself. It might be said that at anyrate the committee could have taken evidence with regard to the present cost of the office. They might have done so, but they could not make time. As it was they sat every day that was available, meeting at 11 o'clock in the morning and sitting almost until 1. There was one matter he had forgotten to mention with regard to Mr. Davenport's evidence—that gentleman told the committee he would be able to produce certain papers to prove his case. Before he gave evidence at all, when he was going up to the Downs, he spoke to him (Mr. Norton) on the matter, and said he would take the opportunity of looking over his papers and bring down what were necessary. Mr. Davenport was taken ill and could not come down for some time, and when he was examined he stated that he thought he would be able to get the papers before the proceedings of the committee closed. However, they had not been produced, he (Mr. Norton) supposed because Mr. Davenport had not an opportunity of getting them. He (Mr. Norton) referred to this matter because had those papers been produced it might possibly have led to some alteration in the report. With regard to the change in the system that was proposed at the time that the discussion took place in the House when the charges were made—to make the office of Crown Solicitor one without private practice, and that the Crown Solicitor should do all the work for the Government whether civil or criminal—he (Mr. Norton) stated at that time that his own feeling was in favour of that arrangement. He was still of opinion that an arrangement of that kind would be desirable, but the committee in the report only expressed this much:—

"In the event of the gentleman who now holds the office ceasing to occupy that position, the question will assume greater importance."

The evidence taken on that point was that of the present Attorney-General, and the late Attorney-General (Mr. Griffith), who were decidedly against any change at present, and he thought the committee were bound to consider the opinions so positively expressed by gentlemen holding that position—

"Your Committee therefore recommend that your Honourable House take steps to procure such further evidence as is required before a sound conclusion can be arrived at."

It would be seen from that sentence that the committee did not recognise this as the completion of the labours they would have had to undertake if they had more time at their disposal. They had not that time, and if they had had it, as far as he was aware, they could not have got the whole of the evidence necessary here. Evidence would have had to be taken, he thought, as to how the office in other colonies was worked. In New South Wales he believed there was a Crown Solicitor appointed to do the

whole of the Government work; and when the hon. member for North Brisbane (Mr. Griffith) was questioned on the subject, he said he had no personal knowledge of how it worked, but he had been led to believe it worked unsatisfactorily. Under the circumstances, he thought that if every member of the committee had been strongly of opinion that a change of that kind was necessary they would not have been justified —with the insufficient evidence they had before them which they must be guided by—in embodying their own personal feelings in the report and recommending that a change should be made. Therefore, he drew up the report with the idea that an expression of opinion should be made on the part of the committee that it was desirable to take further evidence. Almost the whole of the report was assented to without any proposed change whatever. The only alterations made were made in subsection 6 of the third paragraph. The original report said "and any change at present is discouraged," and the words were added, "by the Attorney-General and Mr. Griffith," but as the report referred to the evidence of those gentlemen he considered the addition a mere verbal amendment. The other alteration was at the end of the paragraph. As the report stood originally the concluding paragraph of this subsection read :—

"The 'dual position' complained of is not unknown in general practice, and may be overcome without great difficulty."

When Mr. Griffith was questioned on the subject he said of course he considered a dual position was undesirable, but he put it in this way : If two banks had the same solicitor, and they fell out, then the solicitor was called upon to decide which he should act for. It appeared to him (Mr. Norton) that that was exactly the same position as the Crown Solicitor might be placed in if the Government and one of the private clients of the firm disagreed. With regard to the charges, if there were any truth in them at all, they proved, not that the Crown Solicitor had in any way failed in his duty, but that if any wrong had been done it had been done to private individuals. He had heard that there was a desire on the part of some hon. members to criticise that report. He had not the slightest hesitation in placing any matter in which he was concerned before the House to be criticised as much as hon. members pleased. He regarded himself as responsible for the report as though he had drawn up the whole of it; and he believed it was fully borne out by the evidence. The references were very full, and he hoped no matter had been neglected. He moved that the report be adopted.

Mr. LUMLEY HILL said he would move, as an amendment, that the report be rejected. He took that course upon the following grounds : That the report was not in accordance with the evidence; that it was in itself contradictory; and that it was insufficient. He objected to the report upon the further ground that the committee, although they had worked hard and honestly in the time at their disposal, had totally mistaken the object for which they were appointed. The select committee was appointed to inquire into and report upon the working of the Crown Solicitor's office. That seemed to have been lost sight of in the investigation of charges which, according to the Chairman, had been somewhat inconsiderately, hastily, and intemperately launched at Mr. Little in that House. As he was the first to make what the Chairman had been pleased to call a charge——

Mr. NORTON : Don't you call it a charge?

Mr. LUMLEY HILL said he called it a statement of his opinion founded upon his own knowledge and experience, which had the effect of making him change his solicitor some seven years ago. He had certainly succeeded in establishing that fact. The only confusion in his mind when he appeared before the committee was in reference to two or three powers-of-attorney which he had at the time. He told the committee he was not quite sure about that fact, and that he could ascertain what was required by referring to papers, which he did on the following day. But that was quite immaterial to the main fact of the impression produced on his mind by the action which caused him to transfer his business from the Hon. Daniel Foley Roberts to Messrs. Little and Browne. That took place in March or April, 1873. He could see no reason for what took place except the reason stated by the Hon. Mr. Roberts, which he again repeated. Mr. Roberts told him that the Crown Solicitor would put obstacles in his way to get business for himself. He repeated that statement, although it had been denied. It was impossible for him to have imagined, invented, or dreamt of such a thing. He made the statement to the hon. member for Mitchell seven years ago; he had repeated it the other night; and he would again repeat it. The letter which appeared in the *Telegraph* containing a denial of his statement was nothing else but a tissue of falsehoods. He would presently call the attention of the House to the way in which that letter was dragged out of the Hon. Mr. Roberts. He did not wish the House to think that he had taken action in this matter to gratify any revengeful feeling. He dismissed Mr. Little, as an individual, from his mind entirely. He had nothing whatever to do with him. This paltry grievance of his of seven years ago, with the temporary inconvenience, and the question of the expenditure of a couple of guineas or so which it involved, he had dismissed from his mind long ago. He owed Mr. Little no grudge on that account. He had brought this matter forward in the interest of the public. In his opinion it was to the interest of the public that these things should be known; and it was with great hesitation and reluctance that he brought his private business before the House or the committee. He would have preferred to see outside evidence brought forward. He might say that he had had a great deal to do with the nomination of the committee, and it had proved a very difficult committee to select. He wished to keep clear of the legal and of the town element, and he wished to keep clear of Mr. Little's enemies—of those people who had a grudge or grievance against him. He believed the committee had done their duty to the best of their ability; but he was far from satisfied with the report which had been presented. The House had had a very small opportunity of considering the report and looking into the evidence attached to it. He maintained that this matter should not be hurried and jostled. It concerned almost the fountain-head of justice in that colony. The office of the Crown Solicitor should be above every kind of suspicion. There should be no conflicting or dual interests in the office, and he could not see that the committee had considered that point. With regard to the 6th subsection, Mr. Griffith and the Attorney-General concurred that the present arrangement worked economically. They had had nothing as to the economy of the arrangement before them. From a return laid on the table a short time since, it appeared that the Crown Solicitor had been drawing £1,200 a-year on the average from the Crown during the past three years, besides what might be called pickings in the shape of an occasional two guineas from private individuals, of which no account whatever had been rendered. He had hoped that

the committee would furnish some information upon that point. The report said that the public interests were not in any way prejudiced by the arrangement. The hon. member for Port Curtis laid great stress upon this point, and said that if anyone had suffered it was not the public, not the Crown, but private individuals. Of what did the public consist but private individuals? Were not their interests to be a care of the State, of that House, and of Civil servants who had to administer the law? Decidedly, private and individual interests should be consulted as fully as the public interest. The only paragraph in the report which met with his approval was the following:—

"Your committee therefore recommend that your Honourable House take steps to procure such further evidence as is required before a sound conclusion can be arrived at. The inquiry has been necessarily hurried, in consequence of the close of the session, and was confined more to the charges made against the Crown Solicitor than into the working and cost of the office."

The fifth paragraph said—

"Reference has further been made to an alleged failure of justice at a recent sitting of the Circuit Court at Rockhampton. So far as your committee have inquired into this case, they find that it was the first occasion (591) on which Mr. Justice Harding took his seat in a Criminal Court: that the Attorney-General was not present (591): that the Crown Solicitor was exempted from personal attendance by the Attorney-General (737): that the chief clerk to the Crown Solicitor was not present (584), being ill in bed (585): and that the Crown Solicitor was represented by Mr. Cooling, a clerk in his office (586, 734), who has had ten years' experience (734), and has been employed on similar work, on circuit and in Brisbane, on other occasions."

This gentleman might have been ten years in a lawyer's office and yet not be a lawyer. He might be ten years in a stable and yet not be a horse. As he stated before the committee, he and Mr. Stevenson were at Rockhampton on the occasion of the assize in question. They sat in the court for some hours listening to the cases, and it appeared to them that the whole thing was a perfect farce. He had never seen such a miscarriage of justice in his life. He had already referred to the manner in which the business of the Crown Solicitor was carried on at the assize court at Rockhampton, twelve months ago; and it would be seen by anyone who took the trouble to go through the evidence that he had referred to, that another hon. member, the member for Normanby, who was with him at Rockhampton at the time, quite concurred with him and expressed his disapproval at the time of the way in which the proceedings were carried on; and he also heard his (Mr. Hill's) complaint of the very inefficient way in which the Crown Solicitor was supported. There was a new Judge, no Crown Prosecutor, no chief clerk to Crown Solicitor, or Crown Solicitor, but only a clerk named Cooling, who had had about ten years' experience in other work only. He should like to know what sort of experience that gentleman could have had in getting up cases of this sort, but the committee did not ask that question, nor did they examine the hon. member for Bulimba, who was at the court at the time. He did not wish to bring that hon. member into the matter, or to embarrass him; but he knew very well that if the hon. member for Leichhardt was now in the House he could confirm his statement, as that hon. member and the people of Rockhampton complained most bitterly of the state of things at that assize. As the evidence taken before the committee had so lately been circulated among hon. members, it would be necessary for him to go into it at some length, and to call attention to some rather remarkable points in it before he could allow the question to go to a division. He would first of all, however, like to give the House some information as to the manner in which the committee was conducted. He was summoned to attend on the 13th October, but on entering the committee-room and seeing that the Crown Solicitor was there under examination, he waived his right as a member of the House and left the room, leaving word with the messenger where he could be found if wanted. But when he was summoned to give his evidence he was surprised to see that the Crown Solicitor was in the room during the whole time he was examined. As it was the first committee he had attended in the capacity of witness, although such a thing struck him as being rather remarkable, he did not raise any objection, thinking it might be supposed that he was afraid to give his evidence before the Crown Solicitor; but he mentioned the matter to the chairman afterwards; and on the next day when he was called by the committee to amend some evidence, he made it a point to mention the presence of the Crown Solicitor, and he was then told that that gentleman was the accused, and was on that ground allowed to be there. He wanted to know who the accuser was, as he declined to take that position on himself, as he was merely there as a witness to state what he knew and to give his opinion as to the capacity of one individual to act in the dual capacity of Crown Solicitor and solicitor to private individuals. He protested against Mr. Little being present during the examination, on the ground that it might be very embarrassing to many of Mr. Little's old friends who might be called upon to give evidence. He (Mr. Hill) confessed that he felt a little embarrassment, and he was not sure that it did not lead to some little confusion in his evidence. He appealed to Mr. Little's sense of decency, whether, after having heard the expression of opinion from him as one of the witnesses, he deemed it right to remain, even if the committee were unwilling to withdraw the permission previously accorded to him, and that gentleman, he was bound to say, left the room. As he had stated to the committee, and as he now stated, he distinctly declined to take upon himself the position of accuser. If the accused had been allowed to be present in the committee-room there should have been an accuser there also; but there was not one, and how, then, could the Crown Solicitor appear there in the light of an accused person? His statements in the House had nothing whatever to do with him as an individual. They were merely with reference to his office, and that was the ground upon which he took his action in the first place, and the ground on which he intended to maintain it. Referring to the evidence in page 3, he had to call the attention of the House to two letters which were put in by the Crown Solicitor. The first was dated 18th October, 1867, and was written to the Colonial Secretary by the Crown Solicitor:—

"SIR,—Referring to the conversation I had with you, this day, upon the subject of the conduct of the Civil business of the Government, I have now the honour to submit for your consideration:

"That the staff of my office consists of one clerk, whose time is fully occupied in attending to the criminal business, preparing contractors' and fidelity bonds, letters of registration of inventions, letters patent, commissions, &c., &c.

"That an action has been commenced against the Government by Mr. P. F. Macdonald, another is threatened by Mr. Fitzgibbon, and a case on behalf of the Government is now before the Attorney-General for his opinion with a view to instituting legal proceedings against Mr. Fitzgibbon. Each of the cases mentioned are most important, and will, if proceeded with, be very heavy actions, the most difficult legal questions being involved, and a considerable amount of clerical assistance of a high order will be required in defending and carrying them on. Instead, therefore, of increasing the staff of

my office permanently, I propose, as the most economical course, that the several actions be conducted by me as a private solicitor (or, rather, by my firm). If successful, the usual costs will be allowed against the other party. All costs against the Government to be taxed by the proper officer of the Supreme Court.

"All correspondence and opinions prior to the commencement of an action to be attended to by me as Crown Solicitor. The estimates for my office show that Civil business of the kind to which my attention is now required is not provided for.

"I have, &c.,
"ROBERT LITTLE,
"Crown Solicitor.
"To the Honourable the Colonial Secretary, Brisbane.',

To that letter the Crown Solicitor received the following reply on November 16, 1867 :—

"Colonial Secretary's Office,
"Brisbane, 16th November, 1867.

"SIR,—In further reference to your letter of the 18th ultimo—wherein you advert to the increase in the Civil business of the Government, and thereupon submit a proposal to carry on that branch of the Crown law through the firm of Messrs. Little and Browne, of which you are an individual member—I am now directed to inform you that this matter having been brought under the consideration of the Executive Council, it has been decided to adopt the course suggested in your communication.

"I have therefore to request that you will place yourself in communication with the Attorney-General upon any matter of detail falling within the new arrangement, who is fully empowered to give effect thereto.

"I have, &c.,
"A. W. MANNING,
"Under Colonial Secretary."

He maintained that, if the investigation had done nothing else, it had done some good in revealing that fact, which was unknown to himself or to any private individual, or to the general public. He maintained that under this commission, as it were, the Crown Solicitor was sailing under a kind of sealed letters of marque—a sort of privateering business. Nobody knew, none of the public knew, that he was empowered to charge fees of the Crown, in the cases where he was successful, against the people who were defeated. Nobody knew that. Everybody thought that in confiding their business to him they were confiding it to a man who could have no interest whatever in promoting litigation. It astonished him when he saw these letters come out, for he amongst others of the general public always supposed that the Crown Solicitor was a salaried officer. He really did not know what his salary was, though he might have remembered it from last year's Estimates. Of course he knew it from this year's Estimates, but very few of the outside public ever saw the Estimates, and consequently had no means of knowing how any officer in charge of any department was paid—the rate of salary or anything else connected with it. In the interests of the inhabitants of the country, the commission ought at all events to have been fully gazetted by whatever Government issued it, but that appeared never to have been done. He did not know who was Colonial Secretary at the time.

An HONOURABLE MEMBER : Mr. Palmer.

Mr. LUMLEY HILL said it appeared to have been a sort of *sub rosa* commission ; and as such he took very great exception to it. He had nothing further to comment upon, except that in his evidence, as regarded the seizure of jewellery by the Customs, the Crown Solicitor stated that it was a *qui tam* action. What *qui tam* was he (Mr. Lumley Hill) did not exactly know. He thought that actions like that were generally criminal ; and as such the Crown Solicitor had no right to charge fees, to be deducted apparently from the men who made the seizure. Another thing that he wished to call attention to was the Crown Solicitor's account of the way in which the letter came to be written, which was the cause in a great measure of bringing this inquiry to a head sooner than perhaps it would have ever been. The letter appeared in page 14 :—

"AN UNQUALIFIED DENIAL.

"TO THE EDITOR.—SIR,—I see in the *Hansard* of Tuesday last that Mr. Hill, the member for Gregory, when the Estimates for the Crown Solicitor's department were under consideration, after complaining of some hindrance to the transaction of business he had received through the Crown Solicitor, is reported to have said that he asked his solicitor why it was done, and he said, 'Oh, it is done to get business for themselves' (meaning, I presume, the firm of Little and Browne, of which Mr. Little was a member). As I was Mr. Hill's attorney at the time, and remember the circumstances causing the alleged hindrance, I distinctly deny having ever said anything of the kind to Mr. Hill, or anything which could receive such an interpretation.

"In justice to Mr. Little, and in the interests of truth, I send you this communication.—Yours, &c.,

"DANIEL F. ROBERTS.

"24th September, 1880."

The Crown Solicitor was asked by a member of the committee :—

"Did you see the letter before it went into print? Yes. I think the better plan is to state what took place, as I do not wish it afterwards to be said that anything has come out that I have not told you. I have nothing to conceal—nothing that I care to conceal. I went into Mr. Roberts' office on the Wednesday or Thursday and asked him had he seen a statement made by Mr. Hill relative to some business that he had to do with him a good many years ago, in which he stated that he had asked his attorney why this hindrance had been put in his way, and that he had told him, 'Oh! that they may get the business themselves,' or something to that effect. He said he had seen it. I asked was it so. He said, 'Most certainly not.' 'Well,' I said, 'I wish you would write and contradict it,' meaning to write to the papers to contradict it. He then said to me, 'I will write you a letter and contradict it, telling you that it is not so.' I said, 'It is a matter I have nothing whatever to do with; it is a matter entirely for yourself whether you made this statement to Mr. Hill or not.' He said, 'I never made any statement of the kind: I will write and tell you so.' I then said, 'No; I do not want you to write to me.' He said, 'Run out a few lines and I will sign it.' I did so, and when I got towards the end of it he said it ended rather abruptly and suggested some slight alteration. He then signed it, and sent one copy to the *Telegraph*, asking them to insert it in the afternoon, and the other copy went to the *Courier*."

His (Mr. Hill's) statement was made on the Tuesday evening, and the letter appeared on the Friday afternoon in the *Telegraph*. He certainly thought that the letter lost a great deal of its value and importance when the House saw the way in which it was actually dragged out of Mr. D. F. Roberts. He was not going to allude here to the truth of the statement in the letter ; but he must say that he had a supreme contempt for a man who would hesitate to voluntarily write a letter of that kind upon seeing anything like such a slander as he directly afterwards stated was imputed to his friend. He had the most supreme contempt for him, to suffer it being dragged out of him, failing himself to have the courage to write it. He could hardly express the feelings which he had—they were more of pity than contempt for the man : he was not worth despising. He might also read to the House Mr. Roberts' own account of the circumstances under which he sent the letter. He was asked—

"Will you tell the committee the circumstances under which you wrote that letter, as the letter was written? Yes. Mr. Little came to me and asked me if I had seen the statement in *Hansard*. I said, 'Yes, I have had a look at it.' I think he said, 'It affects you,' or something like that. I did not take particular notice of what he said. I said 'No, I think it affects you.' He said, 'No.' We had a laugh over it, and he said he thought it affected me. Before that I said, 'Well, if you think so I will write you a letter contradicting it.' He said, 'If it is not true you had better write a letter

to the paper.' 'Well,' I said, 'you run out a few lines and I will sign it;' which was done. I altered the letter a little."

He did not care which account was true; the proceeding was too contemptible for him to dwell upon any longer. He did not wish to take up any more of the time of the House than he could help, but there were one or two other matters to which he would like to refer. The Attorney-General gave the following evidence:—

"So far as you are able to judge, do you consider that the private business with which Mr. Little is connected interferes in any way with his public duties? I do not know that it interferes in any way whatever; if it did, I should have to take notice of it in some way. Of course, I have been Attorney-General but a short time; during the time I have been Attorney-General, I have not observed that in any way private practice has encroached upon his public duties. He seems to be always in his public office, and always ready to give any assistance that I need. His time, so far as I can make out, is almost entirely taken up with his public work.

"So far as you are able to judge, you do not think it is essential that the Crown Solicitor should be debarred all private practice? No; I have never formed that opinion. I have not formed that opinion yet—that it is essential that he should be debarred. I quite think that supposing a change were made it would probably be for the advantage of the public that any future Crown Solicitor should be debarred from private practice; but Mr. Little has shown during the long time he has held the office that the public service has not suffered, and I think it is not essential as long as he is there; but as a matter of general principle, I quite agree with those who think it would be better that the Crown Solicitor should be debarred from private practice. As things are now, I do not think it is essential at all."

The Crown Solicitor only looked to the interests of the Crown, but he (Mr. Hill) was there to represent the claims of the public to consideration in the matter. After having read the evidence, and coupling it with the letters and the commission which was held by the Crown Solicitor, he most strongly objected to that. The Attorney-General afterwards said, question 84—

"I do think, on general principles, the country has arrived at that particular stage when it would be well that the Crown Solicitor should be debarred from private practice."

He did not know how the hon. member for Port Curtis could reconcile that statement of the Attorney-General with the report which he had brought up. He would now proceed to deal with the evidence of the hon. member for Dalby (Mr. Simpson), who was asked—question 171—

"Did you change your legal advisers previous to this time? No, I never thought of changing them. I was advised that everything I had done was according to law and there was no objection made.

"By your solicitors? Yes.

"Messrs. Little and Browne? Yes; I was never informed that I had transgressed the law until legal proceedings were taken against me.

"When you received notice of legal proceedings did you make up your mind to employ other legal gentlemen? Of course, at once.

"Did the case then go into court? Yes.

"And Mr. Little acted for the Crown as Crown Solicitor? Certainly; for several subsequent years.

"Have you any reason to suppose that the papers you were unable to obtain were in any way used against you? Only my own surmise; I have no legal proof whatever."

What else could a man have? He would quote the opinion of the hon. member, and he thought an opinion from a member of the House, based on his own business experience, was entitled to consideration. Mr. Simpson was asked—

"Do you think it is possible that information might have been conveyed in any other way? I think it very likely it was conveyed in an unintentional manner by conversations, and it is not possible for a lawyer to have the complete confidence of one side—at least, it seems to me impossible for a lawyer to have complete confidence of one side and full knowledge of all the details of his business, and immediately go to the other, and in his own mind make no use whatever of it—I cannot conceive it possible."

Neither could he (Mr. Hill)—it was quite contrary to human nature. It was not possible that there could be a man in the world so honest as to be able to avoid making use of such information. He had no lower opinion of human nature than any other man—at least, he hoped not, but he did not believe in putting a man in such a position of temptation, and the sooner he was removed from it the better. Mr. Simpson said, further on—

"I said the information was in the possession of Little and Browne, and that I did not know how it could have been obtained otherwise. It might have been acquired elsewhere, but I am unaware of that, because the source of information has never been disclosed to me up to the present time."

It was curious that the hon. member, who was a better business man than himself, should have arrived at the same conclusion as himself, and that he should have the same strong impression on his mind that the two positions were incompatible. He considered, as he had stated to the committee, that the evidence of Mr. Daniel Foley Roberts was not worth commenting on. It was a tissue of falsehoods from beginning to end. No man, except he was in his dotage, would allow himself to be placed in the same position as that witness was, and no man could have told more falsehoods during an examination. He could not conclude without quoting further from the evidence of Mr. Simpson, who was asked—

"Is there any particular reason for your having left them (Little and Browne) that you think it would be desirable to place before the Committee? Yes.

"Will you state what the reason is? I left them when legal proceedings were taken by the Crown against me and others, Mr. Little apparently acting in the dual capacity of my confidant and solicitor, and prosecutor on behalf of the Crown against me, knowing all the details of my private business, and, as I could not possibly avoid supposing, making use of that knowledge against me.

"Have you any particular reason for supposing that the knowledge of your affairs, obtained by Little and Browne as your private solicitors, was used against you by Mr. Little as Crown Solicitor? No; nothing I could take hold of.

"But you suspected? I strongly suspected. I may add that when my business was removed, upon instructions to give up all documents and papers belonging to myself to the solicitors I have since employed, certain papers and documents were missing, and upon subsequent inquiry, extending over two or three years, endeavouring to get these papers, I failed. I then gave up all endeavours, and have never got them. I was always told that they had been lost."

And further on—

"Have you any reason to suppose that the papers you were unable to obtain were in any way used against you? Only my own surmise; I have no legal proof whatever.

"But you surmise that those particular papers were used against you? My belief is that the contents of several letters, that I never got back, became known to other people outside Little and Browne's office by some means or other—by what means I have no knowledge.

"Then was the information contained in these papers used against you in the court cases? I cannot say positively that it was, but I believe so; I have always believed so. I may add that I have never up to the present time received, directly or indirectly, from the Crown, any statement of what evidence they had against me in those cases."

That seemed an extraordinary statement.

"The cases were brought against me without either myself or anyone of those names coupled with mine being called upon to answer any question whatever. Our land was declared forfeited, and that was the first official notice that myself or anyone else received that we had done anything illegal from the day of our arrival in Queensland."

He wished the House to bear in mind the fact that Mr. Simpson firmly reiterated that he believed that the details of his business which Mr. Little had acquired as his confidant were

used against him in that prosecution. At the close of his examination Mr. Simpson was asked—

"Were you aware that as far back back as 1867 Mr. Robert Little, the Crown Solicitor, had drawn the attention of the Government to the increase of Civil business, and had suggested that it should be done through the firm of Messrs. Little and Browne and not through him? No; and the knowledge of that fact now makes me still more strongly of opinion that Messrs. Little and Browne ought not to have acted against me in those cases. I always understood that Mr. Little's position somewhat compelled him to do so, and that to have defended me would have necessitated his giving up the Solicitor-Generalship. The fact that such was not necessary, and that the firm simply elected to take fees from the Government instead of from me, makes me hold a worse opinion of that firm than I have ever done before. If they had refused to act for the Government my opinion of them would have been very different."

He quite endorsed Mr. Simpson's opinion on that matter. There was very little in his (Mr. Hill's) evidence to call the attention of the House to. He must mention another extraordinary phase in connection with the proceedings of the committee, and that was that when he appeared for examination the Crown Solicitor was allowed to examine him. He did not object to it much, but if hon. members would take the trouble to read through the evidence they would see that the examination became like a cross-examination in a police court. It seemed to him that Mr. Little might have put the questions in a different form. He was asked by Mr. Little—

"Then you do not think the reason why it passed without any hindrance was because it was a sufficient power-of-attorney in itself? Well, I think it was pretty sure to be sufficient for you, anyhow. You could hardly go back upon the power-of-attorney drawn up in your own office.

"That is a matter of argument? That is my idea."

That was the idea he had impressed on his mind for the last seven years. He would ask the House, before coming to any decision, to dismiss from their minds the personality of Mr. Little in the matter, and to consider merely the office, and whether such a position as his in dual capacity was tenable by any individual whoever he might be. No one regretted more than he did that this research should have developed into a personal attack on Mr. Little. He had no notion of attacking Mr. Little individually. They had been on good terms for some time past, but of course there was a coolness between them now. He maintained that the position Mr. Little was in was utterly untenable, and a change ought to be made so as to remove suspicions which must arise in the minds of business men or others connected with matters of the kind. He moved the adjournment of the debate.

Mr. MOREHEAD submitted that if the debate were adjourned it could not be resumed until the next sitting of the House.

Mr. AMHURST said the subject was a most important one, and he would object to any adjournment.

Mr. GROOM said the adjournment would only be for two minutes, in order to allow the Toowoomba Church Lands Bill to be read a second time.

The SPEAKER said that the resumption of the debate could be made an Order of the Day for a later hour in the evening; and after the Bill referred to had been disposed of the debate might be resumed.

Mr. NORTON said he had no objection to the debate being adjourned for a short time on the understanding that it should be resumed immediately afterwards. He had given good reasons for bringing forward the report, and he was prepared to defend it after every hon. member who had anything to say on the subject had spoken.

Question put and passed.

On the motion of Mr. GROOM, the resumption of the debate was made an Order of the Day for a later hour in the evening.

TOOWOOMBA CHURCH LANDS BILL—THIRD READING.

On the motion of Mr. GROOM, the Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council, with message in the usual form.

CROWN SOLICITOR'S OFFICE—RESUMPTION OF DEBATE.

Mr. MOREHEAD said he felt sorry that a committee appointed to report upon a definite subject had not obeyed their instructions. They had been instructed to inquire into and report upon the working of the Crown Solicitor's Office, and they told the House:—

"In conclusion, your committee are of opinion that none of the charges against the Crown Solicitor have been sustained; nor has it been shown that the interests of the Crown, whose officer he is, have in any way been neglected."

That was not what the committee were appointed for. They were appointed to make inquiries and ascertain whether it was detrimental or otherwise that the position of Crown Solicitor should be coupled with a private solicitor's firm in this colony. That was the commission they were sent forth to fulfil, and the miserably weak outcome of their labours was a confession that they had not done what they were sent to do. They possibly had a precedent for their action. They had referred to all sorts of matters which did not at all affect the subject of the inquiry they had been asked to set about. There had not been any charge made against the Crown Solicitor. The committee were directed to inquire into the working of the Crown Solicitor's Department, and that they had not done. They had referred to speeches made in this House and called upon hon. members to substantiate them or otherwise. They had failed simply because they had not conducted the inquiry in a proper direction. Why should he as a member of Parliament be held up in a Parliamentary report, and in one part be represented as making statements that could be contradicted? He brought that forward partly to show the slovenly and slipshod manner in which the report had been brought up. He had received the following letter on the subject from Mr. Little, the Crown Solicitor:—

"Brisbane, 17 November.

"My Dear Morehead,

"I have just seen the report of the select committee in the inquiry into my department, and find that in the printed copy of the evidence a line or two from the end, I am reported as having said 'I was going to refer to Mr. Morehead's evidence and contradict it.' The proof was sent to me and I altered the name of Morehead to Simpson, which it should have been, and returned it at once. I suppose they were in such a hurry to get the report out that they had sent the evidence to be printed and corrected at the same time. Although anyone reading what goes immediately before would see there was an error, I am sorry it should have got in.

"Believe me, yours very truly,

"Robert Little.

"B. D. Morehead, Esq."

He had not wished to take any prominent part in the discussion of this report, and he should have avoided it altogether had it not been for the nature of the report. A more wishy-washy report he had never read except one—and he would not say what that one was; and a more damaging one from its very wishy-washyness he believed had never been brought up. It was perfectly clear that the committee had been asked to consider the advisableness of allowing the Crown Solicitor to occupy a dual position;

but they had only shuffled the cards round about and evaded the real matter which they had been asked to investigate. No one inside or outside of the House had ever supposed that Mr. Little was not an honourable man. The question the Committee had to decide was whether it was to the public advantage that Mr. Little, as Crown Solicitor, should be a member of the firm of Little and Browne; and that question they had altogether avoided. But they had gone further, and had indirectly made charges against members of the House—a distinct charge almost accusing them of lying, and it was contained in the first subsection of section 3 of the report. Hon. members would see the facts from the evidence, and one of the facts was that the hon. member for Gregory removed his business from D. F. Roberts and put it into the hands of Little and Browne. That fact proved to his mind either the incompetency of Mr. Roberts, or, as he preferred to believe, that the hon. member could get his business better done by Little and Browne. He hoped it would not be necessary for him to explain what Mr. Roberts was, but the committee forced him to do it; and if the statement of Mr. Roberts was to be taken against the combined and intimately connected evidence of Mr. Hill and himself, he should be obliged to use plain words. He held that it had been distinctly proved that the charge made by Mr. Hill was a perfectly correct one. While on that subject he would refer to the conduct of the chairman of the committee in allowing Mr. Hill to be examined by Mr. Little.

Mr. PERSSE: It was done with the consent of the committee.

Mr. MOREHEAD said the committee had no power to do any such thing, and Mr. Hill showed—he would not call it weakness, but—more good nature than he had ever credited him with, when he allowed himself to be cross-examined by Mr. Little. It was an infringement of the privileges of Parliament. In going through the evidence it would be found that a clear case was made out for the separation of the two offices, and yet the committee had quite avoided it—they shrank from it—it was either too much for them, or they put it on one side. They did not attempt to carry out the instructions given to them by the House, and simply contented themselves by inquiring into the charges against Mr. Little, which were never referred to them, none of which charges they said had been sustained. A more inconsequent report was never brought up to the House. He would now refer briefly to the evidence of Mr. Browne—the Mr. Browne who, he believed, appeared in the Upper House the other day, and used strong language there. Question 624 was as follows:—

"Can you tell the Committee the reasons, as far as you know? I may as well relate my transactions with Mr. Simpson. We had been acting for him for some little time, doing various business for him, but the last time I transacted business for him was when he came to me upon the refusal of the Minister for Lands to issue grants to him. He advised and consulted with me upon that, and stated his case to me; in consequence of which I several times saw Mr. Stephens, the then Minister for Lands, and urged upon him my views and those of Mr. Simpson—namely, that the latter was entitled to have his grants. When Mr. Simpson first spoke to me upon this particular business, I warned him then that should any hostile proceedings take place between him and the Government—whether he was against the Government or the Government against him—he could no longer have my services."

Mr. SIMPSON: That is a lie.

Mr. MOREHEAD asked what had Mr. Browne done previously? He had gone to the Government and advocated the views of Mr. Simpson. He did not say, "You have got a difference with the Government; I'll have none of you." He said, "If the Government will not have you they will have me; I am safe." It was the most disgraceful piece of evidence that had ever come before any select committee or any jury in the world. Mr. Browne continued:—

"He also advised with me as to what he should do, and to what lawyer he should go if he had to leave me. I gave him my opinion upon that. Mr. Simpson gave me a long statement in writing, setting out his case and his claim to these grants. He gave it to me with a view that it should be laid before the Minister."

In other words, Mr. Simpson exposed his whole hand to Mr. Browne, and yet the man still acted for him, although warning him in a mild way that if he could not gain his case the Crown would employ him against him. The answer went on:—

"I read it, but did not lay it before the Minister, because I did not think it would have been judicious to do so; and at the end of the business—when I found that legal proceedings were going to be taken—I gave back that paper to Mr. Simpson. I have been told that papers connected with Mr. Simpson's affairs, left at the office of Little and Browne, had not been returned to him or his lawyer."

What an anomalous position the Crown Solicitor or his partner was placed in! The answer to that question was conclusive that the firm of Little and Browne should be cut away from the Crown Solicitorship. A more disgraceful *exposé* was never made than had been made by Mr. Browne in his evidence before the select committee. Mr. Browne was either the solicitor for Mr. Simpson or he was the Crown Solicitor, and in either case his position and his statement were equally bad. An honest lawyer—and he had heard there were such men, though it had never been his good fortune to see one—would have told Mr. Simpson that he had or had not a case; but Mr. Browne said he did not put certain papers before the Minister, because it would not be judicious to do so—after having previously warned him that, should any hostile proceedings take place between him and the Government, which he evidently foresaw, he could no longer have his services. Nothing could prove more conclusively than that answer, that the office of Crown Solicitor should have no connection with any private firm. He might go on for a long time discussing Mr. Browne's evidence, but he would content himself with reading question 625—

"Have you been told this by Mr. Simpson? No; I have no recollection of the circumstance at all, but I asked Mr. Hart, who became Mr. Simpson's solicitor, whether he had any recollection of having applied for papers which he had not got, and Mr. Hart said that all he remembered was that there was a Treasury receipt which could not be found. I asked him whether that was of any consequence, and he said 'No.' I may add this, that I never communicated to Mr. Little any of my consultations with Mr. Simpson. We kept the business perfectly distinct. I never in any way interfered with the proceedings of the Crown, and never gave Mr. Little any information whatever with regard to it. So little did I know about the proceedings of the Crown against Mr. Simpson, that it was only a few days ago that I learned from Mr. Little that it was not an action for ejectment, but an information in equity, which had been laid against Mr. Simpson."

In his previous answer, Mr. Browne indicated a connection with the Crown Solicitor, when he said to Mr. Simpson, "You will have to go away from me, if you do so-and-so, because I am in partnership with the Crown Solicitor." That was practically what Mr. Browne said. The committee did not pay the slightest attention to this answer of Mr. Browne's. If the committee had only done what they were instructed to do by the House they would have done their duty; but they had gone outside their duty, and had insulted the House, as an hon. gentleman whom he knew would say if he were there. The committee distinctly refused to obey the command of the House. They were asked to report upon the working of the Crown Solicitor's office, in order that the House might determine whether the present

state of affairs should continue. They were not asked to hold a court-martial upon the hon. member for Gregory and others who had actually dared to say a word about the Crown Solicitor. That was practically what the committee had done—in fact, it was more like a drum-head court-martial than one worked by proper witnesses. The evidence from the Custom House had been gagged. Mr. Chancellor could have given evidence most damaging to the Crown Solicitor and the management of his department. In the Hoffnung case, Mr. Chancellor was not asked what was the course of procedure in the other colonies. If that question had been put the answer would have been that no charge was made. Yet the Crown Solicitor asked £245. The sums asked by the Crown Solicitor during the past two years were disgraceful. Hon. members knew it as well as he did. But he supposed the legal fraternity did not care to attack a firm of such high standing and with such a business as that of Little and Browne. They all knew that barristers must live; and although life was brief, they got a good many briefs served out of the office of Little and Browne. He had hoped that the report of the committee would have contained something definite showing that there should be a severance between the Crown Solicitorship and a private firm. The committee had put the hon. member for Gregory upon his trial, and had dragged himself into this miserable report, which consisted principally of figures. He thought the chairman of the committee ought to confine his attention to the dredging of rivers. He believed the hon. member knew more about harbours and rivers than any member of that House; but he did not know much about this Little and Browne business. He believed he was too honest a man to have had experience which would have rendered him an expert in getting the truth out of the evidence which had been brought before him in this matter. He contended that the report should not be adopted because it was not presented in accordance with the instructions given to the committee. It was not in accordance with usage either, for it was quite exceptional that hon. members of that House unconnected with the inquiry should be included in such a report and have their names placed upon record.

Mr. SIMPSON said he would not detain the House long, but as his name had been prominently mentioned in the report he felt that he ought to say a few words. In the last sentence in his evidence upon page 41, Mr. Little said he was going to refer to his (Mr. Simpson's) evidence and contradict it, but that he believed it was almost unnecessary for him to do so. He did not know why he was called to give evidence. He did not know whether he was supposed to give evidence for or against Mr. Little; but he certainly gave no evidence which Mr. Little could contradict. This being so, he was very much surprised to read Mr. Little's statement. He merely gave a few facts and deducted his own conclusions from what he considered reasonable suspicions. It might be unnecessary for Mr. Little to contradict his evidence, because, as he had said, it was surmise. But what were vague suspicions and surmises before had resolved themselves into undoubted facts now. He had read a good deal of the report, and he believed it contained many things which would confirm his conclusions. With regard to Mr. Browne's answer to question 624, he believed no hon. member of that House was so insane as to think that he would not immediately have walked out of the office had Mr. Browne said what he now claimed to have said. Mr. Browne afterwards referred to a letter. He would enlighten the House about that letter. This letter was the letter which he had accused the firm of Little and Browne of keeping. He had called upon Mr. Stephens, the late Minister for Lands, and he asked him to state in writing what brought him and his friends to Queensland. He promised to do so if his firm of solicitors advised it. He went to his solicitors, Little and Browne, and asked whether he should write the record. They said, "Yes, and send it to us; we will make use of it if we think necessary." He wrote the document, but he had never received it back from the firm, and he accused them of keeping it deliberately and showing it to the Government. That was his accusation now. It was an extraordinary thing, too, that Mr. Browne should profess ignorance of the action against him. The prosecutors were Little and Browne. What was the use of Mr. Browne saying what he did now, when he knew that he had been acting against him for seven years? The thing was absurd; it was a lie on the face of it, when for seven years the letters had been sent by Little and Browne. If it was not false on the face of it, it showed the most utter and complete ignorance, and that he had been drawing fees from the Crown for doing what he professed now to know nothing about. He was not going to give his opinion on the evidence taken by the committee, but this he would say—that the report was altogether different from what he thought it would be; and had he thought it would have been of the character it was he should have given more evidence. He had always acted with the greatest consideration towards Little and Browne for many years, which was apparently a great deal more than they deserved. The hon. member for North Brisbane (Mr. Griffith), on being examined by the committee in reference to an action in which he (Mr. Simpson) was concerned, was asked—

"Then the evidence in connection with those cases was also all general information previous to the action being taken? All information in connection with these cases was supplied from the Lands Office, as far as my recollection serves me. I have no doubt that in the general course of business I instructed Mr. Little or Mr. Keane, the Secretary to the Attorney-General, as to what information was wanted from the Lands Office, and it was procured accordingly and sent to me. All the information was derived from documentary evidence from the Lands Office, together with such inferences as might be drawn from the nature of the transaction. Any other information there was, was the result of inquiries made by myself: I never heard at that time that Mr. Simpson had employed the firm of Little and Browne—indeed I had never heard of it until a few days ago."

He was not going to dispute the word of that hon. member in the smallest degree; but he must say that it was, to say the least, extraordinary, if the hon. member positively said that he had never heard that the firm of Little and Browne had been mentioned by him (Mr. Simpson) or his friends until within a few days before he gave his evidence. He was, of course, bound to believe the hon. member's statement, but it was an extraordinary one and rather hard to believe, especially as, in answer to question 483, the hon. member appeared almost to give a denial to his own words. Lower down the hon. member said—

"I cannot say I have got no information from Mr. Little, excepting what I asked him to procure for me from the Lands Department, which was all documentary and official evidence."

He would now come to the chairman of the committee, and he would at once confess that he had got very angry with that gentleman whilst under examination. It appeared to him that the hon. member was not so much the chairman of the committee as the advocate of Mr. Little. He was asked by the chairman—question 356—

"You were not aware of anything illegal in the action you took with regard to that land? No.

"If you had had any thought of any illegal action, you would not have employed Messrs. Little and Browne,

knowing that Mr. Little, the Crown Solicitor, was connected with that firm? That is a question I think I should resent being asked. I cannot conceive the possibility that I should act illegally or employ any solicitors to act illegally for me."

The chairman evidently seemed to think two things—first, that he (Mr. Simpson) was likely to be guilty of going to Little and Browne and asking them to do an illegal thing for him—for they had acted for him; and in the next place, that they would consent to do it. There was no other conclusion to be drawn from those questions, and he (Mr. Simpson) certainly did feel angry when they were put to him, and felt angry still, as it was not only an insult to himself, but also to the firm of Little and Browne. He had carefully refrained up to the present time from saying anything reflecting upon the firm of Little and Browne, but he was now forced to say, after reading the evidence given by Mr. Browne, that the very letter he had tried for years to get from that gentleman—which the firm always said was lost, and which Mr. Browne referred to in his evidence—had not been lost, but was in the possession of some one either in or outside of that firm. He was not going to enter into his land transactions, but if he did he could tell the House something that would surprise them.

Mr. GRIFFITH: Hear, hear.

Mr. SIMPSON: The hon. member might say "hear, hear," but he knew who gave the first information and also what he himself got out of the matter. But he was not going at that time of day to draw in the names of persons whom he did not wish to see referred to; if, however, the hon. gentleman was willing to take the onus of having the whole thing repeated in that House he was willing to repeat it. The hon. gentleman would sooner that he should not, and so would he himself.

Mr. ARCHER said he could not sit silent and hear gentlemen for whom he had the highest respect accused of stealing and lying. He would give the flattest contradiction to such a charge, as he would just as soon think that a member of the House could be open to that charge. He did not think that the gentlemen to whom the charge of stealing and lying was applied by the last speaker could be charged of either the one or the other during the many years they had been here. There were some people so constituted that when an evil word was said of anyone they were prone to put it down as being correct; but he hoped that he was differently constituted, and that he would not believe people capable of lying and stealing until there was proof shown that such was the case. A great deal had been said about the gentlemen who drew up the report of the committee—it was alleged that instead of drawing up a report on the management of the Crown Law Offices they had drawn up a report on some law matters between the hon. member for the Gregory and Messrs. Little and Browne. But he thought it was impossible for the committee to have avoided doing so after what had occurred. Had not the hon. member for the Gregory stated that it was a letter in the *Telegraph* newspaper that made him bring the matter before the House in the first place? If nothing had happened subsequent to the debate that took place on this matter in the debate on the Estimates it might have blown over, and had the hon. member confined himself to calling attention to what he considered was a bad arrangement for the country—namely, allowing a Crown Solicitor to act in the capacity of a private solicitor also—he might have done good service, and the proceedings would have gone on smoothly. Had the hon. member not mixed up his private affairs with the inquiry into the Crown Solicitor's Office it would have terminated long ago, and the committee would have been able to draw up a full and fair report. But it was made impossible for them to do that until matters affecting the character of the Crown Solicitor were inquired into; one of the charges—one made in that House—being that he made use of his position as Crown Solicitor to promote his private business. He was not going to detain the House by referring to all these matters, but he would draw attention to one. The hon. member for Gregory stated in the House that he first withdrew his business from Roberts and Hart because he thought that it dragged with them, and that when he took it to Little and Browne it passed through rapidly. Now, it was quite evident that owing to the length of time that had elapsed the hon. member did not exactly recollect what did happen, as when he was examined before the committee he made a very different statement. It appeared that Roberts and Hart could not transfer a run through some defect in a power of attorney, and the hon. member for Gregory stated that Little and Browne had no difficulty in doing so under the same power of attorney. But this was all wrong, Little and Browne having sent the transfers home and they were signed before Mr. Daintree, the then Agent-General. But, possibly, Roberts and Hart would have done the same work just as well, and there was no proof that Little and Browne did the work quicker. It was simply this, that four or five months' delay must have taken place after the papers were handed to Roberts and Hart before the signature of the hon. member for the Gregory's partner could have been obtained; but the hon. member evidently forgot that such a lapse of time must take place, and so he transferred his business to another attorney. He took that from the hon. member's own evidence, so that it showed his memory was not correct. The member for Gregory would, he thought, admit, himself, that his memory failed him somewhat.

Mr. LUMLEY HILL said that, in explanation, he should like to state that he admitted at the inquiry by the committee, and he also stated in the House, that he had got a little confused, but the connection was very close, and he was not very far wrong. The transfers which he sent home to Mr. Holberton were sent about May, 1873, and got back, he supposed, in October following. In November, 1873, he went to Little and Browne and got them to draw up a power-of-attorney to act for him. Under that power-of-attorney Mr. Morehead very soon after sold several blocks of country for him, and transferred them without any difficulty. This was the correct explanation of his confusion. His recollection of the matter had always associated itself with the success of getting his business done through the power-of-attorney drawn up by Little and Browne.

Mr. ARCHER said he had never intended to impute that the hon. gentleman had said anything that he did not believe at the time. The hon. member said himself he was a little confused at the time he made the statement to the House. He must see that there was nothing remarkable in the power-of-attorney drawn up by Little and Browne proving effectual for the transaction of his business. They took care to see that it was properly drawn up, and therefore he (Mr. Archer) thought it was straining matters to accuse Little and Browne of having some occult power which no other attorney had; the accusation, in short, fell to the ground. He believed it to be impossible to prove that Mr. Little ever did such a thing as he was

accused of, Mr. Little being a man who was incapable of doing anything that was discreditable. Then something had been said about the amount of money which Mr. Little had made in his office as Crown Solicitor, besides his salary. Did anyone suppose for a moment that a solicitor of the standing of Mr. Little would give up his whole time for £500, and not do any private business? If Mr. Little would resign his private business for the £500 he got as Crown Solicitor people would look upon him as a perfect fool. He did not think that they could get him to act as Crown Solicitor, without the right of private practice, for less than three times £500 a-year. It was all very well for some persons to pretend to be surprised at Mr. Little getting £240 in one case and over £200 in another, but if he could not earn more than £500 he would throw up the office. It might be to the advantage of the country to debar the Crown Solicitor from private practice, but he did not believe that they could get any attorney of the standing of Mr. Little to accept the position on such terms under £1,500 a-year at the very least. Considering the short time that the select committee had, they had done a great deal; and, if it should be determined hereafter to pursue the inquiry with a view to deciding whether the Crown Solicitor should be an officer without private practice, the work done by the committeee would be of assistance. His principal object in rising was to say that people who were so fond of using the words "stealing and lying" only weakened their case. If persons had lived for thirty years in the land without reproach, and that fact was to stand for nothing, of what use was a good character? Knowing Mr. Little privately, and knowing him also as an ornament to his profession, he could not allow the debate to close without expressing the disgust with which he had listened to the terms which had been applied to that gentleman. It had also disgusted him to hear the terms which were applied to Mr. Browne. He believed him to be incapable of telling lies, and that anyone who would read his evidence carefully and dispassionately would admit that there was nothing to lay hold of as untrue.

Mr. MILES was understood to say that the select committee's report was exactly in accordance with the evidence. A great deal of the matter had arisen through a misunderstanding on the part of the member for Gregory. He (Mr. Miles) remembered having a precisely similar transaction. He purchased a station from a gentleman who died on his way home to England. He left an agent in Sydney with a power-of-attorney, but when he (Mr. Miles) applied for a transfer of the leases it was found that the power-of-attorney did not give the agent authority to transfer. Stations were generally sold for part cash and part in bills. He believed that the transaction in which the hon. member for Gregory was concerned was in the usual way at first, but the purchaser was afterwards prepared to pay cash down. Then the hon. member wanted to transfer, but found that his power-of-attorney simply gave him the authority to sell and not to transfer. When he (Mr. Miles) applied for a transfer in his case he was informed that the Crown Solicitor would not certify to it, because the agent of the owner of the station had not the power to transfer; and the fact was he (Mr. Miles) had to apply to the heirs before he could get the transfer. He might say as well as the hon. member for Gregory that obstacles were thrown in the way. The report was entirely in accordance with the evidence taken, and it differed in an extraordinary way from some of the others which had been brought up, in that it was agreed to unanimously —there was not a single division. He was quite prepared to take his share of any blame which might be attached to the committee in connection with the report. He did not think a single member of the House would dispute that it would be better for the public that the Crown Solicitor should be debarred from private practice; but the fact was, the matter was so hurried through, being brought up at the late period of the session, that there was not time to inquire into the working of the office. It was thought better to inquire into the charges which had been made against the Crown Solicitor, and that a report exonerating him from them should be brought up before the session closed.

"Your committee therefore recommend that your Honourable House take steps to procure such further evidence as is required before a sound conclusion can be arrived at. The inquiry has been necessarily hurried in consequence of the close of the session, and was confined more to the charges made against the Crown Solicitor than into the working and cost of the office."

He thought it would have been unfair to Mr. Little, who had been a public officer since the foundation of the colony, to have allowed him to leave the colony without clearing up the charges hanging over his head. Personally, he had a kindly feeling towards Mr. Little. He did not believe there was a more honourable or gentlemanly man in the colony; he was positive that Mr. Little could not be guilty of a dishonest action one way or the other. At the proper time he was quite prepared to hold that it would be advantageous to the public to deprive the Crown Solicitor of private practice. The office would then be more costly to the country; but they could not have conveniences unless they paid for them.

Mr. AMHURST said the speech just made by the hon. member (Mr. Miles) did full justice to his kindness of heart. Mr. Little would not have so many friends if he were not a right honourable man. When he was first appointed Mr. Little received £500 a-year, but after a certain time, he believed in 1867, it was intimated that he could not continue the office at that unless he were allowed private practice with it. Hundreds of clients had employed him in the dual capacity without knowing it. He did not say that Messrs. Little and Browne deceived their clients, but no Government ought by any appointment of theirs to put the public in such a position that they might employ a solicitor who as an officer of the Government might have to sue them. He was not going into the merits of the case beyond stating that he believed the hon. member for Gregory had acted honourably in the matter. In 1875 the hon. member told him that he had taken his business from Little and Browne, and that fact disposed of the assertion that the hon. member took a dislike to the firm because one of them had become a shareholder in the *Courier*. Without wishing to cast any slur on Mr. Little, he would say that the two positions which he held were incompatible. He hoped that a thorough investigation would take place next session, and that the result of it would be that the whole system of the Crown Solicitor's Office would be altered.

The HON. J. M. THOMPSON said he thoroughly agreed with the report, and he believed it was quite within the terms of the resolution appointing the committee, which were "to inquire into the working of the Crown Solicitor's Office." That implied an inquiry into two things—one whether on general principles the Crown Solicitor's office should be worked as it was, and the other into specific charges against Mr. Little. He made the two branches because he wanted to draw a sharp line of distinction on the two subjects. He had the utmost confidence in the conclusions

which the committee had arrived at with regard to Mr. Little. As a brother practitioner who had known Mr. Little for over twenty years, it would be wrong for him not to say what he thought on the subject. He sincerely believed that Mr. Little was incapable of a breach of professional confidence; and the greatest sin a lawyer could commit was a breach of professional confidence, and Mr. Little was the last man in the world to commit such a sin. Nothing but the very strongest evidence would ever shake him in his belief in the honour of Mr. Little as a professional man. He had read every word of the evidence, and he did not think that a single charge had been established, and he did not intend to believe any of them until they were actually proved. He rejoiced that the character of a public man who had been assailed in the House had been cleared. He thought that this storm which had taken place would clear the atmosphere, and that it would do good. They would not have another thunderstorm of this kind for some time, he hoped. Mr. Little had come out of the inquiry in a coach; he came out of it well, and all that was said by the committee respecting him was thoroughly deserved. The report, perhaps, was not so valuable as what had taken place that night. The committee admitted that time enough had not been devoted to the general question, but what had taken place that night must have convinced everybody that it was extremely undesirable that the Crown Solicitor should have private practice. The fact that the charges had been made and disproved, or proved, as hon. members chose to think, showed that it was undesirable. His opinion was that the charges had been thoroughly explained, but he held, as a matter of principle, that no public officer had any right to take fees from the public unless he paid those fees into the general revenue. He laid that down as a maxim. He had seen the working of the system of private fee-taking in the Supreme Court and in the lower courts, and he must say that it was thoroughly bad. A public officer ought to be a servant of the Government, and be paid by the Government—he could not serve two masters: if he took a fee from anyone else he must have a bias. An hon. member said that a man would be an angel if he did not. He would not go so far as that. He believed the fact that Mr. Little had conducted the office for so many years with satisfaction to himself, to the public, and to the profession, demonstrated that a human being could act in the dual capacity with honour to himself and satisfaction to his employers—whether the public or the Government. He had always been of opinion that the principle was bad, but the impression was doubly borne to him by what had taken place that night. Whilst on the subject he might be excused for mentioning a cognate one. He held, for the same reason as he did that Mr. Little should not take fees from the public, that the Crown Prosecutor for the time being should be in the same position—whether he was the Attorney-General or not, he should have no interest outside of his bread-giver—the Government. Let him not look outside for any money, for any patronage or support, or otherwise the question of dual capacity immediately came in. If they prevented the Crown Solicitor from acting in a dual capacity, they must go further—they must prescribe that no public officer should take fees for his private use. That that was the correct principle he was convinced. In his evidence before the select committee the Hon. Mr. Griffith said—and his opinion was entitled to some weight—

"The appointment of a Civil Crown Solicitor to do civil work at a fixed salary would prevent the Crown, I think, from receiving costs."

He (Mr. Thompson) thought that would be a very good thing. A man had enough to do to fight the Treasury without having the penalty of costs held up before him. He had always held that it was beneath the dignity of the Crown to take costs from the subject. Of course, that remark could not have universal application. There were cases where the wrong-doer should pay costs as part of the punishment. Where it was a great public question at issue it was not the interest of the Crown to injure the individual or get a verdict over him, but to see right done, and therefore they had no right to take costs. He thought that one of the great advantages of making the Crown Solicitor a salaried public officer would be that the Crown would not expect costs from the subject in civil matters. He had refrained from going into the evidence, because that was useless. A committee nominated by the gentleman who first raised the question had sat on the subject and fairly and impartially investigated it. They had brought up a report which commended itself to his reason as being substantially in accordance with the evidence, and there was therefore no need for them to say any more about it. Whatever they might do afterwards they were bound to adopt the report, and he should vote for it with the greatest pleasure.

Mr. DAVENPORT said he was very pleased that the discussion that took place on the estimate for the Crown Solicitor's Office should have resulted in this report and the debate that had arisen upon it. Great good, he believed, would come out of it. He should, in the few remarks he had to make, confine himself to the report and not indulge in personalities. He noticed in 6th subsection of the 3rd clause of the report the following words:—

"Opinions have been expressed that the Crown Solicitor occupies a 'dual position' (168, 368), and cannot, without disadvantage to the public, conduct the Government business so long as he is connected with a firm enjoying a large private practice. The Attorney-General thinks (64, 76) that, 'as a matter of general principle,' it would be better that the Crown Solicitor should be debarred from private practice."

He thoroughly agreed with that, and hoped the Government would give effect to the opinions so expressed. Further on the report said—

"Your Committee therefore recommend that your Honourable House take steps to procure such further evidence as is required before a sound conclusion can be arrived at."

When the committee arrived at that conclusion they must have been considerably fogged about the value of the evidence: he should rather agree with the Attorney-General in the opinions expressed by him in a previous part of the subsection. The concluding paragraph said—

"In conclusion, your Committee are of opinion that none of the charges against the Crown Solicitor have been sustained; nor has it been shown that the interests of the Crown, whose officer he is, have in any way been neglected."

He had never heard a word uttered to the effect that the interests of the Crown had been neglected: that was not where the shoe pinched. The general complaint was that the Crown Solicitor, owing to the double capacity in which he acted, had been enabled to prey on the public, to play battledore-and-shuttlecock with them, and, when he had drained them, to turn round and take proceedings against the members of society who had before employed him. Whether he had been right or wrong, he had been able to pocket fees which, in many cases—as the Williams, Macdonald, and other cases—amounted to large sums. He (Mr. Davenport) was in some doubt as to what the duty of Crown Solicitor was. Was it simply to carry out instructions received

from the Government or the Attorney-General? or had he a right, as Crown law officer, to give good advice to the country? If he saw that injustice was about to be done, was he at liberty to raise his voice and protect the public? He hoped the Government would see fit, when next year's Estimates came on, to make some arrangements by which the Crown Solicitor should be debarred from private practice. If the House divided on the subject, he should support the hon. member for the Gregory's amendment to reject the report.

Mr. FRASER said as a member of the committee he could not allow the question to go to the vote without expressing his opinion. If the treatment which this committee had received this evening was a fair sample of what hon. members who gave their time and services at very considerable sacrifice for the advancement of the public interest might expect, very few hon. members would be found willing to attend upon committees. The sum and substance of the remarks which had been made to-night, put into plain English, was this: that the committee were utterly incompetent, and that their sympathies were pre-engaged on behalf of the Crown Solicitor. He was of opinion that, however independent or impartial members of the committee might have been, if anything could excite their sympathy and interest it was the conduct of certain hon. members this evening. First of all, the House was told by the hon. member who moved the amendment that the report was inconsistent and contradictory; but he failed to see in what respect it was contradictory. The committee were alive to the fact that the report did not carry out what was implied in the resolution by which it was appointed. Hon. members had also strongly taken exception to the prominent places they occupied in the report; but he would call to their remembrance the particular circumstances which gave rise to the appointment of the committee. The appointment of the committee was the result of certain remarks made by hon. members in this House, and did hon. members expect the committee to pursue the investigation and ignore the very facts which had been the cause of its existence? Then the committee had been told that no attention had been paid to the object for which the committee was appointed, and the last paragraph had been repeatedly quoted as a proof. That was admitted, but the committee claimed that, considering the limited time, they had got through as much work and produced a report as satisfactory as could have been expected from any committee under the same circumstances. He was sorry to hear the remarks which had been addressed to the chairman. He could bear testimony to the thoroughly impartial and businesslike manner in which that gentleman had conducted the business of the committee. Exception had been taken to the fact that the chairman had allowed the Crown Solicitor to examine the hon. member for Gregory; but that course was adopted simply to save time, the questions being taken as put through the chairman. The first paragraph of the 3rd section—

"That Mr. Hill was under the impression that his charge was well founded is to some extent borne out by the fact of his having removed his business from the firm of Roberts and Hart to that of Little and Browne before the transfer of these runs was completed"—

was objected to, and an attempt was made to twist it into an accusation against Mr. Hill, and to connect it with the dispute between Mr. Hill and Mr. Roberts. The dispute between Mr. Hill and Mr. Roberts was left untouched by the committee, because, Mr. Hill having made assertions on one side, and Mr. Roberts having made assertions on the other side, the committee thought it was best to leave it to the House and the country to judge between them. To bear out the correctness of this, he would refer hon. members to question 713—

"How do you remember it as a fact if you had to correct it? I think it was taken down wrong, and another thing, I had got rather mixed up in my memory with these powers-of-attorney."

Mr. Hill was evidently under an impression which was not borne out, and he (Mr. Fraser) maintained that no injustice had been done to Mr. Hill, who out of his own mouth had verified that passage. The hon. member for Dalby had stated this evening that what he said amounted to a reasonable suspicion;—but what was a reasonable suspicion? The hon. member gave it as his own impression that certain information used against him must have been got through the connection between Mr. Little and Little and Browne; but Mr. Browne, whose evidence the committee were bound to accept, gave the following answer to his (Mr. Fraser's) question:—

"By Mr. Fraser: You never supplied any information for the purpose of being used? I never supplied any information."

The same was confirmed by question 625, which had already been read. In the face of that, and in the absence of anything to throw doubt upon it, could the committee do anything else than accept Mr. Browne's statement? Then there were questions 626 and 627—

"During your consultation with Mr. Simpson was Mr. Little ever present? He may have been, but certainly never to take part in them. I have no recollection of his ever being present; but in passing from my office to his own it is quite possible he might have met Mr. Simpson and waited a minute or so to say something, but he never was advising in the matter.

"He never remained purposely to consult him? Most certainly not."

Those were very distinct statements, made by Mr. Browne when he was speaking under no excitement, and when he had plenty of time to think of what he had to say. He did not intend to follow the matter any further, but would again assert that the report as now presented to the House was throughout a fair reflex of the evidence taken, and in every instance a fair deduction from it. So far from failing in the object for which they were appointed, the concluding paragraph of the last section was sufficient to show that they were alive to that object, in their suggestion that to settle the question the investigation should not remain where it was. As a committee they had given no prominence to their individual opinions. In the case of Curphey *v.* Hoffnung, it should be remembered what were the duties of the Crown Solicitor. Mr. Little, in his evidence said—

"My duties as Crown Solicitor—I am now referring to a paper that was prepared for quite another purpose, but it will assist my memory—my duties as Crown Solicitor consist in the first place in seeing that all criminal cases for trial at the Supreme Court and Circuit courts are propery got up."

In that case the Crown Solicitor had done exactly what was done in New South Wales in similar cases. The Crown Solicitor had nothing whatever to do with civil business. As to assimilating the two offices, that was exactly what the committee felt they had not sufficient evidence to give a decided opinion upon.

Mr. GROOM said that on account of the late period of the session at which the committee was appointed, the evidence was more or less hurried over; and had it not been for the chairman and himself it was very likely the report would not have been in the hands of hon. members to-day. He had taken a considerable interest in the inquiry, because he had for a

long time been of opinion that the Crown Solicitor held two quite incompatible positions. In the court at Toowoomba, some years ago, he remembered a case on the part of the Crown in which Mr. Little advised the Attorney-General, when at the same time he had been the defendant's private solicitor. It appeared to him then that the two positions were altogether incompatible. In the course of the examination of the Attorney-General and of the hon. member for North Brisbane, they rather fenced the question as to whether the time had come when a separation should take place, and showed an indisposition to go out of the old groove of things. He (Mr. Groom) believed that the time had come—and it was confirmed by the evidence adduced before the committee—when the Crown Solicitor should be debarred the right of private practice. In saying that he did not wish to throw the slightest imputation upon the character of Mr. Little, who was a solicitor of the highest standing, and rightly enjoyed the confidence of a large section of the people. The evidence of Mr. Little, and still more that of Mr. Browne, showed how necessary it was that the two positions should be kept separate. In the session of 1860 a salary of £400 was voted for the Crown Solicitor, and it was looked upon then as being a good salary, and the population of the colony was only about 20,000. Seven years later it was found that the duties of the office had enormously increased. If the inquiry did nothing more than elicit the correspondence that passed between the Crown Solicitor and the Colonial Secretary's Office in 1867, it would have done a considerable amount of good. There was a feeling abroad that everything was not sound and safe in the Crown Solicitor's office, especially with regard to the large amount of fees received. According to a return moved for by the hon. member for Mitchell in 1878, there were some cases in which the costs had amounted to £700, £800, and £900, and those appeared very large sums in the eyes of the public; and the idea prevailed that there was an undue monopoly for the firm, by which other solicitors were deprived of practice. Those letters conclusively showed that whatever Little and Browne did with regard to Crown cases they did with the full authority of the Colonial Secretary and Attorney-General of the period. The case of "Williams *v.* the Commissioner for Railways" involved a very large sum of money, as likewise the case against Fitzgibbon, and "Macdonald *v.* Tully." In the latter case, indeed, the jury at Rockhampton gave the plaintiff a verdict for £16,000, together with enormous costs amounting to between £5,000 and £6,000. In his opinion an officer should be appointed to conduct the criminal and civil business of the Crown. The hon. member for North Brisbane, in his evidence, seemed to think that there would be something inconsistent with the Crown Causes Act—which enabled the Crown to pay and receive costs—if such an officer was appointed. But the same Act was in force in New South Wales, where the Crown Solicitor conducted both the civil and the criminal business without the slightest cause of complaint. It was the same in Victoria and South Australia, where the Crown Solicitor was entirely disconnected from private practice. He had intended to have introduced his opinion on the subject with the report, and had worded his objection in the following form:—

"I dissent from the latter portion of subsection 6 of paragraph 3. In my opinion, the evidence adduced before the committee in the cases conducted by the Crown to secure the possession of certain lands conclusively proves the incompatibility of the dual position of the Crown Solicitor as private adviser to a client and subsequently conducting a suit on the part of the Crown against him. I am of opinion that the time has arrived when a Crown Solicitor, to conduct the whole of the criminal and civil business of the Crown, should be appointed, without the right of private practice. In view of the increase of legislation and the magnitude of the public works to be entered upon now and in the future, there appears to me every probability of an abundance of legal work accruing to occupy the whole of the time of the Crown Solicitor. On public grounds, therefore, I consider it would be eminently satisfactory if the Crown Solicitor were entirely disconnected with private practice, and become wholly and solely the servant of the Crown."

That was his opinion, and it had been strengthened by the evidence taken by the committee. The Government, he believed, would in a short time have an opportunity of carrying out this recommendation. He understood that the Crown Solicitor would shortly have twelve months' leave of absence; he hoped that the gentleman appointed in his absence would receive sufficient salary to render him independent of private practice. There was one other matter to which attention ought to be directed. He hoped it would not occur again. He referred to what took place at the Rockhampton assize about twelve months ago. In the report merely the bare facts were stated—

"Reference has further been made to an alleged failure of justice at a recent sitting of the Circuit Court at Rockhampton. So far as your committee have inquired into this case, they find that it was the first occasion (591) on which Mr. Justice Harding took his seat in a Criminal Court: that the Attorney-General was not present (591): that the Crown Solicitor was exempted from personal attendance by the Attorney-General (737): that the chief clerk to the Crown Solicitor was not present (584), being ill in bed (585): and that the Crown Solicitor was represented by Mr. Cooling, a clerk in his office (586, 734), who has had ten years' experience (734), and has been employed on similar work, on circuit and in Brisbane, on other occasions."

Upon the occasion of this assize, reports appeared in the two local newspapers; and there must, therefore, be some truth in the report that a miscarriage of justice had occurred in consequence of the way in which the cases were placed before the juries. It appeared a most extraordinary thing, seeing that the House was not in session, and that there was nothing to prevent the Attorney-General from being present, that a very young barrister should have been sent to conduct cases before a new judge, whose practice had lain in the equity rather than in the criminal jurisdiction of the Supreme Court. Mr. Keane, the clerk to the Crown Law Offices, said the cases were of such a character as to call for competency and skill in their conduct. It was the want of that skill and competency which led to such a serious miscarriage of justice. Of course it was not the fault of the Crown Solicitor, as he had the permission of the Attorney-General to abstain from appearing, but why did not the Attorney-General appear himself? He must endorse the remark of the hon. member for South Brisbane, that the chairman of the committee had devoted a considerable amount of care and attention to the preparation of the report. The hon. member had no personal interest to serve in the matter; and it was very creditable to him that in the course of a few hours, at the close of a long and wearisome session, he should have gone through the evidence and prepared such a good report. All that he regretted was that the chairman had not seen his way to embody in the report a more distinct recommendation with reference to the severance of the office of Crown Solicitor from private practice. The speeches which had been delivered had gone a long way to show how desirable it was to discontinue this dual position. The public confidence was a greater matter than that of expense. The proceeds of civil business had, he believed, of late years increased the income of the Crown Solici-

tor to an average of £1,700. He believed there were gentlemen who were in every way qualified to hold the office who would gladly take it for £1,000. With regard to further inquiry, they had only the evidence of two gentlemen—the Attorney-General and Mr. Griffith—with reference to the severance of the office from private practice. They had no evidence as to the working of the office in New South Wales, in Victoria, or in South Australia, and the committee thought that under the circumstances it would not be wise to give an opinion without having more evidence. In his own opinion, however, there was sufficient evidence to warrant a strong recommendation as to the severance of the office from private practice. He would, of course, vote for the adoption of the report.

Mr. PERSSE said that, as a member of the committee, he felt it his duty to say something upon the matter. He laid a great deal of blame upon his own shoulders for not being a better attendant at the meetings of the committee, although he found that, with the exception of the hon. member for Toowoomba and the chairman, he had attended as often as any other member. He regretted that he was not present when the report was drawn up by the chairman. Had he been, he would have supported the hon. member for Toowoomba in an endeavour to embody his views in the report in the form of a protest. He believed, however, that, if the inquiry had done no further good, it had shown to the House that the time had arrived when the office of the Crown Solicitor should be separated from private practice, and that the sooner the Government made the alteration the better would it be for the country. The Attorney-General and Mr. Griffith were both examined upon this point; but both gentlemen seemed reluctant to give evidence as to the desirableness of the course suggested. Mr. Hill, Mr. Davenport, and Mr. Simpson had rendered the country a great service in bringing these matters forward. He regretted that so much blame had been thrown upon the chairman. The hon. member for Port Curtis only became chairman in consequence of his having tabled a motion informally. The hon. member might have made mistakes; but, for his own part, he was sure that he would have made more. The hon. member's errors, such as they were, resulted from over-zeal rather than from carelessness. He had no doubt that if the hon. member had received more assistance he would have been able to draw up a fuller report than he had done. He had no hesitation in saying that the report, even in its present form, would be the means of doing away with a great injustice. He agreed with the hon. member for Ipswich in his remarks with reference to the Attorney-General. He was the grand juror for the colony, and it was very undesirable that he should have a private practice. Whether they could afford to give an Attorney-General sufficient emolument to induce him to hold aloof from private practice he did not know. They knew that there were plenty of people who would be quite ready to take the position of Crown Solicitor without being allowed private practice; as, for instance, when the present Crown Solicitor went to England some other gentleman would be appointed to act for him, and from what he heard he believed the Government would make it a stipulation that he should not be allowed to have private practice. There was one thing that had occurred at the meetings of the committee to which he would draw attention—namely, that Mr. Little had been allowed to cross-examine witnesses. He was not present, but he had been told that Mr. Little was allowed to cross-examine hon. members of that House. He believed that was contrary to the rules of the House—at least, so he had been informed. He thought, also, although in the main he endorsed the opinions expressed in the report, that it was a pity in a matter of such importance as this that it should have been brought on so late in the session, and have been carried out as it was towards the end. However, it would do a great deal of good if the suggestion made by the hon. member for Toowoomba (Mr. Groom) was carried, that there should be a Crown Solicitor who should not be allowed to act in a dual capacity. He should support the adoption of the report, but he should have liked to have seen the objects of the committee more fully carried out.

Mr. KELLETT said he only rose to say a few words on the matter, because he thought the debate on it had been pretty well exhausted already. He quite agreed with the report, and he thought he might say that, for the short time the committee had been at work, there was a great deal of business done and a great deal of evidence taken. It had been objected that what the committee was asked to do had not been done; but he did not see how they could possibly have got to that without first taking the evidence that was in the report. There were certain charges that had been made against the Crown Solicitor, and those were the first matters they had to clear up; they had to see whether, as alleged, there was anything wrong in the Crown Law Offices. If those charges were only partly substantiated, then the House would have said that there was something wrong; but they were not substantiated. He might say, at the same time, that he believed the hon. members who made those charges were firmly convinced that they were justified in making them; but he believed they were merely suppositions on their part, as there certainly had been no evidence to prove them. The Crown Solicitor had been for many years in his present position, and he was known and respected throughout the colony—in fact, he did not think there was an officer in any of the colonies who was more respected by all who had known him during the past twenty-five years than Mr. Little was. He was sorry that when the evidence was taken there was not more time to have got evidence to show whether it was desirable to have the Crown Solicitor's a separate appointment without private practice. His own opinion was from the evidence that was taken, and from his own knowledge, that the work of the office had so much extended from the time Mr. Little was first appointed that it would be advisable that the officer holding that appointment should, if a capable man, be well paid, and should not be allowed to have a private practice. He agreed with the report and with the conclusion of it, that the committee were of opinion that none of the charges against the Crown Solicitor had been sustained. During the heat of the debate it was stated that lies were told by Mr. Little and his partner—he would leave the responsibility of those statements to the gentlemen who had made them, but he believed himself that Mr. Little was incapable of such a thing. At the same time, he must repeat that he thought hon. members who made charges against Mr. Little did so in all good faith. That they had not been substantiated he was certain, as also that they had been fairly inquired into. He had much pleasure in supporting the adoption of the report.

The ATTORNEY-GENERAL (Mr. Beor) said that as one of the committee he rose to express his entire concurrence with the report before the House. He did not think, after the speeches which had been made on the subject, that it would be necessary for him to say more

than a few words, but there were one or two matters he should like to notice. First, with regard to the blame which had been attached to the committee for not having more thoroughly investigated the subject referred to them for inquiry; but the reason was plain—namely, that they had not time to do so. It was said, in answer to that, that they went aside from the proper subject of inquiry and entered into other matters that had nothing to do with it. He differed from that entirely, as he considered that the committee were bound on the threshhold of the inquiry to examine into the matters they had done. He was not able to be present at all the meetings of the committee, but he had read the evidence carefully, and it was his opinion that there was not one of those charges which, if proved to be true, would not have exposed the most serious flaws in the Crown Solicitor's Office; and in addition to that the character of an officer holding a high position in the service of the Government was under inquiry. Therefore, if for no other reason, the committee was bound to inquire into those charges. That was really all he considered it necessary to refer to or to say even two or three words about. There was yet another thing—namely, what Mr. Browne said in reference to his knowledge of prosecutions. Everyone who knew anything of the working of a large solicitor's office knew that two partners never attended to the same thing, and it would be as ridiculous for one partner to interfere with the work of the other as it would be for one letter-sorter in the Post Office to interfere with another. One partner would know nothing of the business transacted by the other. Allusion had been made to the sums which had been made by Mr. Little out of his private practice, and it was stated that barristers "cottoned" to Mr. Little and winked at his getting those large sums, as they might expect to get something out of them. That was the first time he had ever been present to hear himself accused of having "cottoned" to a solicitor, and of having knuckled down to him for the sake of getting briefs. A great many accusations which were not worthy of notice were occasionally made in the House against lawyers; but he was quite certain of this, that whatever difference of opinion might exist between himself and other members of the leading profession in that House—whatever they might think of each other, they would, at anyrate, unite in trying to make the profession one of honour, probity, and honesty. And as long as they did that they could rest very easy under any charges or imputations that might be made against them by any person in any House. He considered that Mr. Little had been completely exonerated by the evidence and the report. His character was completely cleared.

The COLONIAL SECRETARY: I don't think it ever wanted clearing.

The ATTORNEY-GENERAL said he agreed with the Colonial Secretary that it never wanted clearing, except for this, when imputations were thrown upon a person, however unfounded they might be, it was good that any suspicion which might be aroused should be cleared away. However full of integrity and honesty a man might be, when imputations were made against him in a high place like that Assembly, it was necessary that he should be cleared, and he thought that had been completely done in this case; and that to anyone who fairly examined the evidence and report it must seem clear that no imputation could rest upon Mr. Little.

Mr. GRIFFITH said he would not detain the House for more than a minute. He desired to say that he entirely concurred with the report of the committee, and thought the strictures made upon the committee for dealing with the charges preferred against Mr. Little in the House were entirely unfounded. Those charges were in reality the cause of the inquiry, and it would have been idle for the committee to sit without taking notice of them. He was glad that they had been investigated. The report showed that they were utterly unfounded. He agreed with the report, and hoped it would be adopted unanimously.

Mr. NORTON said that before the matter was settled he had a few remarks to make, and they would be short, but plain. He never had any hesitation in speaking his mind when there was occasion, and there was occasion that evening. It had been stated that the members of the committee had neglected their duties—that they had not obeyed their instructions. He denied that entirely. It had been also stated that the report was a "wishy-washy" one, but it was wonderful that such a report should produce so much opposition. It appeared to him that the "wishy-washiness" consisted in its not being exactly in accordance with the feelings of those who denounced it. The committee had been accused of being almost fools for going into the charges made against the Crown Solicitor, and neglecting to inquire into the absolute working of the office, and making a recommendation accordingly. They would have been intolerable fools if they had made that recommendation. When the matter was brought forward he stated what his own opinion was—that it was desirable the office of Crown Solicitor should be one in which the holder should be debarred from private practice. He still held that opinion, and believed most members of the committee, if not all, held it also; but were they simply, because they held that opinion, to make a recommendation that the system should be so changed without having the evidence to guide them for making it? What did they know about the working of the office in another colony where it was conducted on another system? What evidence had they got about it? The Attorney-General could tell them nothing, and the leader of the Opposition said he had no personal knowledge but he believed the system was working most unsatisfactorily. Were they to disregard what he said? Was it not acknowledged that he was the first lawyer in the colony? Were they to say, in spite of what he stated, that they thought there ought to be a change? What reasons could they have given for recommending a change? If they had been fools for not making the recommendation, they would have been greater fools for making it. When he made a recommendation he liked to support it with reasons, and he would not make one if he could not give sound reasons for it, reasons which would be acceptable to the House. The committee had acted upon the evidence they were able to take, and brought up a report upon it—a report which the member for Mitchell said was more figures than words. What did those figures represent? They represented the references to the evidence, and he challenged hon. members to point out one single report brought up this session in which so many references to the evidence were given. Then as to the question whether they ought to have gone into the matter of the charges made against the Crown Solicitor, the hon. member for the Gregory did not like to be called accuser. He was rather thin-skinned in the matter. He did not like his statements to be called charges, but what were they if they were not charges? They were direct charges; if not true they were gross charges against the Crown Solicitor's honesty. If they had been proved the committee would have had to report to the House that the Crown Solicitor was nothing but a rogue and ought to be dismissed. That was

the reason why they were bound to go into them. The member for Gregory said he did not think they were charges. He had in his hand the *Hansard* report of the debate which gave rise to the inquiry. It appeared to him that they were very grave charges, and he was first to make reference to them as such. It had been proposed to reduce the salary of the Crown Solicitor, not of Mr. Little, but of the office, and he said that—

"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."

And then he went on to say—

"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."

The member for North Brisbane (Mr. Griffith) next got up and said the member for Gregory had made a very serious charge, and he was followed by the member for Gregory, who said—

"He was not in the habit of making insinuations; when he made charges he made direct ones."

Did the hon. member admit then that they were charges?

Mr. LUMLEY HILL: I adopted your words.

Mr. NORTON said the hon. member might attempt to wriggle out of it. It was a direct charge, and by his language he admitted it. However, whether he admitted it or not it was a direct charge. Did the hon. member mean to say he could speak of the Crown Solicitor in these words without making a charge—

"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."

Was not that a charge?

Mr. LUMLEY HILL: It is a statement of fact.

Mr. NORTON said he would ask whether a charge was not a statement of a supposed fact? It was utterly useless of the hon. member to deny that this was a charge; it was a gross one if it was not true. So far as the Crown Solicitor was concerned he might say that he first met him in 1857. Since that time he met him once in Rockhampton. Since he had been in Brisbane—since the inquiry came on—he spoke to Mr. Little on the occasion of their meeting in the committee room, and twice otherwise. That was his personal knowledge of the Crown Solicitor. That officer was always spoken of with thorough respect, and he admitted having a great deal of sympathy for him. He had sympathy for any prisoner even, no matter how just the charge against him might be, and when a public officer holding a high position, who was spoken of as a man of the strictest integrity, had such strong terms applied to him, was it any wonder that he should have a sympathy for him? Were the committee to be blamed for having allowed the Crown Solicitor every opportunity of setting himself right; to hear what were the charges made against him, and to disprove them if he could. If he were not to be allowed to do that, what was the use of the committee? If the charges had been proved, the Crown Solicitor would have been branded as a rogue, and the committee would have had to bring up a report recommending his instant dismissal. The hon. member for Mitchell had accused the committee of shirking their duty in not reporting as to the advisability or otherwise of the proposed change. If a refusal to bring up a report on a subject about which they had not obtained sufficient evidence to justify them in forming an opinion was shirking, he should always be found shirking under similar circumstances. The hon. member for Gregory said that the report was contradictory. He (Mr. Norton) denied that; the report was taken from the evidence, and evidence in support of each statement made was quoted. The committee reported that "the charges against the Crown Solicitor have not been sustained." In connection with that he wished to point out that his object in writing the report was to make it as little unpalatable as possible to those who he knew would not like it; he carefully studied every word he wrote, so as to avoid touching their sensibilities. He might have said that the charges were disproved, as some had been; but, for the reason stated, the milder language was used. The hon. member for Gregory had said that the matter ought not to have been jostled through. How had it been jostled through? The committee was appointed in consequence of charges made against the Crown Solicitor, and those charges had been fairly investigated. The hon. member said he made the charges in the interest of the public, and if the hon. member had the public interest so much at heart, why did he not bring forward the matter earlier in the session, and then there could have been no possibility of any jostling? It seemed that it occurred to the hon. member a long time ago that it was desirable to make a change, but he had deferred taking any steps to bring about an inquiry until after the statements were made in Committee of Supply. The committee was asked for on the 7th October, at which time very few expected that the House would have sat as long as it had done. Could the hon. member expect any committee to deal properly with the general question in the limited time at their disposal? The remarks of the hon. member respecting the committee were totally unjustified. At the request of the hon. member he moved for the committee, although when he did so he knew he would be the chairman, and that was a position he was not anxious to take as he did not think that he had sufficient experience of committee work to perform the duties of chairman properly. The evidence which the hon. member gave before the committee represented the Crown Solicitor as being no better than he ought to be—that was putting the hon. member's opinion in a mild way. The hon. member's charges of vexatious delays in connection with his business transactions with Mr. Little were not sustained by the evidence. It had not been shown that the hon. member was put to any unnecessary trouble to obtain his certificate.

Mr. LUMLEY HILL: But Mr. Morehead was.

Mr. NORTON said, it seemed that the hon. member was determined to make Mr. Little appear very bad in spite of whatever evidence might be brought forward. The treatment which the committee had received from the hon. members for Mitchell and Gregory, particularly the latter, was most cowardly. The committee were nominated because they were disinterested in the matter, and they had done their best to elicit the truth and give a just verdict. What was the result? They brought up a report which showed that they were disinterested, and then they were abused in the roundest numbers and were almost told they were fools—and all that simply because they had not dealt with the general question, which they had not had time to inquire into. They were deputed to inquire into the working of the Crown Solicitor's Office, and in making such an inquiry were they to ignore

the head of the office? It seemed to him that the right thing to do was to start with the head of the office. The arguments which had been used by hon. members were the most frivolous he had ever listened to in his life. By heavens, he was ashamed to sit there and listen to them! The gentleman who had made those statements might have brought forward some evidence to substantiate them if he could. The hon. member for Gregory, besides his own evidence, had adduced that of Mr. Thornton with reference to the Hoffnung case and that of Mr. Chancellor. The hon. member for Dalby had rather complained about being called upon.

Mr. SIMPSON: I did not.

Mr. NORTON said the hon. member said that he did not know why he had been called, and that if he had known he should be called upon to give that evidence he would not have come at all.

Mr. SIMPSON: I did not say so.

Mr. NORTON said he had understood the hon. member to say so, but as the hon. member corrected him he would not repeat the statement. The hon. member was named by the hon. member for Gregory to give evidence with regard to those particular land cases, and that was why the hon. member was called. That did not look like inquiring into the working of the office: it rather looked like instituting or following up charges against the Crown Solicitor.

Mr. LUMLEY HILL: It was simply with reference to the working of the office.

Mr. NORTON said if that were so the committee were bound to inquire into those charges. He had not a word to say about what had been stated by the hon. member for Dalby, but he held that the committee had been very unfairly attacked in this matter. They had been asked again by the hon. member for Gregory to call Mr. Raff. What was that for? He had been given to understand that Mr. Raff was very anxious to come forward; but when he came he had no charge to make, and the whole affair looked very like a farce. The other witnesses called at Mr. Hill's request were Mr. Davenport and Mr. Roberts. Besides those gentlemen, Mr. Griffith was asked to attend at his (Mr. Norton's) suggestion, and Mr. Keane at the suggestion of Mr. Little. The action of the committee in allowing the Crown Solicitor to be present had been challenged, but he maintained that the Crown Solicitor had every right to be present and to hear every word that was said against him. However, as he had not had much experience with committees he had consulted those who were in a position to give sound advice, and he might mention that the Speaker had stated that in his opinion the committee were quite justified in allowing Mr. Little to be present. He took his stand on the principle of fairplay. The position of Mr. Little in this matter had been similar to that of a criminal on his trial, because the result of the inquiry would affect him and him only. What would the gentlemen who had made the statement against Mr. Little benefit or lose by the result? Nobody would believe that they were so malicious as to have brought charges against Mr. Little to damage him personally. If the result was in Mr. Little's favour the only conclusion would be that they had been premature in their judgments. The Crown Solicitor, on the other hand, stood as an accused man, and if the case was proved against him he would forfeit not only his position as Crown Solicitor but also the position he held as a gentleman highly esteemed by nearly every man in the colony. That was the reason why the Crown Solicitor had every right to be present and to hear every word that was said against him. The hon. member for the Gregory objected to the presence of Mr. Little because he thought that some people might be put out of countenance, but he (Mr. Norton) did not think that people ought to be put out of countenance by the presence of a man who had been accused. He (Mr. Norton) did not often make charges, but when he did he preferred that those against whom he had made the charges should be present to hear every word he had to say. That objection seemed to him to be unworthy of the hon. member. An objection had also been taken to the fact that Mr. Little had been allowed to examine Mr. Hill, he being a member of the House. He (Mr. Norton) did not at first consent to this, and he took advice and ascertained that it was competent for the committee to grant the privilege asked for. He represented that to the committee, showing how time would be saved, and left the committee to decide the matter. Surely that was a very small matter for hon. members to take exception to. The hon. member for the Mitchell had told the House that the first part of the third section of the report, stating—

"That Mr. Hill was under the impression that his charge was well founded is to some extent borne out by the fact of his having removed his business, &c."—

was an insult to the hon. member; but what more could the committee say? They could not say it had been proved: it was only borne out to some extent, and that was what they said. The committee had told the truth, and the whole truth; more than the truth they would not tell for any man. He did not wish to give offence to any hon. member, but he would not sacrifice his conscientious convictions to please anyone. There was only one other matter to which he desired to refer—namely, a remark of the hon. member for Dalby in reference to a question which had been put to him. The hon. gentleman, in reply to questions, said—

"By the Chairman: You were not aware of anything illegal in the action you took with regard to that land? No.

"If you had had any thought of any illegal action, you would not have employed Messrs. Little and Browne, knowing that Mr. Little, the Crown Solicitor, was connected with that firm? That is a question I think I should resent being asked. I cannot conceive the possibility that I should act illegally or employ any solicitors to act illegally for me.

"Then the fact of your employing Little and Browne, knowing Mr. Little was connected with that firm and was also Crown Solicitor, was evidence that you thought you were acting in a correct way? I do not know whether it is evidence or not; it is a subject that has never entered my mind."

It appeared to him (Mr. Norton) that if the hon. member had known that he was acting illegally it was not at all likely that he would have gone to the Crown Solicitor for his advice. Had the hon. member been acting fraudulently he would have gone to a solicitor of a very different standing. Those questions were asked in consequence of a previous one, which was as followed:—

"Can you remember the particular statements in that Bill? The principal statement was that myself and friends had acquired land by fraud and illegally."

The hon. member was inclined to resent the first-mentioned questions, because he did not understand the motive which he (Mr. Norton) had in asking them. He wished to show that the hon. member, having been charged with an illegal act, took a course which was calculated to show that he was ignorant of having done so. He had thought of mentioning the subject before, but had delayed doing so in the expectation that the subject would be referred to in the course of the debate, and a better opportunity would be afforded to him of explaining. If the hon. member had not

referred to it, he had marked the passage and made a note to explain his reason for asking the questions. He hoped that explanation would be satisfactory to the House and to the hon. member.

Mr. SIMPSON: Hear, hear.

Mr. NORTON said he would only state, in conclusion, that in connection with this matter the committee had done their very best to carry out the duty which devolved upon them in consequence of the resolution to appoint this committee. Every member of the committee had, he believed, conscientiously done his duty; and if after this explanation any hon. member chose to be dissatisfied with the action of the committee he could not help it. He had pointed out their motives for having gone into the charges;—the explanation he had made should be ample for any reasonable man. He had also pointed out that if they had reported distinctly that the system should be changed, they would not only have gone outside their duties, but have acted in a most unreasonable and utterly foolish manner. He would now leave the matter in the hands of hon. members.

The COLONIAL SECRETARY said he had purposely avoided speaking till the close of the debate, but he did not think it proper that the debate should be closed without a Minister of the Crown speaking on the subject. He regretted exceedingly the tone which the debate had taken. Without going through the rather voluminous report that had been placed before them, he could safely say that he approved most thoroughly of the concluding paragraph of the report:—

"In conclusion, your Committee are of opinion that none of the charges against the Crown Solicitor have been sustained; nor has it been shown that the interests of the Crown, whose officer he is, have in any way been neglected."

In fact, he never had a doubt, nor a shadow of a doubt, about it; and it was no compliment to Mr. Little to say so; and he could answer for the rest of the Ministers that they never felt any doubt about it. Misunderstandings would arise, even in powers-of-attorney drawn up by the best lawyers. He would give an instance in point from his own experience. Some years ago a power-of-attorney was left with him to do a great many things connected with stations, and a power-of-attorney was given to the brother of the person for whom he was acting, both being drawn by Mr. Iceton, one of the best lawyers in Sydney. The power-of-attorney given to the brother of the gentleman for whom he was acting was supposed to control the power-of-attorney which he (Mr. Palmer) possessed. What was the result? When they came to selling stations, which he had full power to do, it was found that the power-of-attorney which was supposed to control his, gave really no power whatever to interfere with him, and could not transfer a station which his (Mr. Palmer's) could. That was a sample of mistakes that might be made in powers-of-attorney, even though drawn up by clever lawyers. He passed for nothing all that had been said to-night about the power-of-attorney. He felt very deeply on the subject. Mr. Little was a very old and valued personal friend of his own. They had been intimately connected for years, and it would be fulsome for him to praise Mr. Little before the House. But he did not need to be praised, either before the House or the colony. For years past, Mr. Little, speaking on the position of the Crown Solicitor, had always expressed to him his opinion that it would be better that the Crown Solicitor should have no private practice. The only reason he gave for continuing it was one which he himself had always entertained, and that was the mere question of expense. If the House were determined to have a Crown Solicitor without private practice, they must expect to pay for it. There was the question in a nut-shell. Mr. Little was quite willing, as he understood from him, if the Government saw fit to appoint a Crown Solicitor without private practice, to acept it, with an increased salary and a staff to be provided. The whole thing was a simple question of expense. He (Mr. Palmer) was Colonial Secretary in 1867 when the agreement was made with Mr. Little as to carrying on private practice, and he had never seen any reason to regret it. The duties of the office had been thoroughly performed, and the Crown had suffered nothing at the hands of the firm of Little and Browne. More than that, Little and Browne had lost more by losing their constituents than ever they had gained by carrying on the business of the Crown. He did not intend to detain the House. He hoped the report would be agreed to without a division. It was due to the character of Mr. Little; and when a little of the heat that had arisen on the subject had died away, he was quite satisfied that members who had said unpleasant things would be the first to regret them. He knew positively that the hon. member for Mitchell had just as high an opinion of Mr. Little as he had—he had said so himself to him that evening. He thoroughly agreed with the last portion of the report, and hoped it would be adopted as a whole. The report had been drawn very carefully; indeed, he had never seen a report where the evidence was so particularly specified, and it did great credit to the hon. gentleman who drew it up.

Mr. REA said that those hon. members who were not either members of the committee or witnesses summoned before it had not been well treated. The document was put into their hands to-day, and they were asked to give an opinion upon it at once. How could they be expected to form anything like a just conclusion in that summary way? He had gone through the evidence as carefully as he could in the time, and the conclusion he came to was that the hon. members who spoke in the early part of the evening had very good cause for requiring the investigation—it was very evident that there had been a jumble of public and private business in the Crown Solicitor's office. When one partner in a firm took the private practice and the other the public practice, such a system could never be expected to work well. He had been astonished to hear the Attorney-General justify the existing system; but it was certainly an unpardonable thing that one partner of a firm should appear for the plaintiff in a case and the other for the defendant. With regard to the failure of justice at Rockhampton, that seemed to be fully proved, through the failure of the Crown Solicitor to send a competent person to instruct the Crown Prosecutor. The interests of the public had been neglected in the most flagrant manner, and it was the old thing, that private interests had been studied before the public good, as had been the case with the steel rails.

Question put, and the House divided:—

AYES, 20.

Messrs. Palmer, McIlwraith, Beor, Norton, Douglas, Low, Stevens, Miles, Baynes, Kellett, Cooper, H. W. Palmer, Thompson, Archer, Hamilton, Groom, Fraser, Horwitz, Griffith, and Persse.

NOES, 4.

Messrs. Hill, Simpson, Morehead, and Davenport.

Question resolved in the affirmative.

Mr. MOREHEAD said he would move the adjournment of the House to call attention to the

fact that the question had been improperly put. The hon. member for Gregory distinctly moved, as an amendment, that the report be rejected.

Mr. GRIFFITH: He only said he intended to make the motion.

Mr. MOREHEAD said he preferred his own memory without any corrections from the hon. member for North Brisbane. He believed he was truthful, but the hon. member was not. The amendment of the hon. member for Gregory was not only moved but was seconded, and the division was not a test in any way whatever. It was not for himself or the hon. member for Gregory to put the question; it was for the Speaker to do so. It was rather an extraordinary thing that the Government should have stood by the report—a report which, if it meant anything, meant a very serious charge against members on their own side. If the Government had such love and affection for the Crown Solicitor that they would back up a report which whitewashed him while it cast a slur upon members upon their own side, all he could say was that he was sorry for them. Certain members, out of strong personal feeling and regard to Mr. Robert Little, had voted as they would not have voted had other things been equal.

Mr. KELLETT: No.

Mr. MOREHEAD said the hon. member could say "No" until he was black in the face. Mr. Little had written him a letter stating that the evidence contained a statement which was untrue; and now that they had adopted the report that untruth would remain for all time on the "Votes and Proceedings." How had the hon. member for Gregory been treated in that report? His word had been preferred to that of an effete old man. It was true that that man occupied a certain position somewhere else, but was his statement to be taken as against that of the hon. member for Gregory? He had never known the word of the hon. member for Gregory to be doubted; and in this case it had been collaterally confirmed by his own statement. Yet their statements were to be overridden by the statement of an old man who was well-known to be almost fatuous. That was what the House had done that night. If the rules and Standing Orders of the House were brought into force the amendment, properly speaking, would be carried. Why the question had not been properly put he left Mr. Speaker to decide. Here was a report which branded supporters of the Government as men who were not to be trusted—as men whose word was not to be relied upon; and it had been carried by Mr. Little's strong personal friends. Mr. Browne also had friends in that House—men whom he had paid. The hon. member for Maryborough was one of his hirelings; the hon. member had written for Mr. Browne's paper, and had been paid for so doing, and he ought not to have voted upon that question. There were other hon. members who should not have voted. He would not describe them further. Mr. Speaker would know to whom he referred. They had a majority, who for personal and political reasons had supported the adoption of a report which was untruthful, which was not based upon the evidence taken by the committee. The deduction from the evidence, as it appeared in the report, was not that which an honest man would have drawn from it. Upon the admission of the hon. member who moved the adoption of the report the evidence was incomplete.

Mr. NORTON: I said the report was.

Mr. MOREHEAD said the House should not have been asked to adopt an incomplete report. If hon. members would read the evidence they would see that the report was not only incomplete but inaccurate. It seemed to him that certain members of that House—and more especially the hon. member for Gregory—had been put upon their trial. He would ask how it was that Mr. Little was allowed to cross-examine witnesses. He did not believe that such a case had been paralleled, and he did not believe there was a case in their parliamentary procedure where a person who was not a member of a committee was allowed to sit in the room and to cross-examine witnesses. Why, the hon. member for the Gregory was treated as if he was on his trial—as if he was in the dock—and it was an insult to Parliament that such a state of things should have existed. If such a state of things was to go on—that the Crown Solicitor was to be allowed to rule a committee of the House, and cross-examine witnesses when he thought fit, in the same way as if he was in the Old Bailey—where was it to end? He would repeat that a more disgraceful committee never sat in that House, and in saying that he was within the mark—in fact, that was the opinion of persons outside of the House as well as that of hon. members. The committee had not done their work as they should have done. They dawdled away their time until they knew they were nearing the end of the session, and they dared not sift the matter in connection with Messrs. Little and Browne; but at the end of the session—the last day but one on which they knew the House would meet—they brought up a morbid report, full of figures and full of idiotcy, and got the House to assent to it—as he had already said—most improperly. It remained to be said that this one-sided report was foisted upon the House in this way: that the four members who voted against it were those who were apparently on their trial—and therefore it might be taken that the adoption of the report was a condemnation of those four hon. members. He would say this, that so far as he was concerned, he would leave no stone unturned—although he had not hitherto taken any prominent part against Little and Browne—to prove the iniquity that had existed in the conduct of public business by that firm. He had been told by hon. members on both sides of the House that they did not believe in the dual position of the Crown Solicitor, yet when it came to a division he found it was quite different. It did not matter to him, personally, whether the combination of offices was continued; but the time would come when it must be severed, and the time would come when the corruption would be seen—corruption which had been already partly indicated—arising out of the combination, and it would be found how prejudicial it was to the interests of the colony. He was certain that neither Mr. Little nor Mr. Browne would be as rich as each gentleman was that day were it not for the combination of offices. He would not say that these men had robbed the State, but they had been placed by the State in a peculiar position to amass money. For years and years they had occupied offices free of rent, and for years and years they had got business from the fact of one partner being Crown Solicitor. Yet this miserable report made no allusion to the facts the committee was appointed to inquire into. The direction of the House was a specific one—namely, to inquire into and report upon the working of the Crown Solicitor's Office; but, instead of that, they brought up a report that did not attempt to deal with that question, but merely said that Mr. Little was a very honest man, and that the charges against the Crown Solicitor had not been sustained. They were not asked to express any opinion of the Crown Solicitor, but merely of the working of the Crown Solicitor's Office, and yet this was the report which the House in its wisdom had

thought fit to adopt. He considered that the report was a distinct insult to the House. A certain business was deputed to a committee of the House—to give their opinion on a certain subject—but they did not do so. They had laughed at the House, and the House had accepted a wipe in the face, and was apparently very thankful for it. The statements in the report were not borne out by the evidence, and were insulting to many hon. members; and it was derogatory to the House to have accepted them. There was one other matter he would refer to, viz., the fourth section in the report, which referred to the charge of two guineas made by the Crown Solicitor for initialling a power-of-attorney. Now, a more iniquitous and improper charge could not be made. As he had stated in the House, he held a power-of-attorney from his partner at home, and for merely getting it initialled by Mr. Robert Little he was charged two guineas.

Mr. NORTON: I do not think that accusation was sustained. There were five initials on the deed.

Mr. MOREHEAD said that the power-of-attorney was drawn up by Little and Browne from his partner, who was now in London, to himself, and, as the hon. member had stated, it had been initialled four or five times by Mr. Robert Little. On each occasion a sum of two guineas was paid. He himself, on the last occasion, took the power-of-attorney to Mr. Little, and remarked, "You have seen this before." Mr. Little smiled, and, without looking at the document, put the letters "R. L." on the back of it, and he (Mr. Morehead) had to pay another two guineas. He would ask hon. members whether the committee should not have made some other reference to that state of things than what they did make, which was simply this:—

"Referring to the charge of £2 2s. made by the Crown Solicitor for certifying to sufficiency of powers of attorney, &c. (209-211), your committee have ascertained that a regulation published by the Lands Department in 1869 (35) requires that in certain cases applications for transfer must be accompanied by the Crown Solicitor's certificate. The fee is fixed by Mr. Little (35), but is not charged in cases referred to him by the Lands Department (35-45)."

He would give the hon. member for Toowoomba (Mr. Groom) credit for holding a different opinion from other hon. members who had spoken on the subject, and for stating that he was not in favour of the report. As that report stood, it was a disgrace to their "Votes and Proceedings," and he was sorry to think that the members of the Government and those who generally supported them should have voted for the adoption of the report, and have thus cast a slur on several members on their side of the House. He moved that the House do now adjourn.

The SPEAKER said that as objection had been taken to the way in which he had stated the question, he would explain to the House how it had been put. The hon. member for Gregory on first rising expressed his intention of moving an amendment to reject the report; but he (the Speaker) did not understand him to move it formally. The hon. member continued to speak for about three-quarters of an hour, and at the conclusion he moved the adjournment of the debate, which question was put on his motion. If there was any fault the mistake was made by the hon. member commencing his speech with one motion and concluding with another.

The MINISTER FOR WORKS said he wished to say a few words in reference to what had fallen from the hon. member. The hon. member must know that the members of the Government did not all vote for the adoption of the report. Two, of whom he was one, did not vote for it. He never saw the report until it was put into his hands that evening. He believed it was circulated that morning, but, seeing how large the report was, and how much evidence it contained, they were asked to come to a decision very hastily. Upon an important question such as was dealt with in this report, members of the House should have a longer period for consideration. He had no mind in the case until he heard the member for Mitchell making his speech in the course of the debate, in which he drew the attention of the House to questions 624 and 625. When the hon. member read these questions he (Mr. Macrossan) came to the determination, not having read the report, that he could not vote for it. The answers to those questions appeared to his mind so strong, and staggered him so much, that he could not in conscience vote for the adoption of the report, and, therefore, he refrained from voting; and he believed one of his colleagues was actuated by the same motives. Of course, his other colleagues had voted according to their consciences; but if he had imagined for one single moment that either the member for the Gregory or the member for the Mitchell was upon his trial, he should have voted against the report, even upon the strength of those two answers. He did not, however, think that those hon. members were upon their trial, and he was of opinion that those hon. members were mistaken in thinking that they were.

Mr. MOREHEAD said he accepted the explanation of the hon. gentleman, and withdrew all that he had said against the Ministry if the Minister for Works and his colleague did not vote for the adoption of the report.

The MINISTER FOR WORKS said the members of the Government had voted as individual members upon this question; they voted together when they voted as a Government. Those were the motives which had actuated him and his colleague the Minister for Lands; and he would repeat that if he for a single moment imagined that the hon. member for the Gregory or the hon. member for the Mitchell was upon his trial, or that the hon member for the Gregory's words were pitted against those of a member of another House whose name he should not mention, he would have voted against the adoption of the report.

Mr. LUMLEY HILL said he took advantage of the motion for adjournment to say a few words of explanation about the steps that he took to show up what he had considered was an abuse by one of the officers of the Crown. He had first moved for a return of the expenditure in connection with the Crown Solicitor's Office for a term of three years, and he took the earliest opportunity of objecting—that was when the Estimates came on, which he thought was the proper time to object to any malversation of any public office. He had no idea that the statement of facts—charges, if they liked to call them so—which he made from his own knowledge and from a thorough belief and conviction—would have led to such an acrimonious debate as this. He had trusted that it would impress upon the Government the necessity of speedily doing away with the two very incompatible positions occupied by the Crown Solicitor and Messrs. Little and Browne. With regard to the statement of the hon. member for Blackall that he (Mr. Hill) had stated that the matter would have fallen to the ground if he had not been challenged and traversed in his statements by the Hon. D. F. Roberts, he might state that the hon. member (Mr. Archer) was mistaken, as he should not have let the matter drop, but should have continually applied to the Government and urged them to make some alteration. If no alteration had been effected he should have taken further

steps, and he intended now to see an alteration made if he could manage it. He had done all he could, so far, in furtherance of the object. He had written to England for the power-of-attorney and trusted that he should soon have it. Hon. members must not deceive themselves with the idea that in going to a lawyer with a power-of-attorney it was not an advantage to have one that the lawyer had only to look at the brand at the back, scribble his initials on, and take his two guineas. If one took up a power-of-attorney which had been prepared by other solicitors it was easy to find fault with it, no matter how ably it might have been prepared. That was the reason why he got his next power-of-attorney, the one in favour of Mr. Morehead, drawn up by Little and Browne. He maintained that the Crown Solicitor had enjoyed undue advantages in his office over other solicitors, and that he had got business which would not otherwise have come to him. He (Mr. Hill) was not the only one. It was, however, hard to get people to come and give evidence of such an unpleasant nature before a select committee, but he was perfectly satisfied that the outside public were perfectly well aware of the abuse by this time. At all events, if these old long-standing abuses and contradictions were to be perpetuated it was as well that they should have the sanction of the House and of such a majority as they had that evening. If members would go on sanctioning what must obviously be to any intelligent man an abuse in power and position they could do it. He would lend no help, and on every occasion that he considered reform was required he would urge it, no matter if he found himself in a smaller minority than he did to-night.

Mr. SIMPSON said he felt they ought not to have been left in the position that they were. The report condemned itself when it stated—

"Your Committee therefore recommend that your Honourable House take steps to procure such further evidence as is required before a sound conclusion can be arrived at."

Was not that condemnatory? It was also contradictory. At the end Mr. Little said he would make a statement—he said he would only refer to Mr. Hill's evidence, but he referred to everybody who had given evidence before him. He (Mr. Simpson) certainly entered his protest against the adoption of the report, and did not think it was a fair thing to put before the House.

Mr. PERSSE called attention to the state of the House.

Quorum formed.

Question—That the House do now adjourn—put.

The PREMIER said he would move an amendment that the adjournment be until Tuesday but for his promise that Friday would be devoted to private business, if the members who had business on the paper actually wished to go on. He would do what he could to make a House to-morrow, if members who had private business intended to go on, but if there was no such desire he would propose that the adjournment be until Tuesday, with the intention of not meeting again after the present sitting. As it seemed that the members who had private business on the paper did not wish to go on, he would move that the words "until Tuesday next" be added to the motion.

Question—That the words proposed to be added be so added—put and passed.

Motion, as amended, passed.

The House adjourned at 12 o'clock.

Parliament prorogued by following Proclamation in Gazette Extraordinary, Friday, 19th November:—

"PROCLAMATION by His Excellency
[L.S.] "the Honourable JOSHUA PETER BELL,
JOSHUA P. BELL, "President of the Legislative Coun-
Administrator. "cil of the Colony of Queensland,
"and Administrator of the Govern-
"ment thereof.

"WHEREAS the Parliament of Queensland now stands "Adjourned to Tuesday, the twenty-third day of "November instant, and it is expedient to Prorogue the "same: Now, therefore, I, The Honourable JOSHUA "PETER BELL, in pursuance of the power and authority "vested in me as Administrator of the Government "aforesaid, do, by this my Proclamation, Prorogue "the said Parliament to Tuesday, the fourth day of "January, 1881.

"Given under my Hand and Seal, at Government "House, Brisbane, this nineteenth day of Novem-"ber, in the year of our Lord one thousand eight "hundred and eighty, and in the forty-fourth year "of Her Majesty's reign.

"By Command,

"A. H. PALMER.

"GOD SAVE THE QUEEN!"