

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 14 JULY 1881

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LEGISLATIVE ASSEMBLY.

Thursday, 14 July, 1881.

Petition.—*Hansard Proofs*.—Address in Reply.—resumption of Debate.—Adjournment.

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

PETITION.

Mr. MILES presented a petition from Charles Francis Cummings, late Police Magistrate and Acting Land Commissioner at Goondiwindi, complaining that he had been dismissed from Public Service on charges brought against him that he had not had a proper opportunity of denying, and moved that it be read.

Petition read and received.

HANSARD PROOFS.

Mr. SIMPSON, in moving—

That there be laid upon the table of the House, Copy of original *Hansard* slips of speech delivered by the Hon. S. W. Griffith on 6th July, 1880, as handed to that gentleman for correction, showing all erasures or additions—

said that he would make very few remarks as to his reason for moving the motion, as he understood it could not go as formal. The hon. member for North Brisbane, in his opening speech of Tuesday last, said—

“Possibly he might deserve some blame, but the manner in which his opening speech on that occasion”—referring to the 6th July, 1880—

“was received, was enough to irritate a much better-tempered man than himself; and he had no doubt that many of the observations he then made were the result of the insulting manner in which his observations were met from the other side of the House. Much that he had said on that occasion was misconceived during the debate, and had been misrepresented since. What he said was, however, recorded in *Hansard*.”

Now, he must say that what that gentleman said was not reported in *Hansard*; that a very great deal he said was not reported in *Hansard*, and never appeared in public print, for he (Mr. Simpson) took a number of notes of expressions used by the hon. member during his speech, and they were not published next morning. Instead of remarks from the other side being enough to have irritated him, the remarks of the hon. member were most insulting, not only to the leader of the Government, but to many of the members sitting on that side. If they could only get the speech as corrected by that hon. gentleman it would be clearly shown that the cause for irritation was given by him (Mr. Griffith)—that he was the source of the irritation. He believed that some speeches were corrected in a most unpardonable manner. A man stood up in the House and made a lot of insulting remarks, and, after correcting them for *Hansard* next day, said—“See what I said in *Hansard*.” But it was not the same speech at all, and he would like, for the information of members of both sides of the House, that the speech, with the hon. member's corrections, could be laid upon the table.

Mr. MILES said he was not at all surprised at the action taken by the hon. member for Dalby; it was exactly like him. He (Mr. Miles) thought they had had quite enough of this unpleasant matter, but the hon. member did not seem inclined to throw oil upon the troubled water, but to endeavour to keep up hostile feelings. They had had quite enough of the matter, and this was only an attempt to irritate the feelings of the House more. He would have another opportunity of expressing his opinion at a proper time in connection with the matter now under discussion, and the sooner the subject was got rid of the better it would be for all concerned.

The COLONIAL SECRETARY (Sir Arthur Palmer) said he should not have opposed the motion of the hon. gentleman if it were not impossible to comply with it. He had made inquiries from the Government Printing Office that morning, and had found that the practice was to destroy all the proofs and copy from session to session. All the manuscript copy, as well as members', shorthand-writers', and readers' proofs of last session were destroyed a few days ago, before the commencement of the present session. The Government Printer said—“Were we to keep these proofs, &c., from session to session, the accumulation would be so great that it would be almost impossible to find room for them in the limited space now at our disposal, and in destroying them before the beginning of the session we have followed the practice which has been adopted in the office since its establishment.” It was, therefore, impossible to comply with the hon. member's motion, and if carried it would have no effect.

The Hon. S. W. GRIFFITH said he was very sorry to hear that the slips asked for by the hon. member had been destroyed, as he would have liked hon. members to see the corrections he had made. Nevertheless, he considered the motion an insult to the House. He said it was an insult to that House for any member to get up and suggest that any hon. member deliberately falsified his proofs. Was the hon. member incapable of understanding the honour and duty imposed upon a member in correcting his proofs? Was his mind so corrupted by the transactions of past years that he could not comprehend a duty of that kind being honourably performed by an hon. member? Every reporter was liable to error, particularly upon the first day of a session. He might not understand what the speaker said; he might, in attempting to condense with an unfamiliar voice, condense improperly. But, no matter what errors a speaker might make, he had no right to correct anything he had said. If he had made a mistake in speaking, that mistake should appear in print. And often, when he (Mr. Griffith) was correcting his proofs, he had seen slight inaccuracies, and had found that certain figures were wrong; but he had said—“Let it stand.” He had always proceeded on that principle. Did not everybody know that there was an editor of the *Hansard* staff, for the purpose of seeing that the corrections made were fair? Was it not well known that many alterations made by hon. members of the House in error had not been accepted by the chief of the shorthand staff? There were instances where hon. members, simply from inexperience, thought that they were at liberty to correct their speeches—that was, to correct them to something different from what they had said. He (Mr. Griffith) had never held that view, and he had never, and would never, do anything of the kind. He wished very much that the speech called for could be laid on the table of the House, because no better proof could be found of the correctness of what he had said. Every correction he had ever made was open to inspection by any member of the House, so far as he was concerned, and he thought—he was going to say something hasty, but he would not. He might, however, point out that the futility of the motion was rather apparent, when they considered that the unrevised proofs were published first, and then the revised proofs were published.

Mr. SIMPSON: No, no; that is not so.

Mr. GRIFFITH said perhaps the hon. member meant that this was one of the occasions upon which he (Mr. Griffith) was allowed to revise proofs before morning.

Mr. SIMPSON: Exactly so.

Mr. GRIFFITH said then he regretted all the more that they were not able to be reproduced. Nevertheless, he considered the motion was an insult to the House.

The PREMIER (Mr. McIlwraith) said this question was raised last session, and they had then occasion to inquire and to see to what extent members had altered their proofs; and the hon. member (Mr. Griffith) must be aware—because it was a fact well known in the Government Printing Office—that there was no member who gave the printers more trouble, by alterations, than that hon. member. At the same time he was the member of the House least entitled to make alterations, or literary corrections, because he was a professional speaker, and spoke clearly. He had seen proofs of his (Mr. Griffith's) in the Printing Office, and he did not know whether the printed matter or the writing matter was greatest. He did not mean to say at all that the proofs were altered so as to change the sense purposely; he did not remember any such case, and did not search for any such, but simply looked at the proofs. They were looking at the time at abuses, by which a large amount of additional work was thrown upon the Printing Office; so that if there were any suspicions about it, the hon. member himself was a great deal to blame. He thought that sometimes it was a matter of necessity that speeches should be corrected beforehand. He had, as Treasurer, he thought, twice been allowed the privilege of having his speech to correct in that way, because it consisted of a large mass of figures in which the clearest reporter in the world would be liable to make errors. This had been done in his financial statements; and he believed, from inquiries he had made, that the privilege had been only extended to two members of the House. That was to himself, as Treasurer, and to the leader of the Opposition.

Mr. DE SATGE said it seemed to him, from what had just fallen from the hon. Premier, that this was really an inquisition. He would like to know, as one who was likely to speak during the present session, whether it was an absolute privilege of the Premier to make inquiries at the Government Printing Office and look at the proofs of other members? Because that appeared to be very much like an inquisition, that the Premier should have looked at the speeches of the leader of the Opposition, to find out what he had stated to the House.

The PREMIER said he might be allowed to say a word in explanation, because the hon. member (Mr. De Satgé) had evidently misunderstood what he said. What he stated was that a complaint was made at the Government Printing Office that a large amount of additional work, helping to block the office, was introduced by members over-revising their speeches. And in order to show what was done, the Government Printer himself brought samples of the speeches that had been so corrected, and the speeches were those of the hon. member for North Brisbane (Mr. Griffith). He did not think there was any inquisition in that.

Mr. GRIFFITH said he hoped the next time it happened the proofs would be brought to the House.

Mr. SIMPSON, in reply, said the hon. member for Brisbane said he was sorry this speech had been destroyed. Well, he (Mr. Simpson) was very sorry also, because the speech he referred to he felt confident he (Mr. Griffith) had been hours in correcting before it appeared in *Hansard* next morning. That was his (Mr. Simpson's) impression, and was his impression at the time, but he had not said anything about it. But

when he made such an assertion as he had made he thought it was time to see if that speech was in existence. With the leave of the House, he would withdraw his motion.

The COLONIAL SECRETARY said he wished merely to state, with reference to the explanation of the Premier, that though he was correct in what he stated, he was not aware, perhaps, of the whole facts as to why those proofs came before him. It was owing to a complaint made by Mr. Senior, then Principal Shorthand-Writer, of mistakes made in the Printing Office. The Government Printer, in justice to himself, brought out a lot of the manuscript of the shorthand-writers, to show how it was almost impossible to follow it, and some half-dozen slips of corrected proofs. That was the way of it, and there was no inquisition about it.

Motion, by leave, withdrawn.

ADDRESS IN REPLY—RESUMPTION OF DEBATE.

On the Order of the Day for resumption of the adjourned debate on Mr. Black's motion—
“That the Address in Reply to the Opening Speech of His Excellency the Governor, as read by the Clerk, be now adopted by this House,”—being read,

The ATTORNEY-GENERAL (Mr. Pope Cooper) said he had listened, in common with all members of the House on both sides, with the greatest attention he could command to the debate, and particularly to the speech which was delivered by the hon. member for North Brisbane (Mr. Griffith). He listened to that with great attention because he was personally very strongly interested in the matter, and because he was anxious to hear how that deliberative body would deal with the important, and, to his mind, delicate subjects involved in the question before the House. He had been deeply impressed with what he had heard and seen. He might say that the speech which the hon. gentleman (Mr. Griffith) delivered was just the sort of speech which he (Mr. Cooper) expected. It was the speech which every lawyer in the place expected he would deliver, when they considered the course which he adopted on his return from England. From the utterances which he had delivered, and which were afterwards published, it was apparent to every man that he (Mr. Griffith) must either persist in the charges which he had made against the Premier of the colony, or that if he withdrew them he must assail the Commission in some way which was not quite clear, attack the counsel who appeared for the Premier, and seize upon certain scraps and portions of evidence and endeavour to draw conclusions from them. It was apparent to everyone that that would be his course. It was a course which every lawyer would naturally attempt, because every man knew that, in a case of any magnitude, there was nothing easier in the world than to seize upon certain portions of the evidence and to draw almost any conclusion that the speaker wished. The hon. gentleman had withdrawn his lame charge of connivance by the Premier at a disgraceful fraud, but at the same time he substituted for it a different sort of charge—not so grave, certainly, but still a charge which everyone could see involved, to a certain extent, the Premier's honour. If the withdrawal of the original charges was a sort of apology, it was something like the apology which he remembered having seen not long ago in the papers. It was to this effect: “I beg to withdraw the offensive expressions which were used against So-and-so, and to say that they were without foundation:” and at the bottom was a note: “I have made this apology because I have been

threatened with an action in the Supreme Court, and if I had the means to defend that action I should not have made this apology at all." It was perfectly apparent that that did not amount to, and was not an apology. He had said that it was very easy for any man to take from a mass of evidence certain passages, to dwell upon them, and draw any conclusions he wished. Now, there was a book, or rather a lengthy poem, which had been published by a living poet, entitled "The Ring and the Book." The story was simply that of an old, jealous, and suspicious husband, and a very charming and pretty woman. There was also a very interesting and good-looking male friend, and there were the girl's parents, who were very complaisant and ordinary people. The result was that the husband, being jealous, at length killed the interesting friend. These facts were discussed in the poem from six or seven different points of view, and, although the facts contended were as plain as they possibly could be, it was almost impossible for any man reading those six or seven different statements to say that he could not agree with the conclusion drawn from every one of them. The proper way to treat this subject was to take the evidence as a whole, to read it carefully through and compare one fact with another, and to also read with it the Report, for he considered the Report to be the most important of the whole mass of papers before the House. The Report was not intended as a mere useless comment upon the facts, but it was intended to supply to them the presence, the demeanour, the acts, the looks of the witnesses who appeared before the Commissioners. The Commissioners had given them the evidence in writing, but in writing one man's evidence was just the same as another's, and one could not tell by looking at the writing how the witness gave his evidence. They, therefore, could not ignore the Report. One could not see what the Report meant if he confined himself to the evidence; but, if they looked at it as a whole, they would come to the conclusion that the Report was in accordance with the evidence. He said this particularly, because yesterday the hon. member for Enoggera, in addressing the House, said, referring to the conduct of the Minister for Works in entering into the contract with Thomassen, that he was extremely culpable—that the whole matter would have been cleared if he had sent a telegram home to find out whether Ibbotson and Company were going to ratify the condition or not. The hon. gentleman must have forgotten, or, perhaps, he did not know, that a telegram was sent home at once to the Agent-General. They had no business to send telegrams to Ibbotson and Company; but they sent one to the Agent-General, to find out if the contract was ratified.

MR. GRIFFITH: No.

The ATTORNEY-GENERAL said it was so. The Agent-General made inquiries, and Ibbotson and Company declined to give any information because they were waiting for further information from Thomassen; so that it seemed that the hon. gentleman had misunderstood some portion of the evidence, and, if he had misunderstood one part of it, it was very likely that he would misunderstand other portions. The only way to arrive at a conclusion was to take the evidence as a whole and read it with the Report, and then say what conclusion they arrived at. The hon. member for North Brisbane, in his speech, attacked the Commissioners; happily he did not assail their honour, and in this he (the Attorney-General) was sorry to say he had not been followed by the hon. member for Enoggera. The hon. member for Enoggera said that he believed that the Premier's counsel had had a hand in the concocting of the Report. True, the hon. gentleman had a smile on his face when

he said it, and he (the Attorney-General) hoped he did not intend to convey the meaning his words expressed. He could only say that Mr. Gibbs was a very distinguished member of his profession; he was a Companion of the Bath, and a Queen's Counsel, a distinction not conferred in England upon ordinary practitioners, and not given to any man, unless he had held a distinguished appointment, until after about fifteen years' service at the Bar. Sir Hardinge Giffard was a Queen's Counsel, and a distinguished member of the Bar. He was Solicitor-General to the late Conservative Administration in England, and he could not have risen to the position he was in if he was not an honourable man. Those gentlemen belonged to a profession that included in its roll some of the most honoured names in the world; a profession whose traditions went back to the chivalrous days of the Knights Templars. These were the men whose honour the hon. member had assailed when he said that Sir Hardinge Giffard and Mr. Gibbs had concocted this Report between them. He (the Attorney-General) scorned to defend these gentlemen against such imputations. The hon. member for North Brisbane did not take that view of the Commissioners, but he assailed their ability. He said they were incapable of forming a better judgment than any member of that House. That was to say, these gentlemen—Mr. King, a shrewd mercantile man, and Mr. Gibbs, a distinguished barrister—after having had the witnesses before them, were unable to form a better opinion than any member of that House who had only seen the evidence. Now, although the hon. gentleman had charged Mr. Gibbs with incompetency, let any man read the remarks which that gentleman made on this occasion; let him see the decisions which he gave to the objections taken to evidence; let him see the extraordinary grasp of facts upon the minutest details which he showed; let him, lastly, read the Report and see the admirable way in which it was drawn up, and he would have no doubt that Mr. Gibbs was a man of great ability. He had been referred to by Mr. Clarke as a man of large legal experience, and there was no doubt Mr. Gibbs was a man of great ability. The insinuation that the Commissioners were incompetent was one that they could only suppose the hon. member made because, having failed in other respects, he must, of course, try and assail the Commissioners in some way. He could not attack their honour, and therefore they must be incompetent. No hon. member who had read the Report and the evidence would come to the same conclusion. He next attacked Sir Hardinge Giffard and Mr. Clarke, and said that they were great criminal lawyers, and by that, of course, he meant to insinuate that they were not men of high standing.

MR. GRIFFITH: No, no! on the contrary.

The ATTORNEY-GENERAL said he was glad to hear the hon. gentleman say that, in saying these gentlemen were criminal lawyers, he did not mean to insinuate that they were anything but men of the highest standing.

MR. GRIFFITH: Certainly not.

The ATTORNEY-GENERAL said, if hon. members would take the trouble to read Sir Hardinge Giffard's speech, they would find it exceedingly temperate in tone and almost judicial in character. They would find that in the course of that speech he convicted Mr. Thomas Hamilton of a gross lie, and he did not even for a single moment attempt to exult over it. Sir Hardinge Giffard was reading the notes taken at the London inquiry, at page 5—some of the examination of Hamilton by the Premier—

"If you wish it, I will answer the other question. (Mr. McIlwraith): Most decidedly I wish it. (Mr. Hamilton):

I did not think Mr. Macalister was prepared to take the responsibility. When I showed him that letter he distinctly stated to me that I told lies about it, and that he did not like it, and I saw that if Mr. Macalister was right to correct any suspicion about it, I, who was entirely ignorant, should not incur any responsibility whatever, and I had determined that I should not. (Mr. McIlwraith): That is the responsibility of having let this contract? (Mr. Hamilton): Yes. (Mr. McIlwraith): What part of the transaction was not known to Mr. Macalister? (Mr. Hamilton): I did not know that it was known to him. As far as I know, it was not known to him. (Mr. McIlwraith): When did you first know the result of the tenders? What I want to say about that is—

“Mr. Hamilton: That evidence is corrected.

“Sir H. Giffard: Where is it corrected?

“Mr. Hamilton: In my last day's evidence I stated I did not remember ever having given that evidence in London. It was in answer to Mr. Clarke.

“Sir H. Giffard: Is that a correction? We will see what the correction is, because I am afraid I do not understand it. Does Mr. Hamilton suggest that he did not say so?

“Mr. Hamilton: I do not remember that evidence being given.

“Sir H. Giffard: No doubt; but do I understand you to say that you did not say so? After seeing the evidence of General Hyde and Mr. Jopp, one knows what correction is; but this is no correction.

“Mr. Hamilton: That evidence was not given to me for correction at all. It went to the colony, and was there much altered.

“Sir H. Giffard: I am sure I do not care about each individual answer; but what strikes me as formidable is this—that this has been in the colony, and commented upon.

“Mr. Gibbs: If you state that that has been altered in the colony, the shorthand notes will be read.

“Mr. Hamilton: What I did state to Mr. Clarke was that I did not remember having made the statement.

“Sir H. Giffard: Very likely; but a great many witnesses do not remember what they have said.

“Mr. Hamilton: I could not possibly have said this, because it is inconsistent. I am made to say I kept a list in the office. I do not remember the question being asked; and, if I had understood the question, I could not have said ‘Yes,’ because there was not such a list kept.

“Sir H. Giffard: If this inquiry were to end with you, sirs, I would not pause about the matter; but I would rather have everything explained now.

“Mr. Hamilton: There are a few questions and answers in it which I do not—I cannot say that the questions were not asked, but, if I understood them to be asked in the same way at the same time, I should not have answered them in the same way. They are not of very much consequence, I think. There is one, where I am asked whether I kept a list of tenderers in the office, and I am made to say yes; but I kept no list of tenderers.’ Then, a little lower down, there is this—‘Just look a little higher up, and you will find against your name this: ‘When I showed him that letter he distinctly stated to me that I told lies about it, and that he did not like it.’ (A.): When I showed him that letter he distinctly said I told lies about it. I did not intend to say so, and it is not the fact if I did say so, because Mr. Macalister did not say so to me, and I do not think I could possibly have said so at the London office. I cannot understand how it has got down.’

“Sir Hardinge Giffard: I should be glad if the passage was read from the original notes.

“Mr. Gibbs: The Secretary has the original transcript of the shorthand-writer's notes, and will produce it.

“Mr. Hamilton: I have seen it there.

“Sir H. Giffard: Then it is in the original?

“Mr. Hamilton: Yes. I only mean there must have been a misunderstanding. I do not attribute anything else to anyone.

“Sir H. Giffard: That is all very well, now that we have the original notes, but you said just now that it had been altered in the colony.

“Mr. Hamilton: I said there were other alterations.

Sir Hardinge Giffard, in resuming his address, said—

“Now, sirs; as I am here upon this matter with reference to this question; and, of course, it would have been extremely relevant if Mr. Hamilton could at that time have pointed out anything peculiar and exceptional. You will observe that, beyond that matter which I have already called your attention to, there is this—‘(Mr. McIlwraith): If there is any other question to suggest, Mr. Macalister, I will give you an opportunity of asking questions afterwards. Is it the custom of the office,

Mr. Hamilton, and has been during your term, to keep a list of good firms who are asked to tender for particular work when it comes? (Mr. Hamilton): Yes.’ I understand that is alleged to be a mistake. As to the probability of that being a mistake, you will judge when you see the coherence and relevancy of each part of the inquiry. Mr. McIlwraith is inquiring of Mr. Hamilton whether there has been a departure from the course of the office, and Mr. Hamilton says that a list was kept; and just observe how it goes on in order to see the probability of its being a mistake.—‘(Mr. McIlwraith): Has the usual custom been departed from in asking for tenders for the last contract of 15,000 tons of rails? (Mr. Hamilton): I do not know that it has. I have hardly looked at the rail contract myself. (Mr. McIlwraith): Have you not seen the list and examined carefully the list of tenders for the rails, and also the list of firms asked to tender? (Mr. Hamilton): No, I have not. I saw it yesterday hurriedly—more than I have seen it before.’ You are asked to believe that that is a mistake—that there was no such list, although he said there was such a list. He is challenged whether it was a departure from the usual course of business, and he is asked whether he has looked at the list, and now you are asked to believe that it was an error that there was no list kept, and that he could not understand how it has got down. All I can say is, if it arises out of the imagination of the shorthand-writer, it is an extraordinary imagination, for anything more pertinent or relevant to the matter can hardly be conceived. As I am reminded, the shorthand-writer has deposed to its accuracy here before you.”

He said that Sir Hardinge Giffard did not exult over the discovery of this transparent lie that Mr. Hamilton had told them. Moreover, he stated in his address that he was particularly desirous not to give unnecessary pain to anyone. Now, the hon. member for North Brisbane had attacked these gentlemen, had attacked the conduct of Sir Hardinge Giffard, and he had attacked the conduct of the Commissioners also. He had asserted that the most strenuous efforts were used to keep him out of the inquiry, and that continual obstruction was thrown in the way of his examining the witnesses. Therefore, he (the Attorney-General) would say that the action of the hon. gentleman laid his own conduct before the Commission open to some comment. He occupied a very extraordinary position—a position that had been described by one of the Commissioners as a dual position. What the hon. gentleman had blamed Sir Hardinge Giffard for was that he wished to force him into the position of accuser—a position he said he had never occupied in connection with the matter, and one that he did not intend to occupy. It seemed extraordinary to him (the Attorney-General) that the hon. gentleman should so resolutely refuse to appear in the character of accuser when he had been so anxious to bring accusations against the Premier in the colony. The hon. gentleman appeared before the Commissioners as the leader of the *soi-disant* “Liberal party” and as Queen's Counsel. He probably thought that the position he assumed was a tenable one, but he (the Attorney-General) maintained that any unbiassed man who had read the evidence could come to no other conclusion than that he was really and truthfully in the position of accuser. He would refer hon. members to the second page of the evidence, where it would be seen that, when the first witness was called, he had not given many answers before the hon. gentleman interposed to assist Mr. Hemmant. There were two other interruptions, but they were not of much consequence. Further on, the hon. gentleman interrupted again, saying—

“Mr. Hamilton never made any such representation to the Committee.”

Again, at page 9, question 148, he took up the examination of Mr. Macalister—

Mr. GRIFFITH: At the request of the Commissioners.

The ATTORNEY-GENERAL said that the hon. gentleman, from that out, asked about 4,000

questions. He would now ask hon. members to turn to page 27, and look at the examination of Mr. Ellis. Mr. Ellis was one of the reporters who had taken down the evidence at the London inquiry. Mr. Hamilton had asserted before the Select Committee that at that inquiry he was several times interrupted, and was grossly treated by the Premier. Mr. Ellis distinctly denied these assertions. But what he (the Attorney-General) wished to point out was this: Mr. Ellis was examined from question 756 down to question 782 by Mr. Hemmant; but the hon. gentleman did not ask him a single question. Now, if he was in England not as an accuser of the Premier, not as prosecuting counsel, so to speak, but there simply in the character which Mr. Gibbs suggested he should assume—that of an inquirer after truth—why did he not ask Mr. Ellis whether or not that statement made by Mr. Hamilton was true or not true—namely, that the Premier had interrupted him and stopped him when giving his evidence. That was clearly his duty if he was there merely not as an accuser—not, as Sir Hardinge Giffard said, as a person trying to seek truth, but only in one direction so as to suit his own purpose; but, in place of asking Mr. Ellis whether that statement was true or not, he left it to the Premier's counsel to do so, and that was just what a prosecuting counsel did, precisely what an accuser did. Then, again, he would call the attention of hon. gentlemen to this fact, that the hon. member for North Brisbane (Mr. Griffith) had this advantage: he had the first examination of all the witnesses. Now, that, as everyone who had ever been in a court of justice knew, was a very great advantage to the person calling witnesses; but not only had he that advantage, but he also had the privilege of cross-examination. He had therefore an opportunity of putting his own idea of the case—his own version, so to speak—before the Commissioners at the very commencement. Now, out of the whole of the questions put to those witnesses, which numbered about 6,200, he might state that the hon. gentleman asked very nearly 4,000.

The COLONIAL SECRETARY: 3,843.

Mr. GRIFFITH: I thought it was more.

The ATTORNEY-GENERAL said, in connection with this, it must be remembered that there were several other persons to ask questions. There was Sir Hardinge Giffard, or Mr. Clarke, or Mr. Davidson, for the Premier. There were the two Commissioners, and also Mr. Hemmant. Yet out of all the questions put the hon. gentleman asked nearly 4,000 himself; and he was just reminded by the hon. Premier that every question was asked with the object of eliciting as much evidence condemnatory of the Premier as possible. Could the hon. gentleman, then, have been surprised that the Commissioners assumed that he was the accuser? Why, before the inquiry began, before a single word of evidence was taken, Mr. Gibbs stated that the view that he took of his position was, that morally he stood in the position of an accuser; and surely Mr. Gibbs' opinion of the hon. gentleman's position must have been considerably strengthened by the action he took in the conduct of the inquiry. He (the Attorney-General) maintained that the position the hon. gentleman assumed before the inquiry was consistent with no other construction than that he was there as prosecuting counsel. It was a position he had a perfect right to occupy if he had chosen to occupy it. That he did fill that position there could not be the slightest doubt in the mind of any person who would read the Report together with the evidence. Then, as was very pertinently asked by his hon. colleague, the Minister for Works, yesterday, if that was so, if he was there in that position—and

there was no doubt about that—why was it that he declined to make any sort of statement of his views of the tendency of the evidence before the Commissioners when pressed repeatedly by them to do so? The answer to that question he could not give himself; an answer was given by the Minister for Works yesterday, but whether that was a correct answer he scarcely knew. His hon. colleague said the hon. member was afraid to do it because he must have something to fall back upon to cover his defeat.

Mr. GRIFFITH: I gave my reasons in full; they are in print.

The ATTORNEY-GENERAL said he was aware of that; the reason the hon. gentleman gave was that he considered it was inconsistent with his position as a member of that House to fill the position of accuser before the Commission. In that case, if the hon. gentleman chose to insist upon his position in that House, why did he take such a prominent part in endeavouring to criminate the Premier in England? Surely he could not take up two positions. He was referred to by Sir Hardinge Giffard as *Deus ex machinâ*, but surely he did not consider himself *Deus omnipotens*—surely he did not think he could do what was absolutely impossible. He could not exercise his privilege as a member of that House, and decline to do anything at all, and at the same time take up the position of prosecuting counsel, which he occupied then. He submitted that if the hon. gentleman did take up that position it was his duty, at the close of the evidence, to say to the Commissioners—"I believe such and such evidence tends in a certain direction." Then the Commissioners might have corrected this view or might have called other witnesses. But the hon. member simply declined to do so, and then he came to that House, where he knew he might do it with safety, and made accusations against certain persons. At the beginning of his remarks he had said that the subjects contained in the matter were important and delicate, because some of them involved the characters of men in high position, and some of them involved the conduct and ability of other gentlemen in high position; and if the hon. gentleman had pursued the course indicated by Mr. Gibbs when the inquiry was over, he would have assisted very much more to get at the whole truth and to put an end once and for all to this lengthened and most irritating inquiry. He said that the hon. gentleman was the Premier's accuser. He did not blame him for being that in the least—he had a perfect right to be that; he was his persistent accuser—which he had a perfect right to be; he was his relentless accuser—as he might justifiably be; but he was, as he (the Attorney-General) submitted, unjustifiably cruel and inconsiderate in taking the course he adopted. There was no man in the country knew better than the hon. gentleman, who had been engaged in numerous cases of defamation, that if a man's honour were publicly assailed there was nothing could set him right but a heavy verdict at the hands of a jury, or an ample apology from the man who made the original charge. No one knew that better than the hon. gentleman, and therefore he was cruel and inconsiderate in taking the course he did take. The honest conclusion at which he had arrived, after careful consideration of the whole of the case, he would state, without any forensic art whatever, because, if he was to gain and keep the respect of that House, he must do so by delivering his opinion honestly and unaffectedly. He gave his opinion with a good deal of diffidence, because he was about to criticise a man who was his senior in years, his senior in the practise of his profession, and a veteran in politics, whereas

he (the Attorney-General) was only just baptised—he therefore said with the utmost diffidence that he thought the hon. gentleman had made a mistake. The course he took was indefensible from two points of view. It was indefensible from the point of view of a mansensitive of honour and of considerate feelings, because he had not withdrawn the charge he originally made—a charge affecting the Premier's character, and which might affect his character to the end of his life—and so the hon. gentleman made a mistake there. And when the heat and rancour of that debate had gone by, and the softening influences of time should have smoothed down the asperities it had engendered, the hon. gentleman would confess that he had made a mistake there. He hoped the hon. gentleman would also confess that his conduct was indefensible from this point of view—that of a politician and a statesman—because there was nothing which consolidated a party of men more than the sympathy excited by seeing one of their number unjustly treated. He had charged the Premier with culpably shutting his eyes to certain transactions in England, by which the colony was plundered of an enormous sum of money. One was tempted to ask what they would say in England when they heard that? They would say "Here is a number of people howling all over the world that they have been plundered, when the company who sold them the rails actually lost nearly £12,000 on the transaction."

Laughter from the OPPOSITION benches.

The ATTORNEY-GENERAL said he heard derisive laughter from the other side; but, if hon. members turned to Mr. Haslam's evidence, they would see that he said the greatest blunder he made in his life was selling those rails to the Queensland Government, because if he had not sold them he could have transferred his contract at 15s. a ton more than he got; and that represented a gain of nearly £12,000. Then why begin howling about the world when the man lost £12,000, and the people who undertook to carry the rails lost £266 on the transaction? There was no getting over those facts—the charter-parties proved one, and Mr. Haslam's evidence the other. There was no doubt Mr. Haslam's evidence was true, or the Commissioners would not have given it the credence they had given it. He (the Attorney-General) took Mr. Haslam to be a truth-speaking man when he made that statement; and it seemed extraordinary that they should be complaining in that way. Mr. Haslam had said that Mr. Buckley, of the War Office, would have his pound of flesh; but the Queensland people would have two pounds of flesh and the blood too. And they appeared to do so—they not only made that money, but went howling all over the world that they had been miserably and shamefully plundered. He had said that there was nothing that would consolidate a party more than hearing one of their number unjustly attacked; and for himself he said that the course of conduct which the hon. gentleman (Mr. Griffith) had pursued had induced him to scrutinise most carefully the Premier's motives; to go into every difficulty he had when in England, and to investigate, as far as he was able, every matter with which he dealt when he was there, and he said that the result had been this: it had given him the highest esteem for the character of the man, the greatest possible estimation of his ability, and had made him the Premier's warm personal friend.

Mr. LUMLEY HILL said he should not occupy more time than he could help. The leader of the Opposition had kept them for about seven hours raking up evidence in support of an opinion which he said he had changed. That evidence

had not been quoted for hon. members, but was intended to go abroad and create an opinion contrary to the endorsement of the Report among the minds of the people of the colony. It was necessary, therefore, that the Minister for Works, in replying, should go into a different view of analysing the evidence and bring up portions which reflected and bore out the view taken by the Report; and, considering the brief period allowed him for the work—a week—he did it remarkably well. He thought the hon. gentleman had almost mistaken his vocation, and it was a pity that he also was not a lawyer, considering the disadvantage he stood in as opposed to the trained forensic ability of the leader of the Opposition, and the time that gentleman had to get up his extensive speech. To listen to that speech (Mr. Griffith's) so disgusted and disappointed him that he went to bed. But he felt it his duty to make a special explanation on this occasion, in order to clear himself of some misrepresentations and imputations, which had been made chiefly by his friends of the fourth estate. He would confine himself to the misrepresentations; as for the imputations, those gentlemen could make what they liked of them. What he did say in the Mitchell district during the recent election was, as far as he could remember, that he had in this House repudiated as strongly as any member of the House the bare idea of the Premier being in any way connected with the so-called swindle of the steel rails; and that he had no doubt or suspicion whatever on the subject until the hurried departure of the Premier raised some suspicion in his mind. He ventured then to say that he had some slight suspicion, and for doing that he had been boycotted and ostracised by his friends. But these things had afforded him more amusement than anything else. It was a source of satisfaction to him, however, that in seconding the Address in Reply the hon. member for Maryborough (Mr. Palmer) ventured to state that he also had been troubled with suspicions. He was glad that hon. member had the courage to do so, because it bore him (Mr. Hill) out in the position he occupied. As he told the electors on the Mitchell, the Premier had gone home and would be on his trial when he came back, and it would be better for them to have an independent man who was under no obligation to the Ministry to pronounce his verdict upon the question. This was the burning question of last session, and the crucial test of everything—the honour of the Premier. All the legislation of the country was impeded by it. And now the hon. member for Mitchell was in the House, and was under no obligation to the Ministry for his return, and did not at all events owe them any debt of gratitude for their efforts on behalf of his return. He might say that the doubts and suspicions he expressed in the Mitchell remained with him until he heard the Report read and subsequently studied the evidence during the week which was allowed them. But he was now most thankful to say that those suspicions and doubts were most thoroughly and utterly dispersed, and driven to the winds; and he only hoped and trusted that, if in future such evil suspicions should arise—and they were liable to crop up in men's minds—they might be as utterly dispelled as had been the case in this matter. He could say this not as a blind follower of the Ministry, but prepared in his place to criticise their administration, and to differ with their principles, and, probably, with a very important part of their policy as set forth. He considered, after hearing and studying the evidence as he had done, that there were only two courses open for the leader of the Opposition—the Attorney-General had anticipated him in some measure in this

portion of what he had arranged to say, but still he must say it—one was to disbelieve the entire Report, and to express the opinion that Earl Kimberley, the Right Hon. Mr. Herbert, Mr. Gibbs, and Mr. King were all in collusion in the swindle, and had all participated in it. That course would have been borne out and upheld, he dared say, by a portion of this Christian community, who made a practice, if not a profession, of believing all the bad of their fellow-men in preference to the good. Political and religious fanatics he (Mr. Hill) called them; and he was thankful that in this British community they were in a very considerable minority. The leader of the Opposition, however, had not fallen so low as to pander to the feelings of this section of the community. He (Mr. Hill) must say, that he certainly did give the hon. gentleman credit during the whole of last session for believing from his heart in the charges which were formulated against the Premier. But he (Mr. Griffith) had now retracted, and said he did not believe them. He (Mr. Hill) believed the hon. gentleman was misled and bamboozled by those arch conspirators, Messrs. Hamilton and Hemmant. He had no doubt of it at the time; he had no doubt whatever about it now, and he was certain of this—that they had landed the hon. gentleman in a very nice situation. The course that he should adopt now—one requiring exercise of the highest and noblest kind of courage—was to frankly own that he had found himself in the wrong. Let him do it now, withdrawing his obnoxious amendment. Let him do it now before it was too late; it might be the last opportunity he would have of re-establishing himself in the opinion of a large number of people, not only in this House, but in this community, whose good opinion was well worth having. Do not let this be a party question; why should it be so? Let the whole House join in exonerating the Premier from the charges made against him. He could assure the members on the Opposition benches that if this course were adopted now, these amendments withdrawn, and the Report, which most fully exonerated the Premier, be adopted unanimously by the whole House, it would render the proceedings of the House for the rest of the session capable of being carried on in a much more amicable manner, and would contribute very largely to practical legislation and to facilitate the business of the country in every way. He was satisfied of this—thoroughly satisfied. He had considered it very unfair indeed that there should have been introduced into the discussion a reference to the Agent-General's Office. The consideration of the working of that office was *sub judice*, but when the report was received he should, without fail, without fear or favour, express his unprejudiced and unbiassed opinion about it. He should not flinch from giving to this House his opinion upon it. But the leader of the Opposition had introduced the question of the working of the office in a very unfair way by means of those statements of his. He (Mr. Hill) could not sit down without referring to the fountain head of all this heart-burning. He had no hesitation in saying that the petition of Mr. William Hemmant was a fitting work to be undertaken by an assassin or an incendiary. He (Mr. Hemmant) had introduced a burning question into this House, and he had set them thoroughly by the ears. His (Mr. Hill's) only regret was that the law which provided a fitting punishment for murder, or for one who robbed insurance companies, or committed arson, did not provide any punishment for a man who tried to assassinate what was dearer to some men than, their lives or their money

—that was, their character and their honour. Why was Mr. Hemmant not here?—why was he not on the floor of this House? When he (Mr. Hill) knew of his arrival in the colonies, when he heard of him in Melbourne, he felt perfectly sure that he would take the earliest opportunity of appearing here on the floor of the House and sustaining the wretched thing himself. He was sure there were plenty of the faithful on the Opposition benches willing to resign their seats, if only for a time, and give way for Mr. Hemmant to maintain his wretched thing. There was the hon. member for Ipswich—he saw him looking at him (Mr. Hill)—he might have given way. Or there was the member for Fortitude Valley, who had the honour of being the captain of the fire brigade; he also had a fellow-feeling in this matter. In his speech to the Commissioners Mr. Hemmant had complained, in apologising for the warmth of his language, of the abuse that he had for months received in this House. Let him come here now and see if he would not get some more. He had no opportunity in England of replying to the abuse, but he would have plenty of opportunity here. He (Mr. Hill) considered that the obloquy which Mr. Hemmant had heaped on the head of the Premier had recoiled upon himself, and though he got no tangible punishment from the law, yet the punishment of his conscience would eat into his heart, if he had one, for the rest of his life.

Mr. RUTLEDGE thought that every hon. member whose mind was not utterly swayed by party bias must regret the tone adopted by the hon. member who had just resumed his seat. Even his warmest friends and admirers would admit that such language towards a gentleman such as Mr. Hemmant, who had always proved himself worthy of the respect and confidence of those with whom he had had business transactions, was unworthy of a gentleman who occupied a position as a representative of the people in this House, not to say of a gentleman with pretensions to birth and breeding possessed by the hon. gentleman. He (Mr. Rutledge) thought, going further back in the debate, that every hon. member whose mind was not utterly distorted by political bias must have regretted the tone adopted by the Minister for Works in the speech he addressed to the House last night.

OPPOSITION MEMBERS: Hear, hear!

MINISTERIAL MEMBERS: No, no!

Mr. RUTLEDGE: The hon. gentleman adopted a tone which he was sorry to say had had the effect of reviving in the minds both of the members of this House and of the people outside very many of those feelings which it would be well if they were buried for ever. One could hardly tell whether it were more painful to listen to the spiteful virulence of the Minister for Works, or the insincerity and feebleness of the arguments with which he endeavoured to support his case. The hon. gentleman, first of all, deprecated the use of strong language in this House, and then availed himself of the privileges of the House, sheltered under the ægis which was spread over members, to use language which he would not dare to use anywhere else. He proceeded, as far as it was possible for him, in the most scandalous manner—he (Mr. Rutledge) was sorry to use such language about the Minister for Works; he was sorry that the hon. gentleman had so far forgotten himself as to render it necessary for him (Mr. Rutledge) to make this observation—in a scandalous manner to blacken the reputation of Mr. William Hemmant in the estimation of those who did not know him. He had not long had the pleasure of the acquaintance of Mr. William Hemmant, only, indeed, since his return from England a few weeks ago; but he was happy to say that, so far

as he had heard, Mr. Hemmant's character was sufficiently established in this colony to render it secure from any consequences of the terrific onslaught of the Minister for Works; and he only regretted that the Minister for Works should have failed to have given Mr. Hemmant an opportunity of meeting the attack with which he had been assailed. He was not going to take the position of defending Mr. Hemmant, who was well able to champion his own cause, but it was perfectly clear to him that the fiery speech which had been addressed to the House by the hon. member for Gregory was in a great measure owing to the very admirable manner in which Mr. Hemmant, in the few brief lines published in the newspaper press a few months ago, touched up that gentleman for the extraordinary remarks made by him last session. What he said in those few well-connected lines showed his ability in his absence to make the hon. gentleman feel very uncomfortable in the face of so formidable an opponent. He thought it came with a very bad grace from the Minister for Works to assail a gentleman who, as far as his political reputation and character were concerned, was above such attacks. As for Mr. Hemmant, it reminded him of an attack which was conducted—he did not intend the simile to be offensive to the hon. the Minister for Works, but it just occurred to him that it was a safe thing for the hon. gentleman to assail Mr. Hemmant when he was not there to answer the attacks made upon him—but he had known quadrupeds to be in the habit of attacking individuals whom they had no affection for, and he had noticed that they had barked the loudest when a big fence interposed between them and the stout stick carried by the object of their attack. He said it was well that the dignity of that place interposed between the hon. the Minister for Works and Mr. Hemmant, and the chastisement that would be inflicted upon him. If his business engagements allowed him to occupy a seat in that House, he had no doubt that Mr. Hemmant would be very well able to meet the Minister for Works on equal terms, and then hon. members would have an opportunity of determining who had right on his side and who had not. And then as to Mr. Hamilton, he regretted very much the speech delivered by the hon. the Attorney-General, with respect to whom great anticipations had been indulged in outside the House, in consequence of his position in the profession, and of his coming to that House with flying colours for Bowen without the slightest opposition, it being asserted that no one had the slightest chance against him; so that, taking all these things together, great things were expected from the hon. the Attorney-General.

The COLONIAL SECRETARY: And you have got them.

Mr. RUTLEDGE: He very much regretted that the hon. the Attorney-General should have condescended so low as simply to give them, in a series of mere platitudes, in a very feeble dish, a hash of Sir Hardinge Giffard's points. If he (Mr. Rutledge) had been the Attorney-General making his *debut* in that House, he certainly would have struck out a path for himself which would have given him some claim to consideration as a man of ability. He saw that the hon. the Attorney-General had adopted the tactics of the hon. the Minister for Works last night, which were to blacken Mr. Hamilton. What things had not been said concerning that unfortunate man, Mr. Hamilton! He was a man entirely unknown to him (Mr. Rutledge). He made a flying visit to the colony last year, and then he came in for an amount of abuse that should have done any man during the course of his natural life. But, as he (Mr. Rutledge) said

last year, this question of Mr. Hamilton's character was altogether beside the mark. What had they to do with Mr. Hamilton's character? What did he (Mr. Rutledge) care? Even admitting for the sake of argument that Mr. Hamilton had been proved by Sir Hardinge Giffard to be an individual who was not above shuffling in his evidence, and making statements and of qualifying them afterwards, what had that got to do with the question? Was the petition presented by Mr. Hemmant one containing truth or falsehood? That was the question. Last year he endeavoured to point that out to the hon. gentleman, and that was the opinion he held still; not whether in that petition of Mr. Hemmant there was, as had been said, evidence of a foul conspiracy between Mr. Hemmant and Mr. Hamilton; but whether the allegations contained in that petition were truths or falsehoods. They had the acknowledgment of no less an authority than the Minister for Works, last year, that every one of those allegations was true, and the task which the Government had had entrusted to them by that House was the discovery of whether they were true or not, and whether they involved the Premier—though he would have something to say as to the manner in which the main issue had been departed from in that House at the unauthorised instance of the Colonial Secretary.

The COLONIAL SECRETARY: Hear, hear!

Mr. RUTLEDGE: He must return to his friend the Minister for Works. He did not pay very great deference to him, although he had always spoken of him with respect, and he did not wish to speak of him otherwise than in the language of respect, except as regarded the language he used in his speech in that House in reply to the magnanimous tone adopted by the leader of the Opposition. The hon. gentleman had assumed a very unfair method of attack. The hon. gentleman (Mr. Griffith) really did adopt a very generous method of approaching the members of the Government and all parties concerned in that business. He made his language as courteous and as conciliatory as possible, and gave the Premier the full benefit of any doubt that might have existed in reference to the matter. He did not even say he exculpated the Premier from any complicity in those transactions or actual connivance in a fraud, because he had been unable to discover that there was sufficient evidence to convict him. He did not even say that. But he had the generosity to say "I have revised the opinions I expressed last year, I have gone carefully into this matter, and I am willing to admit now that the Premier was not guilty of conniving at a fraud that was going on under his nose and that he well knew to be going on." And how was he met by the hon. the Minister for Works? Why, he poured forth upon him a torrent of what he could not help calling abusive rant, and so far from reciprocating the kindly feeling of the hon. gentleman, he put on his war paint and feathers, raised the war-whoop, and rallied his followers behind him. But he (Mr. Rutledge) said that the hon. gentleman adopted an unfair method of attack because he used uncivilised weapons. There came into his (Mr. Rutledge's) mind recollections of the mode in which the inhabitants of New Guinea and the Solomon Islands carried on their warfare. They fought with bow and arrows. These were not very formidable instruments as against the modern breech-loader and the Martini rifle, and all that sort of thing; but this was what the inhabitants of these islands did. In using their obsolete, uncivilised weapons, they tried to effect a destruction, which could not, perhaps, be otherwise accomplished against the effective

weapons of modern civilized warfare. They looked about for the putrid carcasses which they had stored up for the purpose, and dipped their arrows into them, and putting them into their quivers, they aimed with them at their opponents as a target. The result of that was that though they only succeeded in inflicting a mere flesh wound on their adversary, it had a very great effect, and he was sorry to see that the hon. gentleman had adopted those tactics. He had been going back to the records of last session, Boss Tweed, to Sir John Macdonald, to the Tammany Ring, to the putrid festering matters that they had last year, the envenomed and bitter experiences that made their actions so unpleasant and unprofitable—he had been dipping his arguments in them and then fitting his arrows to the hon. gentleman. This was not a civilised mode of warfare, and as to the feeling that evidently pervaded the bosom of the hon. gentleman (Mr. Griffith) when he made that admirable and exhaustive speech the other night, the Minister for Works ought to have adopted some other tactics than those he did adopt. There was another thing that the hon. gentleman did. He not only attacked the hon. the leader of the Opposition in that way, but he undertook to act as the champion of the Premier's cause. He became the champion of the Premier. Now he dared say that if the Premier—with whom he would deal presently and separately—but if, for the sake of argument, the Premier had been completely exonerated, as had been said by one and another, there was no necessity for all that fervour—all that championship on his behalf. The hon. the Minister for Works had constituted himself, for the time being, the champion of the Premier, and had said very offensive things against the honour of the gentleman referred to for having insinuated anything, as he called it, against the honour of the Premier. During his speech of last night, when he was acting as a champion for the Premier, he acted throughout as though no cloud in any way rested upon himself, and he (Mr. Rutledge) said that a man who acted as a champion for another, to bring him out from the clouds of suspicion that rested upon him, should take good care that there was no cloud resting upon himself. He wondered how the Minister for Works could get up and tell that House that he was not under a cloud. He (Mr. Rutledge) asserted that he was under a cloud. All this unhappy business had arisen out of the inquiries which were made last year. The sending for a Royal Commission to England, and the examinations made there at enormous expense had resulted from the action of the Minister for Works. He was not going to insinuate that there was some collusion between the hon. the Minister for Works and Mr. McEacharn or anybody else; he would say this much for the hon. the Minister for Works, that, as far as he had had opportunity of observing him, he believed he would not stoop to be a partner in a fraud of that kind. He knew the feelings of the hon. gentleman were as spiteful and virulent as could be, and that he would resort to all kinds of weapons in order to carry his point, but, as he expressed himself last year, he believed he would never be a party to a fraud by which his fingers would be soiled with the unholy gains that somebody was making at the Government expense. Therefore, though he said that the hon. gentleman was under a cloud, he did not wish it to be interpreted that he meant that the hon. gentleman had entered into any scheme with McIlwrath, McEacharn, and Company. He simply said that the hon. gentleman was under a cloud, and therefore that, so far as he was concerned, this amendment of the leader of the Opposition,

if it had been aimed at the Minister for Works himself exclusively, was perfectly in order and to the point. The making of this contract was too much in favour of one of the contractors, and was therefore a species of negotiation by which the interests of the colony were subordinated to the interests of private persons. What had the hon. gentleman done? He entered into a contract with Mr. Thomassen—who was simply a fussy little gentleman representing the firm of Ibbotson and Company, anxious, laudably anxious, to do business for the firm—simply a commercial traveller—for a certain quantity of rails, but allowing Mr. Thomassen to attach to the specification the option of submitting the contract to a full meeting of his Board of Directors, and that within three months that Board should have a right either to confirm or repudiate the contract. What was the next step? That contract, with the specification attached, was referred by the Minister to the Crown Solicitor; and what did he do? He made a memorandum upon it, and forwarded it back without delay to the Minister; and in that memorandum he said that the bargain was one of an objectionable kind, because the colony was bound in a way in which the Directors of the Company were not bound—or, in other words, that the bargain was one by which the interests of the colony would virtually be subordinated to the interests of private persons. And then, what else did they find the Minister doing? Instead of taking those precautions which any man of shrewdness and sense ought to take in such matters—by taking the Engineer-in-Chief into his confidence—they found the hon. gentleman giving the Engineer-in-Chief the go-by, and flying also in the face of the advice of the Crown Solicitor—both these gentlemen being, as he knew, paid to watch the interests of the colony in matters where their professional opinion would be of use. The Minister threw all this away, and stupidly—well, he would say rashly and obstinately—took his own course and made the contract by which he (Mr. Rutledge) insisted the interests of the colony were subordinated to the interests of private persons. He noticed that the Minister for Works, on the previous evening, most discreetly avoided allusion to these matters. While the hon. gentleman was hammering away at the leader of the Opposition, and defending the hon. the Premier, he never made the faintest allusion to the very large share of blame which attached to himself for his refusal to do what he ought to have done. If the House was going to consent, by throwing out the amendment, to assert that the action of the Minister for Works was not deserving of censure, he (Mr. Rutledge) did not know to what unfortunate pass public affairs were coming in this colony. If the House would consent to do this, he thought that the best thing they could do would be to take up their hats and clear out of the House, and allow the Government to remain in office for the two years that the House had yet to live, and carry on the administration of the affairs of the colony as they thought fit. The hon. Minister for Works, in acting as champion for the Premier, spoke of the Premier in all respects as if it was abundantly proved beyond all doubt, and to such demonstration as ought to satisfy the most exacting mathematical or legal mind, that the Premier was an entirely innocent man. Well, that all depended upon the interpretation that was put upon the word “innocent.” Hon. gentlemen would do him the justice to acknowledge that, when he took part last year in the discussions upon this subject, he said that he could not and would not believe that the Premier had been a party to a plundering by which he personally had profited. He had therefore nothing to alter or amend in his language

or tone, and he might take the same course as he had previously done. The Premier had been spoken of as having been exonerated and vindicated. He (Mr. Rutledge) would say that, so far as the right to keep his exalted position was concerned, the Premier did not stand out as an innocent man: certainly not innocent to such a degree as to demonstrate the fact that he was capable of administering the affairs of his department, or to continue to govern this colony any longer. He (Mr. Rutledge) said that the Premier, as shown by the transactions which took place after his arrival in England—he would call it a lack of zeal in the interests of the colony—had disqualified himself from continuing to hold his high position, at any rate, until he had had time to go into some *locus penitentie* and be able to reflect there upon these matters, so that he might come out a little better for his period of retirement.

Mr. STEVENSON: In a pulpit!

Mr. RUTLEDGE would like to say to the hon. member for Normanby, who had just interrupted him, that he was sorry to see him there in the position of a subsection by himself. There the hon. gentleman sat—where the followers were he did not know—all alone in his glory. But, let him tell the hon. gentleman who thus aspired to be the leader of the subsection that it was as much a mistake for him to attempt to occupy the position in the way it was occupied by the hon. gentleman who held the leadership last year as it would be—and he was sure his hon. friend the member for Rockhampton would pardon him for saying this—to compare that hon. gentleman's nursery rhymes to the poems of Lord Byron. Let him tell the hon. gentleman who thought himself the leader of the subsection, consisting of himself, to bear in mind that, unless he could show the real native ability which had marked the former leader, he had better not attempt to play the *rôle*. To return to the subject on which he was speaking, and to his reference to the hon. Premier, he again asserted that the facts connected with the arrival of the hon. gentleman in England showed to his mind in the clearest manner possible that the Premier had forfeited that absolute confidence which was formerly reposed in him by a large majority of the House. They had found him doing this—starting from Sydney, and on to England by way of San Francisco, charged with an important duty. They were told that this duty was primarily to secure a large quantity of rails, and further to look into the management of the London office and generally to study the interests of the colony in all matters concerning it; and yet he allowed Mr. Thomassen to dog his steps to Liverpool. Whereas, what ought to have been his conduct if he had wanted to avoid suspicion of complicity with anything approaching to a wrong action? He ought to have said to Mr. Thomassen that he would have nothing to do with and nothing to say to him upon the subject, and to have told him if he had any communication to make concerning it to make it to the Agent-General, the Minister for Works, or someone else, but not to him. Yet they found Mr. Thomassen presuming upon the condescension of the Premier in Sydney, following him to New Zealand, and again turning up at the landing in Cork, on the 21st December, and travelling with the Premier in company with Mr. Andrew McIlwraith. They knew Mr. Thomassen had a conversation with the hon. Premier; but he did not tell the hon. gentleman, as Mr. McIlwraith did, that he had done a good thing in rails. What Mr. Thomassen told the Premier was that he wanted to do something in rails, whether good or otherwise remained afterwards to be seen. The Premier suffered Mr. Thomassen there, and again

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when they reached Liverpool, to negotiate for permission to amend the prices in his contract. Why should he have told Mr. Thomassen all along that he would not entertain any proposal from him until his firm had either confirmed or renounced the contract made in the colony? Mr. Thomassen was anxious—laudably anxious—to get the contract with the Government of this colony, and therefore he put himself in communication with the Premier, and asked for permission to amend his prices for rails. The Premier was perfectly well aware what was the only safe ground for him to take up, for there could only have been one becoming position, because Mr. Thomassen would have been only too glad to have renounced his contract altogether; yet they found the Premier allowed Mr. Thomassen, according to his own evidence—which he (Mr. Rutledge) would not trouble the House by reading—to write out—in a railway station he believed—an amended offer of 5,000 tons of rails at £8 5s. per ton, and to be delivered within three months. Now let them mark what followed. He would have to trespass on the indulgence of the House for a few minutes while he referred to some telegrams which had such an important bearing on the actions of the Premier as to make it abundantly apparent that the Premier grossly failed in his duty. The Premier went home primarily, as they were told, to purchase rails for the colony. The Premier had had opportunities of having conversations with Mr. Andrew McIlwraith and Mr. Thomassen on the voyage from Cork, and must, therefore, have been fully apprised of the state of the market. He knew that rails were advancing from day to day, and possibly from hour to hour, and, indeed, the gentleman who went home from this colony with a view to the study of her interests, especially in the matter of the purchase of rails, landed at Liverpool with a full knowledge of the rising market with which he would be confronted. What did he do? It wanted three days to Christmas. He knew that if he was going to enter into a contract by which the colony should gain an advantage, there was no time to lose. He received an offer from Mr. Thomassen for 5,000 tons of rails, which, he admitted, would have met his present requirements at £8 5s. per ton, to be delivered in three months. What did the Premier do? He telegraphed to Mr. Macalister, in London, and then went off to Ayr. He did not go to London, where the interests of the colony imperatively demanded his presence, but, like a schoolboy home for the holidays, he would not be denied the pleasure of getting home to see the old folks, and away he went to Ayr. That was not the action of a gentleman who felt the weight of responsibility resting upon his shoulders in regard to the purchase of rails which involved a sum of such magnitude.

Mr. SIMPSON: He went home to perform his religious duties.

Mr. RUTLEDGE said that if the hon. member for Dalby did not take care he should have a word or two to say to him, but he could well understand the anxiety of hon. members on the other side. The documents regarding that matter were to be found at page 304 of the second volume of "Votes and Proceedings" for last year. The Premier telegraphed to Mr. Macalister:—

"Ibbotsons advise me unable ratify contract made between their representative and Government for rails, but offer 5,000 tons *l.o.b.* Wales at £8 5s. per ton, payment in full on shipment March, April, May next year, and for freight and lighterage in addition. If to Brisbane, 30s.; if to Bundaberg, 42s. 6d.; and if to Rockhampton and Townsville, 47s. per ton, but insurance for Government account. As this offer only stands open until noon of Wednesday, and is represented as very low at present, with every chance of an increase, please advise by wire your opinion to Ayr."

That was on Monday, the 22nd December. Here was Mr. Macalister's reply, dated the following day :—

"Impossible to say whether Ibbotsons' offer is advantageous or otherwise without trying the market. I don't regard Ibbotsons' as makers. Recommend this course, and that you telegraph Ibbotson and Company that you will do so."

Without waiting for the reply of the Premier, Mr. Macalister despatched to him a second telegram on the same day :—

"Thomassen called before receipt of your telegram this morning. He knew nothing of contents of my previous message. I can only confirm that message by advising you that a small quantity were let last week at £8 10s.; and I am of opinion that an offer of a quantity might bring reduced quotations. Will write full to-night."

Did ever hon. members hear such a thing as that? The Premier told Mr. Macalister virtually that he knew rails were rising very fast; that he had received an offer of 5,000 tons at 5s. a ton less than Mr. Macalister acknowledged rails had been bought for the previous week; and Mr. Macalister, who could not be acquitted by any impartial witness of deep complicity with McIlwraith, McEacharn, and Company, and Haslam and Company, wired back advising the Premier not to close, but to try the market; in other words, to stave the matter off over the Christmas holidays, when the parties in whose interest he was acting would have the ball at their feet. Then Mr. Thomassen came on the scene again, being very anxious to conclude the contract, and this was what he said :—

"Works wire us that after twelve to-morrow offer closes, and that price will then be certain £2 higher, probably £3. Can you not take matter in your own able hands, wiring Ashwell?"

Oh, that Ashwell! Ashwell knew all about it. Thomassen did not know Ashwell so well as hon. members knew him now. Mr. Macalister followed his telegram with a letter, in which he said :—

"I have the honour to confirm my telegram to you of this date, as per copies herewith.

"Messrs. Ibbotson's representative, Mr. Thomassen, favoured me with a visit early this morning, before receiving your message marked confidential, and shortly after I sent you my first telegram. I had little or no conversation with him, and gave him no information as to what was passing."

They had got Thomassen into a trap, and Thomassen was hungrily expecting favours that were destined never to come. The letter continued :—

"I regret that so little time should be given for accepting or declining Messrs. Ibbotson's offer, the excited state of the market being such that quotations are rather erratic; last week"—

The week, hon. members would perceive, before Thomassen made his offer at £8 5s.—

"Last week quotations are variously given at £3 to £9, and, as stated in my telegram, a small order was placed last week at £8 10s., and my opinion is that an offer of such a quantity as named by Mr. Ibbotson would bring a considerably lower quotation."

Of course, Mr. Macalister had got to bolster up the matter in some way or other, and that was how he did it. Mr. Macalister continued :—

"Another point to which I wish to draw your attention is the fact that Messrs. Ibbotson are not themselves makers of rails, and are acting for the Ebbw Vale Company, a company who do not possess any ores of their own, but import Spanish and other inferior classes of ores"—

How nicely it harmonised with Mr. Ashwell's specifications, although not with the evidence of the most competent witnesses as to the quality of Spanish ore—

"and are thus placed at a great disadvantage as to quality of material.

"Messrs. Ibbotson also tender for freight, but I would submit that this office is in quite as good a position to command freight as Messrs. Ibbotson."

Yes, and a great deal better. The office was deeply in league with McIlwraith, McEacharn, and Company, whose supremacy with regard to the Queensland trade was universally acknowledged to be such that, if others were even to have a chance of doing any trade with Queensland, it could only be through the kindness of that company. Yes; the office was in a position to do the freight remarkably well. The letter concluded—

"Should you desire it, Mr. Ashwell can meet you and accompany you over some of the locomotive and rail-making establishments in Scotland and the north of England.

"I do not propose being at the office after to-night until Monday morning next, but your instructions to the office will have every attention."

Mr. Thomassen was still anxious to conclude the bargain, and so on the 24th—on Christmas Eve—he telegraphed to the Premier, at Ayr :—

"Our makers pressing us to reduce offer to half the quantity, preferring to accept only smaller quantity, price quoted being very low. We are sure you cannot secure these 5,000 tons at more favourable price. We have just scoured the whole market, and strongly urge you not to miss this opportunity. Please wire me immediately answer, offer closing to-day."

That showed there was a genuineness about Thomassen's offer. In answer to that, the Premier telegraphed the following laconic message from Ayr :—

"Your offer of 5,000 tons of rails declined."

Crossing that telegram was the following one on the same day from Thomassen to the Premier :—

"We must withdraw offer for 5,000 tons rails. Makers decline keeping it open any longer than noon to-day."

What he wanted to know was—how, in the face of evidence like that, they were going to exculpate the Premier from the charge of having grossly, negligently—he was going to say scandalously, but the word was unparliamentary—failed to perform his duty to the colony? On reaching Liverpool, and learning that the rail market was rising, and that the interests of the colony might be seriously jeopardised by any delay in closing with the contract that was offered—his going off to Ayr instead of proceeding at once to London to search into the matter, was negligence deserving of most severe condemnation. As to Mr. Macalister, it was well known that the Premier never had any confidence in him. They all knew what his estimate of Mr. Macalister's veracity was, and that he would not accept anything that Mr. Macalister said without a great deal of corroboration; and yet the Premier allowed the Agent-General to put him off first by telling him that Ibbotsons were not makers of rails; next that it would be better to go into the market for rails, and, finally, that during the previous week a parcel had been placed at £8 10s., thus contriving that, while giving certain advice, the Premier should be in possession of such information as to last week's prices as should throw upon the Premier the whole responsibility connected with the acceptance of that advice. If this matter of the purchase of the 5,000 tons of rails had involved the Premier's own business transactions, and his own personal profit and loss, he would have been down in London like a shot to settle the matter one way or the other. Because he did not do so in this instance, or at least ask Mr. Macalister how he reconciled his two conflicting statements, the Premier was deserving the condemnation of the House. He was not going, like the Attorney-General, to pass by the evidence—it was the evidence that hon. members wanted. They were not going to be got at by mere flowery speeches. Neither the declamations of the Minister for Works on the previous day, nor the pretty generalities of the Attorney-General on that afternoon, would convince hon. members. What they required was

argument, and argument supported by reference to the evidence. Before proceeding, however, to refer to the principal matters connected with the evidence, he would comment upon one statement of the Attorney-General. The hon. and learned gentleman made a charge against the leader of the Opposition by stating that he had taken a leading part in the examination in London, and that he had asked every question by which he could criminate the Premier. Was that a generous statement for the occupant of the distinguished position of Attorney-General to make with reference to an opponent of the character and standing of the leader of the Opposition?

Mr. GRIFFITH: I asked not a single question relating to the Premier.

Mr. RUTLEDGE said he had gone carefully through the evidence, and it had appeared to him that Mr. Hemmant led off the questioning, and that when he was bamboozled somewhat by the clever people who were counsel for the Premier, and it was apparent that he was not equal to the task, then, and not till then, the hon. member for North Brisbane came to the rescue. If hon. members would read the evidence carefully, as he (Mr. Rutledge) had, to enable him to form an independent opinion of the whole transaction, they could only come to the conclusion that the Attorney-General was not justified in making that statement. All the questions asked by the hon. member for North Brisbane were questions asked with a view to elicit facts which were said to be such by persons who knew a great deal more about the matters then under investigation than hon. members knew, and with reference to subjects which were shrouded in a great deal of obscurity. That hon. member (Mr. Griffith) required no tribute from him or from any other member of the House, though he got a good many, forced and reluctantly given, from hon. members on the Ministerial side. They gave him credit for almost every attribute under the sun except honour and truth—he had a most capacious mind, an acute intellect, was a skilful lawyer, and a Hercules in debate—he was, in fact, everything but truthful. He (Mr. Rutledge) had never heard of a monstrosity in nature of that kind, nor could he believe that a man possessing such lofty attributes, and of such distinguished intellect, could have a nature so degraded and perverted as to be incapable of discerning and speaking the truth, and of acting a fair and honest part. The Attorney-General also spoke of the hon. member as having had the advantage of cross-examining witnesses from the start, stating that the Premier's counsel had not an opportunity of asking leading questions, whilst the hon. member in his cross-examination could elicit almost everything by leading questions. It must at least be clear to every unprejudiced reader of the Report that a great many of the witnesses who were examined were not called by the hon. member to bolster up a charge against the Premier. Did he ask the Commissioners to call Mr. Henry Ashwell, Mr. Alfred Haslam, or Mr. Macalister in order to establish such a charge? They surely did not call these friends, relations, and connections—Mr. Andrew McLlwraith amongst the rest—to assist them in substantiating charges incriminating their own friends and relations! Such an argument refuted itself. The witnesses called were witnesses who had such a knowledge of facts as the hon. member had not, and the House had not—whether they were hostile individually, or favourable to the Premier, was entirely beside the question; and the hon. member devoted his great powers to wringing from these people evidence which they were determined to conceal, and he had never laid the country under greater obligation

to him than he had on that occasion by the splendid part he had taken in exposing individuals who, having been parties to the plunder of this colony to the extent of £60,000, were desirous of keeping it a profound secret. He was not going to spoil the good work of the hon. member by attempting to supplement the speech which he had made on the subject, but he must refer to another remark of the Attorney-General. The hon. and learned gentleman said the gentlemen sent home to constitute the Commission, having examined the witnesses, and had means of observing their demeanour in giving evidence, were in a better position to give an opinion on the evidence than hon. members generally were. That argument would be all very well if the facts which were given in evidence and the statement in print before hon. members harmonised in any way with the conclusions arrived at by the Commissioners. He was not going to commence with a preconceived theory, and proceed to show how the evidence supported that theory or how it broke down another theory opposed to his view; but he would take a few of the principal paragraphs of the Report, show the conclusions arrived at by the Commissioners, and then ask the House to compare those conclusions with the facts brought out in evidence. Was not the House competent, after all, to revise the findings of the Commissioners? The Attorney-General had told the House, with a great flourish, of the exalted position occupied by Mr. Gibbs as a Companion of the Bath; but that was not such a very great distinction in these days. He (Mr. Rutledge) would rather be a K.C.M.G. any day in the week. Hon. members were also told that Mr. Gibbs was a Q.C., and were asked to receive these facts as guarantees that Mr. Gibbs was one of the most competent men in England to conduct such an investigation. He could not deny that Mr. Gibbs had been very diligent in his attention to the business of the Commission, as he found that that gentleman had almost monopolised the "say," and let the Chairman occupy the position of almost a dummy.

Mr. GRIFFITH: Mr. King had lost his voice.

Mr. RUTLEDGE said, if that was the case, he could understand. Mr. King, he believed, was a gentleman of veracity, whose character it would not be right for any man to impeach; but he might be a very good and very honest man, and yet be very unfitted for the discharge of the duties of the Herculean character which the investigation imposed upon those who undertook it. In speaking of Mr. Gibbs, he would refer to the speech of the Minister for Works, in which that gentleman ridiculed General Hyde, saying that he was a very decent old man who had gained his position by seniority; in fact, making out that General Hyde was a very decent sort of old man, but no better than an old woman, and that therefore his evidence was not worth accepting on a question of contracts made on behalf of the Indian Government. Probably Mr. Gibbs might be assigned a place in the same category with General Hyde. The House had been informed that Mr. Gibbs had been tutor to the Prince of Wales, and as the Prince of Wales was now forty years of age, and it was unlikely that Mr. Gibbs could have been a raw chicken when entrusted with such important duties, it might be presumed that Mr. Gibbs had now arrived at that stage of life when the intellectual faculties would not be quite so acute and unclouded as might be desired. Mr. Gibbs was therefore an old man.

Mr. SIMPSON: How old?

Mr. RUTLEDGE said the hon. member might calculate it for himself. He would remit such little tasks to the hon. member for Dalby, and give his

own attention to something larger. He was about to show to the House some facts which he hoped would be sufficient to prove to the Attorney-General that the Commissioners did not arrive at correct conclusions on account of a mistake as to the functions that they had a right to exercise. He should quote evidence to show how entirely those gentlemen misunderstood their functions, or, at all events, the manner in which they should have exercised those functions. They clearly accepted the proposition of Sir Hardinge Giffard, that the proceedings before the Royal Commission were to be in all respects analogous to the proceedings in a court of law. The result of their holding that opinion was, that the evidence which Sir Hardinge Giffard had a right to exclude by requiring the rules of evidence to be strictly observed, was excluded, and all parties concerned got the benefit of any shade which still rested upon the transactions, but might have been removed, but for these successful objections. A question having been raised with reference to freight contracts, Mr. Thomas Law was examined, and the hon. member for North Brisbane was proceeding to ask the witness some question about Mr. Bethell, when the following discussion took place:—

"834. Did he come to you? Yes.

"835. Did he say what his business was? He came down to ask —

"Sir H. Giffard: I object to Mr. Bethell's statement. If my friend wants anything Mr. Bethell says, he must call Mr. Bethell.

"Mr. Griffith: Surely the objection is not serious.

"Sir H. Giffard: It is not only serious, but it seems to me unanswerable.

"Mr. Griffith: Seeing the transaction between Mr. Bethell is one transaction expressly referred to the Commissioners to be inquired into.

"Sir H. Giffard: Assume it to be so, you must establish it by legal evidence.

"Mr. Griffith: If the objection is taken formally I must answer it.

"Mr. Gibbs: Are you going to call Mr. Bethell?

"Mr. Griffith: I do not know, I am sure. If the objection is formally taken, I must state the reasons for putting the question.

"Sir H. Giffard: I have taken the objection as formally as I can.

"Mr. Griffith: I do not understand what the grounds are at present.

"Mr. Gibbs: The objection is, that it is conversation of a witness with a third party.

"Mr. Griffith: Well, sir, this objection. I respectfully submit, is made under an entire misapprehension of the nature of these proceedings. This is a proceeding in which it is desired to find out how this freight contract came to be let. There is plenty of evidence already before the Commission in the form of the report of the inquiry that took place in the colony, showing that certain transactions took place between the different tenderers. There is plenty of evidence upon the subject, but the parties who made those negotiations were not there. The fact that has to be elicited, which it is now material to elicit, is the fact that these negotiations took place—that certain negotiations took place—that these negotiations resulted in a certain thing. That is the matter that has to be inquired into. Whether that will have any effect on Sir Hardinge Giffard's client, I confess I do not know; and I do not see that it is material whether it has or not. And, if this inquiry were limited in the manner that my learned friend apparently seeks to limit it—to an inquiry into a charge preferred against Mr. McIlwraith—I can quite understand that this would not be evidence, except as preliminary evidence of a conspiracy. But, as that is not the scope of the inquiry, excepting, as Sir Hardinge Giffard has himself pointed out, to a limited extent; as this is a general inquiry into the transactions that took place; that objection is clearly untenable, and does not apply to the evidence on this subject. I should like to ask the Commissioners also what the Committee could have meant by stating that 'there are many matters in connection with that inquiry, so far as the freight contract is concerned, which have not been satisfactorily explained, and recommend that further steps should be taken for investigating them,' unless we are to have the actual transaction. If this objection is to be sustained, the inquiry may as well stop at once. In a transaction of this kind, really what is desired is to get the whole history of the transaction; and you can only get the whole history by getting

the actors and asking them what they did. Whether that will affect Mr. Smith, or Mr. Brown, or anybody else, is perfectly immaterial from the point of view from which alone I can regard the inquiry. It very likely will not affect Sir Hardinge Giffard's client in the least; but he must remember that this is not simply an inquiry with respect to Mr. McIlwraith: it is an inquiry with respect to the Agent-General, and with respect to a number of other persons connected with this contract; and if the circumstances under which those tenders came to be sent in are not allowed to be investigated, of course the inquiry on that point will stop, which I am sure everybody would much regret. I sincerely hope my learned friend will not persist in the objection, because he must see that this is the very thing the Commissioners are here to inquire into—because the witnesses are here—to inquire into things that took place; and if he prevents that inquiry being carried on, I need not say what the natural conclusion will be with respect to the gentleman that he represents, and I am sure that is the last impression he would desire to produce, either in England or in the colony. I only say here, Mr. Chairman, that as the fact of the negotiation between Mr. Law and Mr. Bethell, whatever it be, is the thing desired to be found out, of course it is admissible. Whether it is admissible as evidence against AB or CD is quite another question."

In further support of his contention he would read what Mr. Gibbs went on to say—

"Before you say anything, Sir Hardinge Giffard, I should like to call your attention to this fact, without giving an opinion: because I should like to know your opinion on the matter.—The requirements of the Committee in paragraph 22 (Report, p. 12) are wider than if it was question of simply the innocence of A, B, or C in a conspiracy."

They saw here that Mr. Gibbs evidently leaned towards more equitable dealing with the whole question propounded by the leader of the Opposition; but, as he had said before, probably from infirmities of age or some other reason, he seemed to defer to the opinion of Sir Hardinge Giffard. He could very well understand how after Mr. Giffard, clever, able advocate as he was acknowledged to be, had summarised, from his point of view, all the evidence which supported his contention, and after he had employed argument, of which he was no doubt a master, and fixed his conclusions upon the minds of the Commissioners, without the leader of the Opposition having had an opportunity of replying to those arguments, that a gentleman like Mr. Gibbs would be completely won over by the advocacy of Sir Hardinge Giffard. They would see how he deferred to Mr. Gibbs in this matter—

"Sir H. Giffard: I quite follow that. My observations are quite independent of that; and really the substance of my objection is not in the smallest degree affected by the greater part of what my learned friend has said. Where you are dealing with facts, as he had said, or a transaction, which is another phrase I observe my friend used, I should quite agree that although it was *res inter alios acta*, the fact must be proved; and whether that fact affects A, B, C, or D is immaterial for this purpose. But my objection goes to a totally different matter. My objection goes to a conversation between two persons. If my friend's suggested evidence was that Mr. Bethell was making a contract for this freight with any of the persons connected with this inquiry, I should at once admit—although the Agent-General was not there, and although Mr. McIlwraith was not there; although nobody connected with the office was there—still the fact was susceptible of proof; although it was *res inter alios acta*. But my objection is a totally different one. If the Commissioners once opened the door to an inquiry of this sort, of what A said to B, not in the nature of a transaction, but in the nature of conversation, I do not know where it is to end. Suppose Mr. Bethell said to the suggested witness: 'Well, I think Mr. McIlwraith has been guilty of gross conspiracy,' are the Commissioners to have that sort of observation put upon their notes? I can well understand that observation might be multiplied *ad infinitum*. You might get here what we have heard in the course of the opening address—several persons who might make that observation,—and I at once take my stand and say it is not fair to anybody, whatever the form of the inquiry. So far as the interview with the witness goes to prove a fact, let it be proved. I do not object to it; but the moment my friend says: 'What did he say to you about

what was his object in coming; I object at once. It seems to me quite beside the general question which my friend has opened."

Mr. Clarke then said:—

"I should like to add a word, not so much from any idea of strengthening what my friend, Sir Hardinge Giffard, has said as to share the responsibility of taking the objection and joining in the objection. When it is said by Mr. Griffith that this inquiry may as well stop unless he is permitted to violate the rules of evidence"—

Treating it strictly as a judicial inquiry in a Supreme Court—

"which have been habitually observed for all time, I do not understand quite the position in which this matter is put before the Commissioners. It does not in the least matter, as far as my impression goes of this question, whether there is an accusation against anybody or not. It is not on the ground that I am appearing for an accused person that I join in taking this objection, but simply on the ground that when the Commission consists of gentlemen, one of whom is acquainted with trade matters thoroughly, and another who brings legal experience to bear on the conduct of the Commission, and when the Commission has itself to decide on matters which are put before it, and when it has itself commenced the proceedings by describing this as a judicial inquiry, it is impossible that the Commissioners should feel safe if they allowed to come before them evidence which before no other judicial tribunal in the country would be listened to for a moment. My friend, Mr. Griffith, says we have the evidence here. If that is so, let him call the witness. If anything that Mr. Bethell said to Mr. Law was said as part of a transaction—a transaction which connects itself with the conduct of persons who were representing Queensland in this country—Mr. Bethell and themselves can tell the Commissioners, and undoubtedly can make the matter evidence. But where my friend says: 'This is only to show something which made an impression on Mr. Law's mind,' it is evidence which it is impossible reasonably to deal with, and a commission having a judicial character, guiding its proceedings by ordinary rules of evidence, as this Commission declared it intended to do, must, I submit, reject such evidence, and require that if proved at all it should be proved in the proper and legal way if it can be proved."

"Mr. Gibbs: We think you cannot go into that conversation. What you can ask is, according to the ordinary rules of evidence, whether a conversation took place, and whether on that occasion a certain act was done."

"Mr. Griffith: Will you allow me to add a word, that there was an express invitation from Mr. Mellraith to Mr. Law to give this information, and he said he would give it before any Commission properly constituted."

"Sir H. Giffard: We usually have an argument and the decision, and we cannot challenge the decision afterwards."

"Mr. Griffith: It is not merely a matter of a point of law."

"Sir H. Giffard: I am sufficiently fascinated with my own profession to think that a regular mode of doing business is the best."

Sir Hardinge Giffard all along laboured under the delusion that, in this matter, he was in a court of justice, before a judicial tribunal, and that one could only prove a fact by adopting the rigid rules of evidence, which were observable in courts of justice.

AN HONOURABLE MEMBER: Rules of common sense.

Mr. RUTLEDGE said this was how at the inquiry most important evidence had been shut out. Would such questions as these have been objected to before the Select Committee sitting here last year? No; no attempt would have been made to gag witnesses, or to gag one who was endeavouring to obtain information from reluctant witnesses. But Mr. Gibbs went on:—

"For the present you must ask him whether he had a conversation with Mr. Bethell, and you may ask him with reference to his tender, what he did upon that?"

"836. By Mr. Griffith: You had a conversation with Mr. Bethell? Yes."

"837. On what subject? On the subject of the tender."

"838. Which tender? The tender for the rails."

"Sir H. Giffard: That is rather infringing the decision."

"Mr. Gibbs: Yes, that is going quite as far as we can allow you."

"Mr. Griffith: To what point of view was the conversation directed?"

"Mr. Gibbs: If you cannot have the conversation regularly, you cannot get it irregularly. You have the fact that he had a conversation, and the next question I should suppose would be what he did upon that conversation, in consequence thereof."

"Mr. Griffith: You understand that the fact that I seek to prove is the conversation, the nature of which I do not know."

"Mr. Gibbs: That is proved."

"Mr. Griffith: What I seek to prove is the conversation, as a step towards something that followed upon it."

"Mr. Gibbs: You have proved the conversation with regard to the tender."

"Mr. Griffith: But I do not know what the conversation was."

"Mr. Gibbs: No; that is just the thing you cannot ask."

"839. By Mr. Griffith: Did you come to any arrangement with Mr. Bethell in consequence of that conversation?"

Mark this!—

"Witness answered this question, but Mr. Clarke objected that the answer ought not to appear, as being an infringement of the ruling, and the Commission decided that it was not evidence."

Therefore that answer was struck out of these minutes of proceedings, and was not taken into consideration as a piece of evidence. Now, he was going to show the consistency of these gentlemen, and what their capacity was for conducting a judicial inquiry upon strict rules of evidence. What was sauce for the goose ought to be sauce for the gander. They found that in the Report that had been laid on the table of the House, and signed by those gentlemen, they not only quoted very largely from Mr. Ashwell as having implicit faith in him; but they would find that whole paragraphs of this Report consisted of statements made by two gentlemen, both of whom point-blank refused to come before the Commission to give evidence, and to subject themselves to examination. What did they find? That Mr. Josiah Timmens Smith, the manager of the Barrow Company, and Mr. Valentine, the manager of the Moss Bay Company, both wrote letters, and came before the Commissioners; but what was the course adopted by Mr. Josiah Timmens Smith? He said—"I do not see what is the use of you asking me any questions: I can throw no light whatever upon it; I do not wish to allow you to ask any questions of me, because it is to me perfectly clear that I cannot help you in any way." But what did he do? He produced a written document containing a lot of statements which simply amounted to his opinion upon certain matters. And what did these sticklers for strict rules of evidence do? Did not the learned Attorney-General know, as one of the most elementary rules of evidence, that for a witness to come into a court of justice and say, "I do not care to put myself into the box and subject myself to examination by either side," and then to say, "Here is all I know about it," and hand in a written statement—did not the hon. gentleman know very well that there was not a judge in the British Dominions but would reject that paper and say it was inadmissible as evidence in a judicial inquiry? The hon. gentleman knew perfectly well that, even in a case where there had been a course of proceedings taken and the trial had been concluded, and then there was a second set of proceedings with precisely the same evidence—that where one of the witnesses had given sworn testimony in the prior proceedings, that that evidence was inadmissible in the second, though it was precisely the same set of evidence, except under two or three conditions—either that the man was sick and incapable of giving evidence, or was suffering from mental derangement, or something of that sort, or had left the country. But here these gentle-

men allowed Mr. Josiah Timmens Smith and Mr. Valentine to hand in their written documents—*ex parte* statements of these gentlemen who had cowered and trembled at the idea of being subjected to examination—and decided to accept these documents, though, in regard to the answer to the question asked by his hon. friend (Mr. Griffith), they carefully excluded it as being inadmissible, and yet incorporated in their Report this inadmissible evidence, and said, “This is proved, and that is proved, and the other thing is proved.” He said that if that did not show what capacity these Commissioners possessed for conducting that inquiry, he did not know how anyone’s capacity could be questioned. Now, before going into this matter of evidence he should just like to say one or two words with regard to portions of the Report. They were referred again and again by gentlemen who defended the finding of the Commission, and who defended all parties connected with these transactions, by which the colony had so seriously lost—to the Report, to the Report, to the Report! This was what they were told to be guided by, but he preferred to take the testimony of the witnesses, to examine some of the findings of the Commission, and then say whether those findings were in harmony with the evidence upon which they professed to be founded; and, upon the principle of *ex uno disce omnes*, they would be able to come to a conclusion of what the entire Report was. He referred hon. members to paragraphs 14 and 18, which might be taken as to a certain extent connected with each other:—

“14. Mr. A. McIlwraith accordingly entered into negotiations for the purchase of rails, and on the 8th October, through the intervention of Mr. Leonard Cooper, an ironmaster and member of the Aireside Hamatite Company of Leeds (whose partner was a member of the Moss Bay Company), contracted for 10,000 tons steel rails from the Moss Bay Company, at £6 0s. 6d. per ton, stipulated to be of a 40-lb. section, and a first-class specification. On the same day he also contracted with Mr. Smith, the manager of the Barrow Hamatite Steel Company, Barrow-in-Furness, for another parcel of 10,000 tons, stipulated to be equal to Queensland specification, not less than 40-lb. section, at £6 per ton. In the case of both contracts he was obliged to close on that day, in consequence of the pressure of the vendors. He also made a further purchase of 10,000 tons from a Belgian firm, to which, however, we need not refer, as nothing turns upon it.”

And then, taken in connection with that was paragraph 18, where they found—

“18. This evidence refutes the erroneous assumption on which paragraph 23 of the protest is based, that the rails were bought on the Queensland specification, and that the speculation was hazardous unless the speculators could be assured that a purchaser would be forthcoming for the purchase of these rails. None of these contracts were made upon the Queensland specification, but were made in the usual and regular mode adopted in such purchases, and allowed the buyer a latitude as to the specification he might call upon the seller to carry out.”

He intended to show from the evidence that there was in the mind of Mr. A. McIlwraith, who was the purchaser of these two large parcels of rails, a conviction, amounting almost to a certainty, not only that Ibbotson would not be able to complete the contract for the rails at the price which was mentioned in the tender, but that he was convinced that matters would be able to be so manipulated that he would be the person who would be fortunate enough to have the contract for these rails at the time they were ordered. He would show that, from evidence which would be interesting, Mr. McIlwraith knew very well that he had in the London office a friend in Mr. Ashwell. It must not be forgotten that Mr. Ashwell was his brother-in-law. They knew very well what the facilities were for Mr. Ashwell obtaining information with respect to the contract that had been entered into. They knew the price that he

had got quoted for rails some time previously, in answer to a telegram from the Colonial Secretary; and he should bring evidence to show that Mr. A. McIlwraith entered into that contract with the conviction that the Ibbotsons’ people would not get the contract—that he would, and that he would be able, therefore, to secure for himself a handsome profit. If he was asked for the proof of this, he would ask hon. members to turn to page 59, question 1657. It would be remembered that the Commissioners stated that these rails were bought on the first-class specification, and that there was no connection whatever in the mind of the buyer with the fact that the rails were the same as those supplied to the Colony of Queensland. In the evidence of Mr. Leonard Cooper, page 59, question 1640, he is asked—

“1640. Where did you think they were going to? Certainly, I thought they were going to Queensland.”

Now, Mr. Leonard Cooper was the gentleman who negotiated the transaction on behalf of McIlwraith, McEacharn, and Company, with the Moss Bay Company, and he at least had it in his mind that these rails were going to Queensland. Mr. Leonard Cooper, certainly, was not ignorant of it. If they went to the negotiations that would bear upon this, at page 59, they would find some more light. He wanted to show, by the contract that was made by the Moss Bay Company and the Barrow Company, what was in the minds of the purchaser with regard to those rails. They knew very well that the market was rising at that time. He wanted hon. members to pay particular attention to this. It was known to be rising at that time, and if McIlwraith, McEacharn, and Company were purchasing simply as a speculation they knew that the top of the tide would be reached in a few months at most, and, as a necessary consequence of that, these rails would be wanted within a reasonable time. He would first turn to the evidence of Mr. Haslam, who, it would be remembered, refused point-blank to show his sale-notes, but said he had no objection to produce the contract, or rather to read it. In his answer to Mr. Griffith he said:—

“1127. Will you allow me to see them? I object to give my notes to anyone. You can have a copy of them. I could not give you the dates from memory, and I have brought a few memoranda here. I have no particular objection to show them, but I may say that I have been excessively annoyed, and so have my firm, to find that all the information which we gave at the previous inquiry has been made public property by being put into the *Contract Journal*, and, therefore, I rather object to give any information at this inquiry if it is to be made public in the same way.”

If these notes were in reference to a future contract, he (Mr. Rutledge) could understand the objection of the witness to disclose the price; but the contract was made twelve months before; and he thought that the sensitiveness displayed by Mr. Haslam would have done him more credit if there were less grounds for suspicion against him in reference to other matters. His evidence continued:—

“Mr. Gibbs: It will be made public; it is our duty to report it, and to present it to the Governor of Queensland; and therefore it is for you to state whether you will put in copies of the contracts.”

“Witness: I wish you to understand that I desire to facilitate this inquiry, but whether it is to the interest of all persons that these notes, which are legal documents, should be put in, is a question. I have no objection to reading them.”

“Mr. Gibbs: It is not expected that you should give up the originals; we merely wish for copies to attach to our proceedings to send to Queensland; but they cannot be used unless they are afterwards attached to the proceedings.”

“Witness: If you think it is to the interest of the Commission that those notes should be read, I am prepared to read them, and to let them be copied. They are ordinary sale-notes.”

“Mr. Griffith: I desire them to be read.”

"Mr. Gibbs: Then I think it will facilitate the inquiry if you read them.

"Witness: The first is December 10th: 'Sold to Mr. A. S. Haslam 10,000 tons of steel rails, to be not less than 40-lb. per yard in section; to be made to a first-class specification, and to be approved rails; to be painted, oiled, or sanded as may be required.' Then comes the price, which it is not necessary for me to mention. 'The rails to be on ships at works on West Coast, or Continent, terms, net.'"

Now came the point—

"Deliveries to be over 1880, as may be arranged. Signed, McIlwraith and Company, 10th December, 1879."

Then when they came to the contract with the Barrow Company they found this:—

"Sold to Mr. A. S. Haslam 10,000 tons of steel rails, to be not less in section than 40-lb. per yard, to be made to a first-class specification, and to be approved rails; to be oiled or painted and sanded as may be required.' Then comes the price, which I do not think will interest anyone here. 'The rails to be at works on West Coast or Continent. Terms, net. Deliveries to be over 1880, as may be arranged. Signed, McIlwraith and Company, 17th December, 1879.'"

Now, the rails made by the Barrow Company were not of the general character to be a first-class specification—but "equal to the Queensland specification." He did not think there could be any manner of doubt in the mind of any thoughtful, unbiassed person, that the contract with the Barrow Company was made on the distinct understanding that the rails were going to Queensland, and to no other place. But the point he wanted to draw the attention of hon. members to was this: that Mr. Andrew McIlwraith made these contracts with the Moss Bay Company and the Barrow Company for the purchase of rails, "delivery to be extended over 1880." That was to say that these firms were to be allowed fourteen months from the time of the making of the contract until the time of the delivery of the last of the rails. This was a very important feature. Then, to show how nicely this harmonised with what was in the mind of Mr. Ashwell, they found that one of the conditions of the specification which was to be adopted in the manufacture of these rails harmonised precisely with the specification made two or three months later by Mr. Ashwell. This was what he put in the specification—

"The rails are to be delivered free on board ship at the ports to be named in the tender, at any one of which the Agent-General may determine to ship a given quantity.

"The manufacturer is to deliver 1,000 tons f.o.b. at any one of the ports named, by March 30th, 1880."

When the Premier went home, 5,000 tons was too small a parcel to buy from Ibbotson and Company at £8 5s. That firm bound themselves to supply 5,000 tons at £8 5s. within three months from the 21st December; and yet that specification was prepared some time later in January, and only 1,000 tons were to be delivered by March 31, 1880—

"And the remainder at the rate of 1,500 tons a month, but to be delivered in quantities as may be required by the Agent-General, under a penalty of 1s. per diem upon each ton of the several quantities that may remain undelivered after the expiration of the time stipulated for their delivery, and for each day during which each stipulated delivery shall remain incomplete, the whole being delivered by December 31, 1880."

That would be found on page 918 of the second volume of "Votes and Proceedings" of last year. He wanted to know whether hon. members would not consider that to be a most remarkable fact? These contracts were entered into by McIlwraith, McEacharn, and Company with the Barrow Company and Moss Bay Company in the month of October, for rails to be delivered over 1880, and they found the specification set out by Mr. Ashwell was also for delivery over 1880. How nicely those two things dove-tailed!

Was it not monstrous to suppose that McIlwraith, McEacharn, and Company—who, it was stated, bought those rails simply as a speculation, and sold them again to the Haslam Company when they knew the market was rising and likely to reach a climax within a reasonable time—was it likely that they would buy when the market was rising, with a view to selling at the top of the tide, and enter into a contract—if they were to be believed—by which the delivery was extended over so long a period that they could not possibly quit the rails at the price they would otherwise get for them? A fact like that seemed to be most conclusive as to what was in the mind of Mr. Andrew McIlwraith when he made these contracts for rails with those two firms. They were told that it was merely a speculation, but he was prepared to show from the evidence that it could not be a very speculative transaction as far as these contracts were concerned. Mr. Leonard Cooper, at page 59, said he "knew those rails were for Queensland;" that was not very speculative. Mr. Andrew McIlwraith, on page 139, threw some additional light upon this point. At question 2882 he was asked—

"Do you remember whether anything was said by you or Mr. Smith as to where the rails were going to? I told him my partner was giving a quotation out in Australia. I asked him if he could make the quality equal to the Queensland Government specification. I think that is all the information I gave him."

It was clear from that that the Barrow Company were not working in the dark when they entered into this contract. As he had pointed out, the Commissioners said, in paragraph 8 of the Report, which he had quoted in connection with paragraph 14, that these contracts "were made in the usual regular mode adopted in such purchases;" but he could show from the evidence of one or two reliable gentlemen that the method in which these contracts were made was not in the "regular mode adopted in such purchases." Respectable firms did not, as a rule, enter into speculative contracts with agents and middlemen, and did not work according to so vague specifications as "a first-class specification," unless they knew all the details of the specifications according to which they were to work. The evidence on this point would be found in the examination of Mr. Bayley, page 65; at question 1773 he was asked—

"1773. Would the same remark apply to the specification? Supposing a first-class specification were referred to, without anything special to identify it, would not 'first-class specification' be a vague phrase? Very vague."

He wished to direct the attention of hon. members to this piece of evidence, given by witnesses who were spoken of last night by the Minister for Works as being independent witnesses:—

"1774. Would it not be too vague to conclude a binding contract? Yes; we should want to know what it meant in detail."

The evidence of Mr. Ratcliffe, manager of the Mersey Steel Works, and consequently a man of large experience in contracts for the supply of rails, also threw some light on this "regular and usual mode adopted in such purchases." He was asked:—

"2615. Do you know anything about the course of business amongst persons speculating in rails? No; I am glad to say we have had only one speculative sale since I have had to do with the works; and if we knew it was a speculative sale, we should avoid making the contract; in fact, we should have to be very hard up for orders, if we did not."

There was the statement about those two firms, the Moss Bay and the Barrow, from whom tenders were not invited because they were known to be too full, and they were asked to believe that those firms would enter into a vague and speculative kind of contract such as Mr. Ratcliffe said

his firm would not enter into unless they were very hard up for work. Yet the Commissioners said it was done according to the usual and regular mode of purchasing. Then there was the evidence of Mr. Campbell, whose veracity must be held to be unimpeachable, for it was pronounced so by the Minister for Works. That gentleman represented the Landore-Siemens Company, a large and influential firm of manufacturers in England, and he was asked as to the method usually adopted in making contracts for rails. Mr. Hemmant was asking a question, when the Commissioners interposed and insisted on the legal way of putting the question, so that he was obliged to put it into writing. The question was on page 72:—

"1935. Are you in a position to give an opinion on this point? I put this question in writing because it is a question the Commissioners will remember there was some difficulty in getting an opinion on from one of the witnesses the other day, from my inability to frame the question properly, and therefore I have written it out:— 'John Smith, desirous of speculating in rails for forward delivery, enters into a contract with John Jones for 10,000 tons of steel rails, which are to be made to a first-class specification, and to weigh not less than 40 lbs. per yard.' The rails at the time of the contract are not made. The following sale-note is given by John Jones to John Smith: 'Sold to Mr. John Smith 10,000 tons of steel rails, to be not less than 40 lbs. per yard in section; to be made to a first-class specification and to be approved rails; to be painted, oiled, or sanded, as may be required. * * * * * The rails to be on ships at works, on west coast or Continent. Terms net. Deliveries to be over 1881, as may be arranged. Signed, John Jones, 17th December, 1870.' The asterisks represent the price to be paid. The following questions arise:—1st. In such a transaction would a sale-note from John Jones be the only document which would pass between the parties, or would John Jones receive a note from John Smith, the purchaser? Do you quite understand the question? Yes.

"Mr. Clarke: The question, of course, wants this element put into it: by the ordinary custom of the trade.

"Mr. Hemmant: That is the very question I am asking.

"Mr. Gibbs: You have not put it in that way. The question is, is there in such circumstances an ordinary custom of trade; or if you like to put it, would, by the ordinary custom of trade, so and so?"

They would not let Mr. Hemmant ask what was the method adopted by the Landore-Siemens Company, but insisted upon the question being made applicable to the general usages of trade. And then they had this:—

"By Mr. Hemmant: I will put those words into the question? I should not consider this complete unless there was a bought and sold note passed between the parties. That is our usual custom; if there was only one I should not consider the transaction complete.

"1937. Would you explain that a little more fully? In writing out a sold-note, I write out a note similar to this and send it to the party with whom I have entered into the contract, and send at the same time a copy of that, only addressed to myself for this party to sign. I consider the contract complete then, when I have given a sold-note and received a bought-note. The only difference between the two is, I say 'sold to so-and-so,' and they say 'bought from' me, and sign it; and on those two contract-notes passing between us, then I consider the contract settled. That is my usual way of doing business.

"1938. Is the reason that you object to bind yourself without the other party to the agreement being also bound?"

Thus they found that that highly respectable company, when it made contracts for the supply of rails, not only insisted on a sale-note, but also on a bought-note; yet the Commissioners were kind enough to say that the transaction between McIlwraith, McEacharn, and Company, and the Moss Bay and Barrow Company, was made in the regular mode of proceeding in those transactions. He had already referred to questions 1127 and 1130, which he would again refer hon. members to. He found there the sale-note to Mr. Haslam with reference to the 10,000 tons from the Moss Bay Company, signed by McIlwraith

and Company, and they had a sale-note from the same McIlwraith and Company to Mr. Haslam, again with reference to 10,000 tons contracted to be made by the Barrow Works; in other words, there was a unilateral contract which bound McIlwraith and Company, because the contract was signed by them, and yet in violation of the ordinary procedure, there was only a sale-note in both cases from McIlwraith and Company to the Haslam Company, and the consequence was that the Haslam Company would not be bound to complete the supply of the rails; and still the Commissioners asked the House to believe that a contract of this one-sided character, which Mr. Campbell said was out of the usual course of procedure, was the usual and regular mode of procedure adopted in these transactions. He might be told that there was evidence to show that this was the regular mode of procedure, for which there was the authority of Mr. Haslam, to whose evidence he would refer. He was not going to leave out Mr. Ashwell. They were told by the Minister for Works last night, so pathetically, that they must not ignore Mr. Ashwell, so he would also take that gentleman's evidence. On page 47 would be found—

"1315. By Mr. Griffith: Did Messrs. McIlwraith, McEacharn, and Company get corresponding bought-notes? I cannot say what agreement they made with the parties.

"1316. You misunderstood me. When you bought from them, did you give Messrs. McIlwraith, McEacharn, and Company corresponding bought-notes? Those are sale-notes. Did you give them corresponding bought-notes? Certainly not. This is the sale-note—this is the contract."

He wondered that Mr. Gibbs—this eminent lawyer, this gentleman of such large and varied experience—did not snub the witness very severely for such an attempt to insult the understanding of gentlemen who knew anything about law. Then, they had the answer of Mr. Andrew McIlwraith on the subject:—

"3019. Was the contract reduced into writing? Yes.

"3020. Have you it? No.

"3021. How is that? I have no contract-note.

"3022. You have no contract-note? No; I gave him a sale-note.

"3023. Did you take nothing binding him to you? No; it is not customary."

He would tell why it was not customary. In the first place, Mr. Haslam, with his little company, which he would have something to say about presently, had never entered into a contract previously for the sale of rails; in fact, did not know anything about rails, but was making his first big venture at the expense of Queensland; and consequently there could be no custom as regarded the Haslam Company with respect to bought and sale notes. And as for Mr. McIlwraith, there was everything to show that his connection with rail purchasers was of very recent date, so that his experience as to the mode of procedure was certainly likely to be just as limited as that of Mr. Haslam. Yet the Commissioners preferred to take the evidence of Mr. Haslam and Mr. Andrew McIlwraith, who had no previous experience in the matter of rails, and ignore that of a gentleman of large experience like Mr. Campbell, and then incorporated gravely into their report the statement that these contracts were made in the usual and regular mode adopted in such purchases. He (Mr. Rutledge) said that if any evidence could prove a finding to be false, the evidence proved that finding of the Commissioners to be absolutely and indisputably incorrect. Now, he came to the 19th paragraph, which really was about the pith of the whole Report, because it had reference to this—as far as Queensland was concerned—historical Haslam Company; and in making reference to this company he should like to say that the Com-

missioners had been at great pains to give a sort of certificate of character to the Haslam Company, and they deserved the warmest thanks of the influential board of directors of that company for having elevated it out of its native obscurity, and exalted it in view of all men rejoicing in the very thick coat of whitewash they had applied. That was the celebrated Haslam Company, and here was what the Commissioners said about it—

"19. The Haslam Foundry and Engineering Company is a Limited Company, established in 1876, with a nominal capital of £100,000, of which only £19,840 have been called up, the Company having command of capital in consequence of certain of the shareholders being very wealthy men. Hence, as the managing director, Mr. Haslam, explained"—

There was the great authority again. They turned from Mr. Haslam to Mr. Ashwell, from Mr. Ashwell to Mr. Andrew McIlwraith, and then back again to Mr. Haslam—

"they kept their share capital low, and by taking up money when necessary, saved themselves from being overburdened with paid-up capital, of which part might be lying unproductive. They are not manufacturers of rails, but have had many contracts in rails, among others, with the Russian Government. They have done work for the Great Indian Peninsula Railway, and have at this moment several contracts in hand for the War Office. They are also contractors for the Crown Agents of the Colonies, and for the Admiralty."

Now, this was simply an extract from the evidence which the Commissioners had fairly gulped—bolted as a dog did his dinner—the answer of Mr. Haslam about his own company: as if Mr. Haslam was such a fool as to cry "stinking fish" about his own company. Now he would analyse this paragraph 19 about the Haslam Company—this wealthy company in which certain shareholders were very wealthy men. If they turned to the evidence they would find whether that statement was true. On page 54, question 1490, in reply to Mr. Griffith—

"Who are the other directors of considerable position in the same trade, to whom you referred?—

Mr. Haslam said—

"Mr. Pontifex, Mr. Barton, and myself.

"1497. You do not call yourself another director, do you? What am I? I am the managing director.

"1498. Is that Mr. Edmund Pontifex? Yes.

"1499. He holds fifteen shares in the company, does he not? He did on the date of the 10th. He holds more now."

Now, here was this celebrated Haslam Company; here were these wealthy men; they had indeed such lots of capital. What was the fact? Mr. Pontifex—he did not tell them who Mr. Barton was—Mr. Pontifex, this very wealthy man, whose large resources were to be at the disposal of the company, was the holder in his company of fifteen shares. Why, did we not know very well who Mr. Pontifex was?—he was the decoy-duck. The Report said the Haslam Company was a limited company. Mr. Pontifex was a wealthy man, and well known; and his name was simply used as a sort of decoy to induce persons to place their contracts with the company, which was of such an insignificant character as regarded the number of shares. But Mr. Pontifex had sufficient worldly wisdom to take care to guard himself against any serious loss by reason of his connection with the company, by limiting the amount of his risk to fifteen shares—a very safe thing for Mr. Pontifex to do. But he (Mr. Rutledge) wanted to know whether a gentleman who took care to limit his connection with a company to the extent of fifteen shares—only five shares more than Mr. Ashwell himself held—whether a gentleman like Mr. Pontifex, who so limited the amount of his risk, would have been fool enough to stump up from his private resources to extricate the company from pecuniary difficulties if ever it should get into

such difficulties. Was the fact of Mr. Pontifex' wealth—which was a sort of aegis spread over the company to protect it from financial disaster—any justification for the Commissioners reporting that certain shareholders were very wealthy men? Now he would go along a little further. Was this company of great wealth and with large capabilities at its command well and favourably known? What was the evidence on this point? Turn to the evidence of Mr. Lorimer, one of the directors of the Steel Company of Scotland. He was asked this question, which would be found on page 24—

"679. Are you acquainted with the Haslam Foundry and Engineering Company, the successful tenderers for these rails?"

His answer was—

"I do not know them."

Then turn to the evidence of Mr. Bayley, of the firm of Brown, Bayley, and Dixon, on page 69:—

"1878. Have you seen the amounts for which these rails were tendered for? Kindly run your eye over the list of firms in this schedule of tenders. I will ask you if that is a good selection of firms? I do not know the Haslam Foundry and Engineering Company."

Here was a strange company, which was now being brought into notice before the commercial world in this manner. Then, again, in question 1907, Mr. Bayley has something more to say:—

"1907. Do you ever remember meeting the name of the Haslam Company as competitors in tendering for rails? Never.

"1908. Do you know anything about them in connection with the rail trade? Not at all."

Then he would turn to Mr. Campbell, of the Landore-Siemens Steel Company; his opinion would be found on page 71:—

"1922. Do you remember meeting the Haslam Company in competition with yourself as contractors for rails, or tenderers for rails? I think not. I do not remember. It must have been some considerable time ago. Often others compete, and I do not know who are competing. They might have been competitors with me, and I do not know, as the buyers do not always say who are in competition.

"1923. To your knowledge you have not met them in competition before? To my knowledge I have not; at least I do not remember—it has escaped my memory if it is so."

Then he came to Sir Arthur Blyth's evidence on page 125:—

"3362. By Mr. Hemmant: Do you know the Haslam Company as tenderers? I think I have invited them to tender, but without referring I could not say; the name is not familiar to me. I have not had a contract with them.

"3363. For what, can you say, have you invited them to tender for steel rails? I would rather refresh my memory by the records at my office before replying to that."

Further down on the page there was a letter sent to the Commissioners subsequently by Sir Arthur Blyth, in which he said—

"I find that I have not invited the Haslam Company to tender for steel rails."

So that the company was not known to Sir Arthur Blyth. Then he came to General Hyde, page 215:—

"5627. Would you have asked the Haslam Engineering Company? I do not know them."

He (Mr. Rutledge) thought it most extraordinary that this company, with a paid-up capital of about £19,000, with one, at least, influential and wealthy director, who held the large number of fifteen shares, notwithstanding its influence in the shape of Mr. Pontifex, was not known to persons in the trade. Nobody had any knowledge of it at all, and nobody would have had any knowledge of it had it not been for this transaction—having had a friend in the London office of the Queens-

land Government in the person of Mr. William Henry Ashwell. Yet the Commissioners said—

“They are not manufacturers of rails, but have had many contracts in rails.”

He would refer to the piece of evidence on which the Commissioners founded that statement; it would be found on page 51, in the evidence of Mr Haslam:—

“1402. By Mr. Hemmant: With regard to the Great Indian Peninsula Railway, did you tender or contract? We have done work for the Great Indian Peninsula, not contracting with the Government, but for other parties who have taken large contracts, and we have taken our share. In that case we should call it contracting; although we have not supplied the goods direct to the Great Indian Peninsula, we have supplied them through a second party. That is what was in my mind. But if I said, with regard to the Russian Government, “tendered” and “contracted,” both those terms would be correct; because we tendered and contracted. At the present moment I have a tender in for steel rails for the Russian Government, and we have done several orders for the Russian Government in which steel rails have been included. Then I may say, with regard to the East Indian Railway, we have unfortunately tendered many times and never been able to contract, because our tenders have never been accepted. But for the Indian State Railway we have done work for them indirectly. With regard to the War Office, I should think six times a year we have a contract. We have several now in hand for the War Office; so that the words “tender” and “contract” would be quite in order there. We tender, sometimes we get the contract, so that if I use both those words they are applicable to these different cases.

“1403. What is the nature of the steel rails you are supplying for the Russian Government? Now?”

“1404. Yes? I cannot tell, for I have given them a schedule of prices, and they can have any quantity they like. I do not know exactly what the measurement will be. It is open for about six weeks.

“1405. It is not a contract, then? Not at the present moment; it is a tender I sent out last Friday.

“1406. Would not any person reading this answer understand by it—?”

“Mr. Clarke objected.

“1407. By Mr. Hemmant: However, you have never either tendered or contracted direct with the Great Indian Peninsula Railway? Not direct.

“1408. By Mr. Gibbs: But for the Russian Government you have contracted direct? Yes; and our own Government. I may say we are also contractors to the Crown Agents at Downing street, and the Admiralty.

“1409. By Mr. Hemmant: For what? For any materials we like to tender for; anything in our particular business. We buy, sell, and manufacture, and, if a specification comes out, I am at liberty to tender for anything they require.”

But Mr. Gibbs again was so dreadfully anxious not to lose sight of the Russian Government. He asked again—

“To make it quite clear: you have contracted with the Russian Government for steel rails? Yes.”

Mr. Gibbs would not let that important fact slip out of sight at all.

“1411. By Mr. Hemmant: On what occasion? For their extension of the Constradt Dockyard.”

Now, when his hon. friend the other night said that their people simply made cranes, and that they had supplied cranes to the Russian Government for Cronstadt Dockyard, and that they had simply taken the rails to make the cranes run on to the place where they were to be located, he was challenged by the Colonial Secretary, who asked what evidence there was of that. It was found in the minutes of the proceedings in connection with these matters taken last year. He need not waste the time of the House reading it. Why, the Haslam Company were invited to tender for cranes for this very colony, and for iron tanks. The Haslam Company's speciality was iron tanks, but Mr. Gibbs was determined the other matter should not be lost sight of, and he asked—

“You have contracted with the Russian Government for steel rails? Yes.

“1412. About what time? I do not think it is fair for me to tell every transaction I have done.

“1413. By Mr. Gibbs: You can remember the date when they made the railway? It was for dockyard purposes; you cannot call it a railway.”

Even Mr. Haslam was obliged to acknowledge that the rails supplied to the Russian Government were not in a contract for rails for a railway. Then they went on:—

“1414. It was for steel rails to the dockyard? Yes; they were made in Sheffield.

“1415. That would be a public matter, when they made the dockyard? I do not think I could give the exact date. We have carried out several contracts for them. I believe the last one which I had in mind when I gave these instances to the Premier would be probably about the end of 1879; I think so.

“1416. By Mr. Hemmant: With whom would the contract be negotiated? Do you mean the members of the Government staff?

“1417. With whom would you negotiate the contract with the Government? It was done in London with the representatives of Admiral Popoff.”

They could not come into contact directly, even with a lesser luminary like Admiral Popoff—

“but I should object to tell you who those gentlemen were, because it is making known precisely the routine of my business. I do not think I ought to be called on to tell you gentlemen everything—how I get my orders—it is unfair.”

Now came the question!—

“1418. What was the quantity of rails in that contract? I could not tell you from memory.

“1419. About? I do not think I ought to say exactly. If I had not supplied steel rails, I should never have said I had. That I have supplied steel rails, and can prove it, is a fact; but the quantity, whether it is 100 tons or 10,000 tons, I do not think I ought to state.”

All these witnesses could speak to the fact, but when asked for the proof they could not give it.

“1420. Was it as much as 100 tons? I decline to answer the question.”

Now, what was the conclusion deduced from this? Those gentlemen were plastered up by the Commissioners in their Report as having contracted for steel rails with the Russian Government, the Commissioners wishing thereby to imply that in committing a contract of that magnitude for 15,000 tons of steel rails to that little insignificant company, the representatives of the Queensland Government were acting in accordance with precedent. Mr. Haslam would not even say whether they supplied 100 tons of rails, and he (Mr. Rutledge) dared say that if he had been asked the question as to whether they supplied 50 tons the answer would have been the same. While they were simply making all this palaver they were reluctant to advance the necessary evidence which made the proof. The answer that Mr. Ashwell gave was that these contractors were contractors for the Admiralty and for the Crown Office, and so on. Now, what was the nature of their contract? The witness said, “anything in our line;” and when they came to know what their particular line was, they found that those gentlemen had been supplying water-tanks and cranes for lifting power. Those were the gentlemen who were held up to them as being an influential firm, men with large capital, connected with wealthy men; and it was said that in committing a tender of that kind to them the interests of the colony were studied. He would refer to a point which had not yet been touched upon, naturally connected with that reference to the Haslam Company, and he wanted some light upon it from Mr. Ashwell—for that he was the veritable culprit in the matter there could not be the slightest shadow of a doubt. He was sorry to say that, in all his reading of those transactions, he had come to the conclusion that Mr. Ashwell was guilty of rascality of no mean order, and if there was rascality of a superior order he

would like to see it. Mr. Ashwell had certainly been convicted of being a man who was not above stooping to most despicable methods for accomplishing his own ends. If hon. members would turn to page 57 they would find the evidence of Mr. Ellis, the shorthand-writer, about which he would presently have something to say; but before doing so he would have to refer hon. members to page 50, question 1399. He must, however, call the attention of hon. members to the fact that last year there was an inquiry held before the Premier in London, and that among those who gave evidence in the case was found this identical Mr. Haslam, who in answer to a question said, "We have tendered for the Indian Government, or for the Great Indian Peninsular Railway,"—he (Mr. Rutledge) was not positive about the word, but it was taken down by the shorthand-writer, Mr. Ellis, as he would show presently. Now, the manuscript containing the shorthand notes of Mr. Ellis was, as they would find from that witness' testimony, sent by him to the office of the Agent-General for transmission in due course to this colony. But, when the printed evidence copied from that shorthand-writer's notes came out, they found that Mr. Haslam was made to say, "We have contracted with the Great Indian Peninsular Railway," and so forth; and when that matter came to be investigated, it was found, on reference to the shorthand-writer's notes, that the word "tendered," as answered by Mr. Haslam, had been scratched through with a pencil, and that above it the word "contracted" was written; so that though the shorthand-writer took down Mr. Haslam's answer as being that his firm "tendered" for supplies of rails, it was made to read in the printed minutes that his firm had "contracted" for rails, thereby deliberately intending to mislead the Legislature here, and to mislead all parties who would have an opportunity of reading Mr. Haslam's evidence on the question. Then they came to the evidence of Mr. Ellis upon the subject, and he referred to it as being one of a great many links in the chain, showing that there had been unmitigated rascality, whoever was responsible for it. There was no use in calling a spade anything but a spade, and he said that there had been unmitigated rascality on somebody's part, when they would go so far as to deliberately tamper with the shorthand-writer's notes made at the examination.

AN HONOURABLE MEMBER: It is a slander.

MR. RUTLEDGE: It is no slander: I do not invent those things.

HONOURABLE MEMBERS: No, no!

MR. RUTLEDGE: He would refer them to Mr. Ellis's evidence, at page 27:—

"756. By Mr. Hemmant: Were you the shorthand-writer engaged in the London Inquiry in April last? I was.

"757. On how many occasions were you present? On two occasions.

"758. Can you remember the dates? April 2nd and April 26th.

"759. Do you know who was present on the other day? The other day I was represented by Mr. Wheeler.

"760. Did you write out the shorthand notes of the evidence you took yourself? I did.

"761. And also the evidence Mr. Wheeler took? Mr. Wheeler wrote his own evidence out himself.

"762. Did you copy it? No, it did not come before me at all.

"763. Will you be kind enough to say which are in your handwriting? [*Handing the Witness Exhibit D 1, 2, 3.*] This was the first set of notes [D 1] which I took and wrote out.

"764. That is the examination on April 2nd? Yes; and this [D 3] is the evidence taken on April 26th; it is in my handwriting. This evidence, on April 8th [D 2], I have never seen. I believe Mr. Wheeler wrote that out himself; but he can come and speak himself on that point.

"765. Will you look at pages 108, 111, and 31 of the first day's evidence? I am looking at page 31.

"766. There is some writing there in pencil? Yes, I see it.

"767. Is that your handwriting? No, it is not.

"768. Do you know whose handwriting it is? I have not the slightest idea whose handwriting it is.

"769. Will you look at the next page I referred to? The next page is 108: I am looking at it.

"770. Is that alteration in pencil in your handwriting? No, it is not.

"771. Do you know whose handwriting it is? I have not the slightest idea.

"772. Will you look at the next page, page 111? Do you see the alteration there? I see the insertion of the word 'did' in place of 'it is possible,' and the insertion of the word 'those.' Neither of those words are in my handwriting.

"773. Do you know in whose handwriting they are? No; I have not the slightest idea.

"774. Those are the instances referred to in questions 2724 and 2728. Now, will you be kind enough to look through that manuscript book, and you will find 'vide Exhibit F,' in pencil in the margin. Do you see the words? I do.

"775. Is that in your writing? No.

"776. Do you know in whose writing it is? No; I do not.

"777. Can you say if these alterations were in that manuscript when it left your hands? No, they were not.

"778. What did you do with it? I delivered the transcript of the proceedings of April 2nd to Mr. Macalister, the following day."

Now, they would have to test Mr. Ellis by Mr. Macalister, and would therefore have to see what Mr. Macalister said upon the subject. On page 6 in that gentleman's examination before the Commission, he found the following:—

"103. Can you give any explanation of the alteration in the evidence referred to in the question No. 2724—the alteration in pencil referred to? Which alteration?

"104. The alteration in Mr. Haslam's evidence? No, I know nothing about it.

"105. You do not know who made it? I have not the slightest idea.

"106. Have you got the manuscript shorthand notes; they have been returned to the office? No, I have not; they are not with me. I never saw them. You may as well take down here that Mr. Hamilton has represented that the things were in my hands."

Here was poor Mr. Hamilton made the scapegoat again, for they would remember that Mr. Ellis had told them a while ago that directly he had transcribed these notes he sent them direct to the Agent-General's Office. The evidence went on:—

"They never were in my hands for a moment. I never saw them until they were in print in the colony.

"Mr. Griffith: Mr. Hamilton never made any such representation to the Committee.

"Mr. Gibbs: Do not let us argue that point.

"Sir H. Giffard: Mr. Griffith is now giving evidence.

"Mr. Griffith: I am not giving evidence; I am speaking about the contents of documents before the Commission.

"Witness: The statement was, that they were put into my hands to approve of. It is on record, I know. I never saw them. I never saw them until they were printed in the colony.

"Sir H. Giffard: I think Mr. Griffith is in error there. If you look at page 156 of Mr. Hamilton's evidence, there is a 'Note (added by the witness, on revision): I do not think the quotation truly represents my answer to Mr. McIlwraith, for which I cannot verbally make the correction; I intended by my answer neither to express fraud nor the opposite till the facts could be known. I never saw the evidence in London, either to correct it or revise it; but Mr. Ashwell and Mr. Macalister had it for that purpose.'—[*Minutes.*]

"Mr. Griffith: I do not understand that to mean what you say. Mr. Hamilton did not have his evidence to revise.

"107. By Mr. Gibbs: The way to put it would be, was that document before you on the Friday? Never.

"108. By Mr. Hemmant: Did you look at the exhibits? I never looked at any exhibits—I presume they were there.

"109. You took no part in arranging the exhibits? No; none whatever.

"110. Do you know whose handwriting that correction is in? [*Handing to the Witness the MS. transcript of the*

shorthand-writers' notes of the London Inquiry, Exhibit D. 1, 2, 3.] I do not know the handwriting at all; it is not the handwriting, I believe, of the shorthand-writer.

"111. The note in pencil? No, that is a better hand than we write in our office. I do not know whose it is.

"112. Do you know anything about the alteration of the exhibit F? Which is that?

"Mr. Hemmant: The question on page 9 of the London inquiry, at the bottom of the page.

"Sir H. Giffard: The question is something about an alteration. I do not see any alteration in it.

"Mr. Gibbs: The allegation is that this was not the paper put in by Mr. Hamilton, but that the other was put by Mr. Hamilton—that that [*Inquiry p. 40, Exhibit F.*] was substituted for J.J. [*Minutes, p. 149.*]

"Sir H. Giffard: But the question should not assume it.

"Mr. Gibbs: No. You must not assume that it is so; you must ask him generally, first. You must get at Exhibit F, first, in some way or other.

"113. By Mr. Hemmant: Will you look at the exhibit referred to in that question—page 40? [*Inquiry.*] Yes; I see it.

"114. That purports to be the paper put in by Mr. Hamilton; does it not,—prepared by Mr. Hamilton? I do not know whom it was handed in by; I see it is referred to in one of the questions put by Mr. McIlwraith to Mr. Hamilton.

"115. But whoever handed the correspondence in evidently intended this Exhibit F to correspond with this question. Is not that the case? That is for the Commissioners; I do not know.

"116. It purports to refer to that question? Yes; that is true.

"Sir H. Giffard: You mean the words, '*vide Exhibit F.*'?

"Mr. Gibbs: Yes.

"117. By Mr. Hemmant: Look at that marginal note, and tell me if you know whose handwriting it is in? I do not know. I do not know that writing at all. It is strange to me. I must tell you that these books, as I understand, were always kept in the possession of the shorthand-writer. I do not believe they were in the office at all."

Here was Mr. Macalister ready to discredit everybody and anybody so long as he could wriggle out of a responsibility, supposed to attach to him, and now he represented that the books were never in the office at all.

"118. Were they sent by the shorthand-writer direct to the colony? I do not know how they were sent to the colony, but I am sure the shorthand-writer had them while his work was going on, and he never left his notes in the office for a moment.

"119. The notes were either left with the shorthand-writer, the Queensland office, or the Queensland Government office in Brisbane? They were always in the possession of the shorthand-writer, until ready for despatch to the colony.

"120. They got out to Brisbane somehow? They must have got out of it afterwards, somehow, but as far as I know of it, I only know of them being in the possession of the shorthand-writer.

"121. Did you not send them out to Brisbane? Me? I never saw them.

"122. Are you quite sure about that, Mr. Macalister? Did you not send out the shorthand notes? I sent out a great many papers; whether the shorthand notes were in the papers I cannot say. They were not in my possession, you understand, with my knowledge.

"123. I simply want to know, as a matter of fact, in whose possession they were. They were either in the possession of the Queensland office here, the Queensland Government office, or the shorthand-writer; but the shorthand-writer, I presume, handed them to you, and you sent them on to the colony? I do not think so; I cannot remember; I cannot say. There were a great many documents going backwards and forwards, and they may have been amongst them. I say they were not in my possession to my knowledge."

Now, it seemed a most extraordinary fact, and who was responsible for it it was not for him to say, though he had indicated on whom suspicion rested in his own mind, that here was a deliberate attempt on the part of somebody or other—for a purpose best known to themselves—a deliberate attempt to tamper with the evidence taken before the London inquiry so as to make the shorthand-writer's notes taken at the inquiry read differently in print to what they did in manuscript. His hon. friend the member for North Brisbane had handed him another little piece of evidence

which threw some light upon the matter. On page 256 he found the following statement:—

"Mr. Gibbs: Mr. Clay hands in the following letter to us in consequence of a question we asked:—

"Queensland Government Office,
"1, Westminster Chambers, Victoria Street,
"London, S.W., 12th April, 1881.

"Gentlemen—In compliance with your request I now produce Press copies [*Exhibit H II.*] of the tables I prepared in accordance with the Premier's instructions, conveyed on page 22 of the London inquiry, last year, viz.:—'Will you be kind enough to prepare for me a statement showing the name of each ship carrying rails from any English port to any Queensland port from the year 1875 inclusive, showing the tonnage, the rate paid per ton, and the average rate paid per ton per annum to all the ports individually and collectively, and the average rate paid for the whole four years for all the ports individually and collectively?'

"*Exhibit F*, on page 40—

"After careful examination and comparison, I find to be a summary of the average rates for five years for freight on rails to Brisbane, Rockhampton, and Townsville; and a table, showing the application of these rates to those for the 15,000 tons contracted for in quantities going to each respective port. *Exhibit F*—was made in Brisbane from the particulars furnished by me, and which I certify to be absolutely correct."

So it would seem that for some of these alterations somebody in the office in the city of Brisbane was responsible. He must say that this was a revelation that he was hardly prepared for. Now, who was this party in the Brisbane office who had the temerity to tamper with the shorthand-writer's notes, and to mislead the Assembly by making these notes to read differently to what they really were—making, in fact, false evidence? What did this suggest? It suggested suspicion of cookery, concealment, and interference with the ordinary method of procedure in such transactions between respectable people that was altogether incomprehensible, and he could offer no explanation of it. He would point out also that Mr. Haslam pretended at the inquiry that he knew a great many Australian Governments—or several Australian Governments—which were buying rails, and that he bought rails from McIlwraith, McEacharn, and Company for the purpose of selling them again to some of these Australian Governments. He would call attention to the letter of Mr. Haslam, which the Commissioners thought of sufficient importance to include in their Report, in which he, just before the time when the applications for tenders were about to be invited, so well was he informed—most conveniently, just on the very eve of this issue of invitations from the Agent-General's Office—this letter comes into the authorities, asking them to remember the Haslam Company in the event of the Government wanting any lines of rails, as the company would be able to give them their best attention, and to supply them on the most advantageous terms. In Mr. Haslam's examination there were two questions bearing on this point:—

"1202. Did you write any similar letter to this letter of the 19th December to any other Government? I was using my best endeavours to sell the rails to various parties.

"1203. Did you offer to sell them to any other Australian Government? No."

He wanted to know if they could come to any other conclusion than this which he held in contravention of the Commissioners—that these rails were purchased in full view of the next requirements of the Queensland Government by McIlwraith, McEacharn, and Company.

THE PREMIER: Why should not they buy them?

Mr. RUTLEDGE: That they were purchased to extend over 1880, and conformable to the request for tenders issued subsequently in January, and shown to the Haslam

Company. He had shown also that this company was a paltry, insignificant one; that it had never had transactions in rails before; that the wealthy men who were members of it were such as Mr. Pontifex, the holder of fifteen shares; that it was a company totally unknown among those persons who were in the habit of manufacturing rails; and that, in the next place, they pretended that they had bought these rails for the purpose of selling them to the Australian Governments, only to offer them to the Queensland Government and sell to them in accordance with the specification of that Government. He would next refer to the 23rd paragraph of the Report of the Commission which dealt with the purchase. It said:—

"Immediately upon his arrival in London the Premier saw the Agent-General, and after discussing with him, Mr. Hamilton, then Secretary, and Mr. Ashwell, the state of the market, in the exercise of the powers given him by the Executive Minute directed the Agent-General to obtain a contract in the ordinary course of business for 15,000 tons of rails. He reduced the proposed purchase to that amount, considering that that would meet the requirements of the colony for about eighteen months. The following letter written by him to the Agent-General on the 22nd of January, 1880, shows that he gave the subject careful consideration:—I don't at all like the price it seems we will have to give for rails. My position is this: I must have 12,000 to 15,000 tons in the next eighteen months. Before accepting any tenders thoroughly satisfy yourself that rails are not likely to fall. If they were, I could do with a much smaller quantity, say 5,000 tons for six months. Meantime I will make full inquiries in the city myself, and will let you know if result is against your opinion. No attempt has been made before us to impugn the Premier's estimate that such were the requirements of the colony. As to the prospects of the market, the evidence leaves no doubt that the majority of merchants, judging from the facts then before them, believed that prices would remain at the then level, and indeed advance higher. A remarkable instance of the prevalence of this anticipation is afforded by the fact that two of the firms presently to be mentioned as invited to tender for these rails—Messrs. Brown, Bayley, and Dixon, and the Mersey Steel and Iron Company—are now involved in difficulties in consequence of having entered into engagements about this time upon the ground of this expectation. It is hardly necessary to say that it would be unjust to judge of these past transactions by the light of experience gained from the subsequent fall of prices. With his knowledge of the requirements of the colony, and the information he then possessed as to the prospects of the rail market, the Premier could not have done otherwise than make the purchase he did at that date."

That transaction certainly admitted of some other conclusion than that the Premier was a party to a scheme for the enrichment of his friends; yet it was quite clear that the Premier had his misgivings—that he knew, as pointed out before, from the facts disclosed on the voyage from Cork to Liverpool, that the metal market was rising, and rails constantly increasing in price, and that he had had 5,000 tons offered at 5s. a ton less than a parcel had been sold at the previous week. But he went off to Ayr without making any inquiries, and when he went to London he said his position was that he must have 12,000 or 15,000 tons during the next eighteen months, or 5,000 tons in six months. How nicely that harmonised with the arrangements made by Mr. Andrew McIlwraith for the purchase of rails extending over 1880! Then the Commissioners, with a view of bolstering up the conclusions they had arrived at, made reference to the failure of Brown, Bayley, and Dixon, and held up the Premier's action as judicious, because that eminent firm became involved in financial difficulties in consequence of having entered into engagements at that time. The Commissioners did not show that those unfortunate firms, when they entered into those contracts which had the effect of ruining them, had no influential, accommodating friend at court, who could so arrange matters that the distribution of the contract

could extend over the whole year. This was what Mr. Bayley said in his evidence:—

"1838. I think the result of the miscalculation in your case was unfortunate, was it not? It was.

"1839. And you found yourself bound to supply at prices which you had contracted, and having to obtain your supplies from a market which had risen since your contracts were made? That is true."

That was the fact with regard to Brown, Bayley, and Dixon. They engaged to deliver rails within such a limited time that they had to purchase ore when the market price had risen much higher, in order to fulfil their engagements. That was entirely different from the case of the Haslam Company, who had previously arranged that their deliveries should extend over 1880, which would enable them, when the market had fallen to its normal condition, to buy the material, if they wanted it, at any price they liked. In order to come to their complete justification of the Premier, the Commissioners had entirely disregarded the evidence of Mr. Jopp and General Hyde. Question 5467 of Mr. Jopp's amended evidence was as follows:—

"5467. Will you look again, please, at that schedule of tenders? I wish to call your attention now to the tenders which were sent in: noticing that three of the firms invited did not tender, and the prices asked by those firms who did, what inference do you think one would fairly draw as to the state of the market and the desirability of making purchases at that time? I should have said, if I had to report on these tenders, that the lowest one was not from a rail-making company at all—the Haslam Company—as far as I am aware. I should probably have wanted to know, first of all, supposing it was decided they were to be allowed to tender, who was to make the rails, and to know a little more about it. Even if that 15,000 tons had been very urgent, the price of £9 18s. 6d. in January, 1880, was high, whatever view one takes of it; and the other prices were very high. I should certainly not have accepted any unless the urgency was very great. I should have declined all the tenders."

While the Commissioners were bolstering up the Premier for having acted with judgment in making the purchases of rails in January, 1880, they found Mr. Jopp distinctly stating that he would not have purchased them unless the urgency had been very great. Question 5528 of General Hyde's amended evidence ran thus:—

"Was that a time, in your opinion, when it was desirable to ask for a larger or a fewer number of firms to tender? That would depend on many conditions of the state of the rail trade, which I cannot call to mind. However, I know that prices were high and that I should not have advised any purchases if our wants had not been urgent."

The other Australian Governments, did not follow the example of that of Queensland. Though quite as anxious to embark on an enterprising scheme of railway construction, they refrained from going into the market at that time. The New South Wales Government stood as urgently in need of rails as Queensland, and yet they limited their demand at that time to 1,000 tons. In paragraph 24 of the Report, the Commissioners said—

"24. The Premier also discussed with the Agent-General, Mr. Hamilton, and Mr. Ashwell the list of firms to be invited to tender, but he took no part in the selection, having, as he explained, no knowledge of the position of the different firms, and considering that the responsibility lay entirely with the office."

And so on. But they knew from the Agent-General's evidence that as far as he was concerned there was no discussion. He knew nothing at all about it. And yet the Commissioners had inserted a paragraph like that, for which there was no evidence. They had evidently been led astray by Sir Hardinge Giffard's address, after the two gentlemen who conducted the inquiry had left for Australia, and had endeavoured to bring everything into harmony. After exculpating the Premier from the accusations supposed to have been made against him, they felt called

upon to apply the whitewash-brush to everybody else connected with the transaction. In doing that, they did too much. He should have thought more of their complete exoneration of the Premier if they had not stretched a great many points to completely exonerate everybody else—persons declared by the Select Committee of last year to have been mixed up with transactions that required investigation. They had attempted to prove too much, and thereby done their case more harm than good. He would touch very lightly on the question of the Spanish ores, which, according to the Minister for Works, were inferior ores, but which, according to the evidence of Messrs. Lorimer, Cooper, Bayley, Campbell, Ratcliffe, and even of Mr. Ashwell himself, were equal to the Cumberland ores. Bad as Mr. Ashwell was, he would take his authority as superior to that of the Minister for Works where metal was concerned; and here was what Mr. Ashwell said on the subject:—

"4836. Is not Spanish ore as good as Cumberland ore? I do not say it is not—some of it."

But that question had been thoroughly gone into the other night by his hon. friend, and it only remained for him to say that the true reason why Spanish ore was excluded was that it would have the effect of excluding all the Sheffield tenderers. The result was that only those firms who used Cumberland ores were enabled to tender. Mr. Ashwell dared not have said that Spanish ore was inferior to Cumberland ore. He knew that his evidence would go forth amongst the iron trade, and that, if he had dared to say that Spanish ore was inferior to Cumberland ore, the effect would have been disastrous to him as a professional man. In the same paragraph the Commissioners said—

"The condition with the words inserted is as follows:—

"If the Bessemer process is adopted, the ingots are to be made of the most approved mixture of hematite pig made from the best selected Cumberland ores, with a proportion of at least 10 per cent. of charcoal pig-iron, all to be re-melted in the air furnaces before being subjected to the Bessemer process. The ingot is to be re-heated and hammered into a sound compact bloom, to be afterwards heated and rolled into a rail."

Hon. members would observe that the specification required that the ingot should be hammered into a sound compact bloom. He would now read the tender of the Haslam Company, and hon. members would notice the skilful way in which it was worded:—

"The Haslam Foundry and

"Engineering Company, Limited,
Derby, 22nd January, 1880.

"Sir,—We now beg to offer you 15,000 (say fifteen thousand) tons of steel rails, to be made by the Bessemer process at the works of the Moss Bay Steel Company, or other approved maker, to be made in strict conformity with your specification in all things, and to the satisfaction of the Executive Engineer of the Queensland Government, and to be made from a mixture of iron made from best selected Cumberland hematite ore, and submitted to the Bessemer process and having a proper mixture or admixture of charcoal, and to be delivered free on board export ship, in dock, Workington, or Whitehaven, or Maryport, or Barrow dock, as may be arranged, for the sum of £9 18s. 6d. (say nine pounds, eighteen shillings and sixpence) per ton of 2,240 lbs. Payment to be made in the terms of the specification. From special facilities we have been able to arrange this very low offer, and we must ask you in the present excited state of the hematite iron market to favour us with your decision as early as possible. We have tendered strictly in the terms of the specification; but in case we were allowed some slight modification, which would in no way affect the quality, we might possibly make a favourable reduction in price.

"Your obedient servants,

"The Haslam Foundry and Engineering Co. (Limited),
"A. SEALE HASLAM,

"Managing Director.

"To the Agent-General for Queensland."

Hon. members would remark that in this tender the tenderer had artfully contrived, while reciting the terms of the specification, to omit all reference to that part of it which prevented other firms from contracting, unless at a higher price—namely, the reference to hammering the ingots into a sound, compact bloom. For the first time Mr. Ashwell had woke up to the necessity of having the interest of the country dear to his heart; and this was the first time in the history of his specifications that that condition had been inserted. Knowing that a contract had been made with McIlwraith, McEacharn, and Company, and that the Barrow and Moss Bay Companies were going to make the rails, that clause in the specification became a *sine quâ non*. After the artful tender of this company had been accepted, it was found that the hammering condition, all reference to which had been omitted, had been almost entirely dispensed with in the manufacture. Mr. Dick, the Executive Engineer in the Agent-General's Office, visited the works, and the evidence he gave was as follows:—

"4373. Have you supervised the manufacture of any of the 15,000 tons of rails? I have.

"4410. There was no hammering used? No hammering.

"4411. Did you see the process of manufacture at Moss Bay? I saw 60-lb. rails being made there.

"4415. Do you know what process of manufacture they use there? I have every reason to believe it is the same as I saw being done for the 60-lb. rails.

"4424. It was the same process as at Barrow? Exactly the same."

In another part there was evidence to show that a few of the rails were hammered as a sort of blind; and it was a remarkable fact that both the Barrow and the Moss Bay Companies had some hammering appliances in their establishment, though the practice of hammering was considered obsolete. The effect of that condition in the specification, however, had been to exclude all the Sheffield firms, and the Moss Bay and the Barrow Companies were able to hammer a few rails if they chose. The restriction having narrowed the field down to two companies, a few rails were hammered for the sake of decency. Mr. Dick, however, stated that all he saw were not hammered, and he (Mr. Rutledge) would now refer hon. members to the shamefully shuffling evidence of Mr. Ashwell on that point.

"5042. By Mr. Griffith: I rather made it weaker than I should. The specification is, 'that the ingot is to be re-heated and hammered into a sound compact bloom, to be afterwards re-heated and rolled into a rail;' and in your invitation to tender, you say the rails must be made 'in strict accordance' with the terms of the specification. How do you justify allowing its being made by a different process? That is in strict accordance; there is no difference.

"5043. We have been told here by gentlemen that hammering is an obsolete process? That cannot be. If you go to the Barrow Works, you will see a hammer on one side, and a cogging mill on the other. The reason I made that stand as it was, is, that I have a weakness in my own mind for the hammer.

"5044. Then, why do you not insist upon it when you stipulate for it? Because, if they have not the hammer, I do not ask them to put down a hammer if they can do it in any other way.

"5045. I understand you to say the Barrow Company have the hammer? So they have.

"5046. Then why do you let them cog? If they are so busy that they could not hammer, and there is a cogging-mill which does the work equally well, I should allow them to do it.

"5047. You would let them cog? I should do so, if everything was satisfactory to me.

"5048. What do you mean by that? The cogging-mill."

He would not read any more of the sickening stuff. It was disgraceful that a man in a responsible position, with reference to affairs of such magnitude, should make such answers. There was sufficient to show that the specification

containing an obsolete condition having been put forward, the contract got into the hands of the two companies that were in the position to manufacture rails in the way insisted upon. As soon as everything had been arranged for the convenience and profit of McIlwraith, McEacharn, and Company, Mr. Ashwell immediately waived the condition upon which he had insisted so rigidly. When he knew the contractors were his own friends, and one of them his brother-in-law, he allowed the rails to be made under his very eyes in direct violation of the terms of the specification, and then had the effrontery to tell the Commission that one was just the same as the other. There was the evidence of the witness Mr. Lorimer and others that this condition had raised the price of the rails—in the opinion of some of the witnesses, as much as 20s. to 30s. per ton—and the extra profit was given to the Barrow and Moss Bay Companies by allowing them to substitute cogging for hammering. If all the transactions in which Mr. Ashwell had been concerned did not show him to be a man unworthy, not only of confidence, but of credence, he had never seen evidence in his life more misleading. He had now made reference to all the more important points that occurred to him, and he had no wish to follow in the track of the leader of the Opposition, or, parrot-like, to re-echo his statements. Before the hon. member delivered his speech, he (Mr. Rutledge) had formed his own opinions from the evidence, and he was not driven to the alternative of having to use the speech of Mr. Hemmant or that of Sir Hardinge Giffard as a crutch, as had been done by some hon. members. The Premier had made a great deal of ado, and some of his friends had used strong terms in deprecating the insinuations, suspicions, and accusations which had been hurled at the Premier in reference to these transactions; but if the Premier had placed himself at any stage in an equivocal position, who on earth was to blame for it but the hon. member himself? It was only in human nature to regard his position as equivocal when the parties concerned in the matter were his own friends and relatives—when, by fair means or foul, his friends, in transactions in which he was the presiding genius, being head of the whole concern, and presumably supervising it, had benefited so largely under what appeared to be his very instructions. Who could blame people sixteen thousand miles away for forming conclusions adverse to the Premier, which, perhaps, might resolve themselves into deep suspicions, when they learned that the firm of McIlwraith, McEacharn, and Company—as acknowledged by the Minister for Works—had been conducting their business in such a way as to provoke the jealousy of the London broker? The rise of that firm had been coeval with the advent to power of the hon. gentleman at the head of the Government. They had become all-powerful, not only in connection with freight, but also in the rail business, and the £60,000, which was understood to have been netted, would in itself be a very good foundation to enable them to make a very respectable show in London for all time to come, if they managed in the future as adroitly as they had managed in the past. But they found that that jealousy existed; that people had been talking in London as well as here. The Premier was responsible for the equivocal character of the position in which he found himself; and then, when he came back, which was the next thing that was done? A petition was presented, and immediately there was a storm of abuse from the Premier, who should have said, as most of his followers would have said in the same circumstances—“Here are these ruffians making accusations against me. I care

not for these accusations; they pass by me like the idle wind I regard not. I invite investigations of my business—of my honesty;”—and they all knew that, according to the old adage, “Truth invites the light.” But the first thing the Premier did when that petition was brought before the House was to resist in every shape and form a select committee which would include his hon. friend the leader of the Opposition. He had a wholesome dread of his (Mr. Griffith's) knack of asking searching questions and probing things to the bottom; therefore he objected to the hon. gentleman being appointed on the Committee, until he could consistently object no longer, and he was appointed. Then the Premier positively and persistently opposed the proposition to have an inquiry in London which should be constituted in any other way than he himself should determine upon. What was the next suspicious thing he did? He (Mr. Rutledge) was only saying that all this justified people having suspicions. He was not saying that those suspicions were well founded, but was asking who was responsible for the position in which the Premier stood, when he had by his own action rendered those suspicions at all possible. They would find that, as soon as the Commission was appointed, when the hon. gentleman who led the Opposition announced his determination of going to England to assist in the inquiry, the very next thing the Premier did, in contravention of the statement he made before the House rose, was to make up his mind that he would go to England too; and could the hon. gentleman complain if people were suspicious under the circumstances, when one of his most ardent and faithful supporters during all this business last session—one who passionately denounced the members on this side of the House for having indulged suspicions and made accusations—was on some station in the Mitchell or Gregory and read of it, had acknowledged to them to-day that the conduct of the Premier had engendered suspicions in his mind? And if it had engendered suspicion in the mind of one of his friends and followers, who could blame members of the Opposition or people outside for having, from that circumstance, considered that the Premier stood in a position which laid him open to very grave suspicions? Therefore, he said it was a complete answer to the objections which had been made against the people entertaining suspicions with reference to the Premier, and he (the Premier) had only himself to blame for them. That there had been no evidence to prove that there had been an actual collusion on his part was a matter for which he was indebted to the prudential manner in which his case was conducted by his counsel. At all events, there was no evidence, as far as any actual charge was concerned, to show that the Premier was connected with it, and he was, therefore, to be held “not guilty.” It would have been possible, in another way, for the Premier to exculpate himself in the estimation of the people of the colony by a very much simpler process than by the London inquiry. They knew very well that the Premier was entertained by some of his Melbourne friends at a dinner before he took ship for the old country. They had had telegrams about it, and were informed that there was a gentleman in Melbourne who was at that dinner who said that he had documents in his possession which would conclusively prove the innocence of the Premier. Was it not to be regretted, as some suspicions were attached to the hon. gentleman, that when one of his friends stated that he had documentary evidence which would completely exculpate him, those documents were never asked for—or, if they were asked for, were never pro-

duced, and had never seen the light of day? Those were things which went to show that the hon. gentleman must not blame them for having suspicions. They might not be well founded, but the hon. gentleman could not complain, and could neither say nor declare any hard things of the members of the Opposition for entertaining suspicions about him. He held that if anything had been justified during the course of parliamentary proceedings, since parliamentary institutions were inaugurated in these colonies, it was the amendment moved by the hon. gentlemen at the head of the Opposition, which declared that in the opinion of that House these transactions were such as that in connection with them the interests of the Government were subordinated to the interests of private persons. That was a justifiable amendment, and ought to command the unanimous assent of that House and be a warning and a lesson to the present Premier, and to all future Premiers, that in connection with transactions on behalf of the colony, of that or any other magnitude, they must be, like Caesar's wife, entirely above suspicion.

Mr. STEVENSON said he hoped the Speaker would not be much shocked at anyone on that (the Government) side of the House having the assurance to get up and speak after the thundering and lightening speech they had just heard. He thought it was almost time they should have some explanation from hon. members opposite of what they were really going to do. The hon. member who had just sat down had favoured them with the greatest lot of rotten rubbish he had ever listened to in his life. He commenced his speech—and in that he was like his leader—by telling them that he quite absolved the Premier from any connivance in this steel-rail fraud they talked about; and, immediately after, they both commenced to try and prove that the Premier was still connected with the thing, and was still under suspicion—for if what they had said meant anything it meant that. He should read what the leader of the Opposition said soon after he commenced his speech the other night, and he should explain how the others followed his lead. He said—

"He had not the exact words before him, but they were substantially these:—That the colony had been shamefully defrauded in the London office, and with the connivance of the Premier. That was his deliberate conclusion formed at that time, and, if he had not changed his mind as to the proper course to adopt in reference to the matter, that would be his deliberate conclusion now. As the evidence then stood that was his conclusion, and he felt justified then in saying so; but on further consideration he thought the matter was of such great importance to the colony that it was desirable—not as some people then advised him to do, to let it drop there and rest as a disgrace hanging over the heads of the Government for ever—to see that all the facts were elicited. He therefore determined to present himself before the Commission and endeavour to discover what truth could be discovered; and he was very glad he did so, because the conclusion he had then formed—formed on imperfect information—had been considerably modified in a manner which he should presently point out. The Premier, if he valued his (Mr. Griffith's) opinion—and he (Mr. Stevenson) did not think he did much—which, perhaps, he did not at the present moment—might congratulate himself that the result of his (Mr. Griffith's) visit to England had been to materially change his opinion with respect to the Premier's conduct in the matter. He had arrived at certain conclusions, and he should not shrink from stating to the House that they were very considerably different to those he had arrived at last year, though he was sorry to say they did not agree with the conclusions of the Commissioners in many respects."

As far as the Premier was concerned, that was an admission that he had nothing whatever to do with it; but his speech afterwards went on to show that he was still trying to connect the Premier with this miserable affair. A more miserable, sneaking, back-door get-out of an

uncomfortable position he never heard of; and he considered that the hon. junior member for Enoggera had followed the lead of his leader to-night. He commenced by telling them that he did not believe the Premier had anything to do with this affair—that last session he had said that he did not believe the Premier had made a single sixpence by conniving at the transaction; but afterwards he tried to convict the Premier of being cognizant of these transactions all the time. What did his sarcastic expressions mean about the Premier going away to Ayr so that he might be out of the way while this was going on? What did it mean? It meant that a fraud was being committed, as the hon. gentleman said, under the Premier's nose. He stood up and said that he absolved the Premier from those charges, and then at last said that the Premier went to Ayr for his Christmas holidays, to be out of the way while this miserable business was being transacted. Was that how hon. members opposite retracted those charges against the Premier? And then the hon. member asked who was to blame for the suspicions against the Premier? He said the Premier, but why—? He (Mr. Stevenson) was going to say something, but he would not do so. The miserable accusations of the leader of the Opposition were bolstered up by that petition from Mr. Hemmant, which was concocted and founded by that miserable lying scoundrel, Hamilton. The junior member for Enoggera had talked about abusing people behind their backs. He (Mr. Stevenson) would abuse nobody that had not proved himself to be worthy of it. The whole of this miserable affair commenced and had gone on simply through that miserable liar Hamilton, this dismissed servant, who had been proved to be a perjured man; and now they were asked by the hon. member opposite what had they to do with the character of Hamilton? If they had nothing to do with the character of Hamilton and the other witnesses who were examined, how on earth were they to come to a conclusion at all? The whole affair commenced through this perjured villain Hamilton—he could call him nothing else. The hon. member talked about abusing people behind their backs, but the sermon they had received from this apostle of peace was nothing but abuse. He abused Mr. Ashwell, yet he lectured the Minister for Works about his abuse of Mr. Hemmant and Hamilton. As his hon. friend, the member for the Gregory, said, why did not some of the miserable men on the Opposition side of the House, who were not of very much use, resign their positions and make place for that gentleman (Mr. Hemmant)—if he called himself one, and let him come into the House. That was what he ought to have done, and come into the House and defend himself, if he was worthy of being defended. He considered he was quite right in speaking as he was doing, because the hon. the junior member for Enoggera had spoken as badly of gentlemen who were 16,000 miles away, as he (Mr. Stevenson) was doing of gentlemen who were here to-night. The hon. member talked of Mr. Ashwell's conduct as being scandalous, and spoke of it as "unmitigated rascality." Those were the words he used; that was the way he attacked Mr. Ashwell. He would now refer to the way the leader of the Opposition had got out of the charges he had made. He (Mr. Stevenson) considered the hon. gentleman should have withdrawn them wholly or not at all. There was either fraud or there was not. If the Government were connected with the transaction there was fraud, but the charge should either have been withdrawn or he should have stuck to it. He was not going through the evidence in the lawyer-like manner some other members had done, but

he had read very carefully through the most part of it, and he had also read the Report, and he could not come to any other conclusion than that arrived at by the Select Committee: that, so far as the firm of McIlwraith, McEacharn, and Company were concerned, it was an ordinary trade transaction, out of which they, of course, made as much as they could. Would not any hon. member like to do the same? Would not that personification of everything immaculate—the late Treasurer—like to do as well out of a transaction of the kind? They were told by Mr. Griffith that he was going home to put the blame on the right shoulders. He (Mr. Stevenson) wanted to know why he had not done it. The hon. gentleman had boasted in the House that he never made any endeavour to condemn the Premier at the Commission. But he had in the colony accused the Premier of conniving at fraud, and he went home for the purpose of proving his charge. Why did he not prove it, then? If he had not gone home for that purpose, he had gone for nothing at all. It was a good job he had gone home, for a miserable mess he made of it. He had come back with his tail down, and the way in which he had attempted to get out of it was disgusting to think about. This was the speech which the junior member for Enoggera characterised as the magnanimous speech of the leader of the Opposition. A more miserable, a more sneaking, back-door get-out he had never heard of. The hon. member (Mr. Rutledge) had referred to the hon. member for Gregory in connection with these transactions, and said that other people were perfectly justified in entertaining suspicions when they found that the hon. member for Gregory entertained suspicions against the Premier on going home. The hon. member for Gregory had admitted that he had entertained suspicions when the Premier went home, but what had he done since? He had not, in a sneaking way, tried to get out of it like hon. members opposite, but in the fullest and handsomest manner possible he admitted that he was wrong, and now exonerated the Premier from any suspicion whatever in the matter. That was the way in which a gentleman acted when he found that he was in the wrong, and it would have put the leader of the Opposition in a much better position if he had admitted his fault, and exonerated the Premier, and apologised to him like a gentleman would have done. But he, narrow-minded lawyer as he was, would never think of doing that. Another matter he had to refer to was the part which the hon. Minister for Works had taken in these transactions. The junior member for Enoggera, and the senior member for Enoggera also, had both pitched into the Minister for Works in no very ordinary terms in regard to this matter; but that was nothing new. The hon. Minister for Works was told, not only by the Select Committee, but by many members on that side of the House last year, that he had committed an error of judgment in the agreement he made with Thomassen. He himself had never absolved the Minister for Works for having made that error of judgment, and many other hon. members of the House had all along said that the transaction was a very unbusiness-like one, and the hon. gentleman had admitted so himself. But that was no reason why members of the Government should be accused of fraud—because one member of the Ministry had made an error of judgment and admitted his fault afterwards and did the best he could for it. He should read the Report of the Commission upon that point, notwithstanding what the hon. the junior member for Enoggera had tried to make out—that Mr. Gibbs had arrived at such an age that his intellect had become weak. Fancy a man between fifty and sixty years of age with a weak intellect! When 1881—

people had to stoop to arguments of that sort, he thought it was about time for them to clear out. This was what the Report said with respect to the conduct of the Minister for Works:—

“11. We concur in the opinion of the Select Committee that it was an error of judgment in the Secretary for Works to enter into this agreement. (1) Because he did so without consulting Mr. Stanley, Chief Engineer of Railways. (2) Because this agreement differed, unfavourably for the Colony, from the specification usually adopted for the Queensland Government Railways, inasmuch as it left with the contractors the determination of certain material conditions, while the usual Queensland specification expressly provided for such conditions, or reserved them, when not provided for, for the determination of the engineer appointed on behalf of the Government, and further stipulated for the inspection of the rails during every stage of their manufacture by the engineer or his inspector—a condition not inserted in this agreement. In pointing out the existence of these differences, it is just to Mr. Macrossan to add that there is no evidence that he was aware of them, but they show the impolicy of his dealing with a technical matter without the proper professional advice. (3) Because he was advised, in a letter of the fourth of October, by Mr. Little, the Crown Solicitor, to whom the documents which Mr. Thomassen produced as his authority were submitted, that Mr. Thomassen had no authority from his principals to bind them in any contract of the kind contemplated. (4) Because, even supposing Mr. Thomassen had such authority (which, however, we think he had not), his refusal to exercise it cast a doubt on the probability of its ratification in England in a rising market; and Mr. Macrossan had notice that the market was rising.”

That was what the Commissioners said about the Minister for Works, but there was nothing new in it. As he had said before, it was acknowledged that the Minister for Works had made a most unfortunate error of judgment, and the hon. gentleman had had to bear the brunt of that himself, and, no doubt, perfectly understood his position now. At the same time, there was nothing at all new in the transaction, and any other gentleman might have done the same thing and nobody would have accused him of any connivance at fraud or anything of that sort. He did not see any fraud throughout the whole transaction; he could not find where it was. He said it was a most extraordinary thing that, after hon. gentlemen opposite admitted that there had been no connivance at fraud, yet they got up and talked hour after hour to prove that there was fraud. Before he sat down he wished to apologise to hon. members opposite for having referred to them as miserable men. He had no intention whatever to have used such an expression, but he did so in the heat of the moment, and he apologised most sincerely for having done so. He wished now to say a word with regard to the manner in which the junior member for Enoggera had attacked him that evening, when he interjected a word in the heat of the moment. The hon. member was talking in very strong terms about the Premier saying that before ever he could hold up his head again he would have to do penance somewhere. He (Mr. Stevenson) felt a little warm on the matter, and thought the most proper place to do penance would be to go to the place which the hon. member for Enoggera had left, and he indicated the pulpit, because he thought the Premier would feel very uncomfortable there. When he interjected that word he got a very severe castigation from the hon. member for Enoggera for having done so. He was compared to Mr. Morehead: he was sacrificed on the altar of Mr. Morehead's goodness, ability, and originality, and so forth. In applauding Mr. Morehead he was sacrificed, but he did not mind that a bit; he did not mind a bit being compared to Mr. Morehead, or even to being contrasted with him. He could tell the hon. member that Mr. Morehead would scorn a compliment from him. He could remember one night when the hon. gentleman had not tried to compliment Mr. Morehead in that House, but stated that he

knew something in Mr. Morehead's career that was dishonourable.

Mr. RUTLEDGE : No !

Mr. LUMLEY HILL : You did !

Mr. STEVENSON : But when it was found that several gentlemen in that House had known Mr. Morehead from boyhood—for instance, the hon. member for Dalby—and that other hon. members had known him from his youth upwards—he (Mr. Stevenson) had known him since he was a very young man indeed—he (Mr. Rutledge) had tried to withdraw the expression and to apologise. But Mr. Morehead would not have his miserable apology. That showed what reliance was to be placed on the statements of the hon. member for Enoggera. He (Mr. Stevenson) could remember another time in that House when the same hon. gentleman tried to sit on Mr. Morehead, and he well remembered also what he got then. He called Mr. Morehead a servile supporter of the present Government ; and he remembered what Mr. Morehead told the hon. gentleman—that he (Mr. Rutledge) could never be a servile supporter of any Government, because he had abandoned his God to serve Mammon.

Mr. RUTLEDGE : Be original !

Mr. STEVENSON said he had not tried, and never intended to try, to cope with Mr. Morehead in originality ; neither need the hon. member for Enoggera, nor any other hon. member of the House, attempt to do so. He did not feel at all hurt when he was compared with Mr. Morehead in originality, and he repeated that he had never desired to cope with him in originality or ability. As far as his (Mr. Stevenson's) honest and independent position in the House was concerned, he bowed to no man, whether he might or might not be called a follower of Mr. Morehead. With regard to the remark of the hon. member calling him the leader of the subsection, he could say that he had never, by word or deed, taken up the position which Mr. Morehead had vacated as leader of that subsection. He felt it an honour, and was proud to be a friend of that gentleman, and flattered himself that he held a place in Mr. Morehead's esteem which the hon. member could never possibly hold. If the hon. member had been in the habit of associating with straightforward, honourable men like Mr. Morehead, he might have been a useful member of society, instead of being the narrow-minded, canting, ranting, hypocritical cur that he was.

Mr. MACFARLANE moved the adjournment of the debate.

The PREMIER said he hoped the motion of the hon. member for Ipswich was not an indication that they were going to have speeches of the same length as they had already listened to. Surely the hon. member could say what he had to say before the House adjourned to-night ; he could not expect the debate to last over next week. The hon. member could not expect them to adjourn to allow him to prepare his speech for Tuesday.

Mr. GRIFFITH said he did not know when the debate would be finished, but he had hoped to see it finished this evening. He understood that a great many members on both sides desired to speak.

The PREMIER : Surely the hon. member for Ipswich can deliver himself this evening.

Mr. GRIFFITH said he wished to get on with business, and would like to know whether there was any probability of the debate being brought to a close on Tuesday.

The PREMIER said he should like the debate to be as full as possible. He had offered no obstruction and given no advice even, further

than he had done to-night, as to the time the debate should occupy, and should like to see the whole thing thoroughly discussed. The hon. member for North Brisbane had taken up seven hours, and no doubt other hon. members would use considerable latitude. For the sake of country members who had their business to attend to, he would like the debate to close as soon as possible, but could not say whether that would be in one, two, or three nights ; because, if some hon. members took two or three hours, it was not unreasonable to suppose that others would do the same. The debate could not close to-night ; but what he objected to was that the adjournment should have been moved by the hon. member for Ipswich, who lived so near. That hon. member often moved the adjournment at an early hour, instead of studying the interests of those who lived a long way off, and saying what he had to say before the House adjourned. The hon. member might have spoken, and the House could then have adjourned at half-past 10 o'clock.

Mr. DICKSON said there was no desire on the part of the Opposition to protract the debate, which was a very important one, and which he should imagine could not be adequately disposed of in seven speeches. He could quite understand the hon. member not wishing to address the House at that hour. The debate was a great strain on the *Hansard* staff ; and how could any hon. member expect to be carefully reported commencing his speech at 10 o'clock ? He congratulated the Premier on expressing himself to the effect that he wished the debate to be fully exhausted. He hoped, therefore, that he would allow the debate to be adjourned.

Mr. MACFARLANE said that he had no intention of making a long speech, but after the very acrimonious speech delivered by the hon. member opposite (Mr. Stevenson) he would make a few remarks. That hon. member had referred to another hon. member as a "canting, hypocritical cur." Such language as that, used in a House constituted as they were, should be taken notice of by the Chair. They had hitherto enjoyed a good reputation, but would lose it if members were allowed to use such language. There were many members on his side, besides himself, who wished to say a little ; and, as the debate was adjourned at the request of the Attorney-General last night at 10 o'clock, he did not see why they should not now adjourn at five minutes to 10.

The COLONIAL SECRETARY said he supposed the hon. member for Ipswich had been long enough in the House to know that if he objected to any language it was his duty to move that the words be taken down. No member on that side did move that the words should be taken down, so he presumed they approved of them or thought the hon. member was quite justified in using any language—the most forcible he could—after the language used by the member for Enoggera (Mr. Rutledge). The hon. member for Ipswich (Mr. Macfarlane) quite forgot the language that hon. member used in reference to men in England who were not likely to be able to make a defence. "Confounded rascality" was one of the terms used. Why did not the hon. member for Ipswich object to that ? Why did he not object when the hon. member for Enoggera slanged the hon. member for Normanby for making an interjection ? He (Mr. Macfarlane) forgot the language used on his side of the House—utterly ignored it. And now the hon. member wanted three or four days to prepare another sermon like he usually treated them to.

Mr. GARRICK said he would like to ask whether the last sentence used by the hon. member who had just spoken was one that ought to have been used by a Minister of the Crown

or by any member of the House? It was a sentence any Minister of the Crown ought to be ashamed of; and he would ask whether any independent person listening to the debate on which side of the House had been decency? What had the hon. member for Gregory done to-night? Talk about speaking of a man who could not reply! More dastardly conduct than that hon. gentleman had shown in using the privileges of the House to attack Mr. Hemmant there could not be. The proper place to meet that gentleman would be outside the walls of the House, and if the hon. member for Gregory had the courage of his opinions he would to-morrow, or on some early day, show hon. members that he was able and willing to utter outside what he had uttered inside the House to-night. The remarks made by the hon. member for Normanby (Mr. Stevenson) were the most insulting that had been heard within the walls of the House. Last session the conduct of some hon. members had degraded the House, and there had been an attempt this session to abstain from anything of the kind; but how could the debate be conducted with proper decorum, and with credit, when such language was used? It was impossible for one to rise and keep his temper under the provocation that came from the other side, where there ought to be no provocation, and where the best sample of manners ought to be found. One of the most flagrant breaches of manners had just been made by the Colonial Secretary.

Mr. LUMLEY HILL said the hon. member for Moreton had made violent reference to his language with regard to Mr. Hemmant. He (Mr. Hill) said that Mr. Hemmant had made a cowardly and dastardly attack on the honour and integrity of the Premier, and then sheltered himself through his mouthpiece, the leader of the Opposition; and now he had come back to the colony, where he could have got into the House by this time—where he (Mr. Hill) fully expected to see him—but still kept behind, like the assassin who stabbed in the back. As for his not daring to repeat his words to Mr. Hemmant, let them bring that gentleman face to face with him. He did not want to make food for the lawyers. Was the hon. member for Moreton fishing for a brief? Perhaps he would like to be employed by him (Mr. Hill) in his defence; but he would leave libel actions to the newspapers. He was protected in his place, and would give his opinion of the people who brought those dirty, foul charges—he would strip off their garments and show them up in their nakedness. He knew all about Mr. Hemmant's previous career as well as any hon. member in the House, and the hon. member for Moreton had better leave him (Mr. Hill) alone.

Mr. RUTLEDGE said he was not in the least degree hurt by the remarks which had fallen from the hon. the Colonial Secretary about him, when he said he (Mr. Rutledge) slanged the hon. gentleman who had interrupted him. He was not conscious that he used any slang unworthy the lips of any gentleman. He was aware that he made a remark when the hon. member for Normanby indecently interrupted him, and he should always, when an hon. member interrupted him with a personal reference of an offensive character, as far as he was able to do, administer castigation as he went along. That he had administered castigation to great effect was most evident to him from the manner in which the hon. gentleman seemed to have been writhing during the whole evening. He (Mr. Rutledge) had once been drawn into losing his temper; but it was the only occasion on which he had lost it in that House, and he promised that they would never get him to lose it again. It was, however, a source of infinite satisfaction to him that he had

made the hon. gentleman wince; it was a supreme satisfaction to him; so—

"Let the galled jade wince;
My withers are unwrung."

The hon. gentleman had read from a paper—he (Mr. Rutledge) would not even give him credit for originality—he had read from a paper coarse, vulgar abuse referring to his (Mr. Rutledge's) remarks. But the vulgar abuse received from him was about the greatest compliment paid to him (Mr. Rutledge), and he should certainly stand higher in the estimation of the country when it knew that the hon. gentleman was no friend of his.

Mr. KINGSFORD said the House should congratulate itself upon having a self-appointed officer to the position of castigater in the House. He thought they had drifted into such a state of temper that the sooner the House adjourned the better, and he should support the motion for adjournment.

Question for the adjournment of the debate put and passed.

ADJOURNMENT.

On the motion of the PREMIER, the House, at five minutes past 10, adjourned until Tuesday, the 19th July, at half-past 3.