Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 21 SEPTEMBER 1881

LEGISLATIVE ASSEMBLY.

Wednesday, 21 *September*, 1881.

Oyster Act Amendment Bill.—United Municipalities Bill—third reading.—Gulland's Branch Lines of Railway Bill—second reading.—Local Government Act Amendment Bill—second reading.—Police Jurisdiction Extension Bill—second reading.—Supply.—Adjournment.

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

OYSTER ACT AMENDMENT BILL.

Mr. NORTON moved for leave to introduce a Bill to amend the Oyster Act of 1874.

Question put and passed.

The Bill was read a first time, and the second reading made an Order of the Day for Thursday, 29th September.

UNITED MUNICIPALITIES BILL—THIRD READING.

On the motion of the MINISTER FOR WORKS (Mr. Macrossan), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council with the usual message.

GULLAND'S BRANCH LINES OF RAILWAY BILL—SECOND READING.

The MINISTER FOR WORKS said this was a Bill to authorise James Gulland to construct two short branch lines of railway from his coalmines to the Brisbane River at Goodna, for the purpose of conveying coals there. The traffic upon the lines, it was understood in the Railway Department, would cease when means of communication with deep water had been furnished by the Government. As the Bill was exactly the same as that passed a week or two ago by the House to enable Mr. Thomas to construct a branch line, he thought it was unnecessary for him to explain at length the provisions of it, and hon. members, no doubt, had read the Bill. Those, at any rate, who had considered the Thomas Railway Bill would have read this Bill. He did not think he need say any more, and would therefore move that the Bill be read a second time.

The HON. S. W. GRIFFITH said he did not rise for the purpose of opposing the Bill, but he thought it was extraordinary that a Bill of this kind should have been brought in by the Government, when the same gentleman had a private Bill before the House giving power to take land from private owners to construct a railway over. In the case of one of the two lines of railway Mr. Gulland had proceeded in the ordinary way, by a private Bill; and the other he had got the Government to take up. He (Mr. Griffith) could not understand the distinction, and it certainly was an unusual departure from the procedure of the House. He did not—nor did anybody—know anything about the merits of this case. The Bill ought to have been referred to a select committee. In England, railway Bills were always introduced as private Bills, and the promoters of them were bound to give evidence to show that it was desirable, in the interest of the public, that they should be permitted to acquire land compulsorily. He did not understand why the Government should have departed from the ordinary practice. It might be very proper, as it no doubt was, to enable Mr. Gulland to take the land he wanted; that might be so, but there ought to be some evidence of it before the House. It was an extremely bad precedent to allow any absolute powers to take land to be given to any private individual, without the usual formality of the

matter being brought before a select committee, which was the only safeguard for other people interested.

The PREMIER (Mr. McIlwraith) said that if the Bill affected the rights of other parties besides James Gulland the objection of the hon. member might hold good. He did not think it would be right of the Government to take up a private Bill, but in this case the whole of the land through which the railway would run was Mr. Gulland's own property.

Mr. GRIFFITH: Then what is the use of giving power to resume land?

The PREMIER said that was a general claim in all railway Bills, and could be attended to in committee. Last year the Government offered to facilitate the making of these lines, and an attempt was made to carry a Bill through last year, but it failed. He quite admitted the general principle that the Government should not take up private Bills, and he thought the right of private individuals to acquire lands should be given by this House.

Mr. DICKSON said he did not wish to oppose the Bill to authorise a person to construct a line of railway from his own coal-mine to deep water; but he thought there ought to be the same information given in connection with a Bill of this sort by the Government which would be obtained from a private member in charge of a similar Bill. It might be all very well, as the Premier stated, that this Bill was simply to enable a man to construct a line of railway to connect his property with the Southern and Western line, and run it through his private property; but under this Bill permission was given to resume lands, and powers were included to run the line through other property. The Government ought to place the House in no worse a position in the present case than they would have been if the Bill had been entrusted to a private member, when the usual plans and details in connection with the line referred to would be produced. That was his only objection to the Bill, and he congratulated Mr. Gulland in having displayed such enterprise in the construction of a line of railway. He hoped it would turn out a profitable enterprise for him; but, at the same time, there was a principle involved in the matter—that was to say, the principle of the Government taking it upon themselves to carry through the House, by their power, Bills for private individuals to construct railways; and he (Mr. Dickson) therefore thought they ought to be very jealous in watching a matter of this sort. They would be very jealous if it were introduced by a private member, and they ought not to be reckless simply because the Bill was a Government measure. He thought that, in connection with this Bill, plans and sections ought to be laid on the table of the House, the same as if they were dealing with any railway extension. That was the contention that came from his side of the House; they did not wish to oppose or prevent Mr. Gulland carrying out his measure.

Mr. DE SATGE said he did not see much difference between Mr. Gulland's line and the Burrum line, and he thought if the Government applied the same principle to one as to the other it would be better for the colony. He did not see why a distinction should be made in Mr. Gulland's case, and that gentleman have a branch line all to himself. The Government spent £50,000 to develop a private company at the Burrum, and they should do so in this case. He would point out that few lines that had been adopted as branch lines in the colonies had been remunerative as far as he could learn; he only heard the other day that the net receipts on a line from Moama to Deniliquin amounted to 10 per cent., and that the line was continuing to pay, after paying all the expenses of the land through which it ran, a dividend of 10 per cent. By this Bill it was evident that a private individual undertook to make a railway under the protection of the Government; and there must be some very good reasons for doing so. He would not risk his money, unless he thought he would get a return; and since they had adopted the plan of the Government constructing a railway for a private company from the Burrum, they might very well, without saddling the country with very much expense, and considering the enormous sums it had already been saddled with, undertake Mr. Gulland's branch railway for him.

Mr. McLEAN said it appeared to him that, in submitting a Bill of this kind to the House, the railways to be made ought to be specified. There was nothing to prevent Mr. Gulland from making a dozen branch lines under this Bill, the only thing necessary being that plans should be laid on the table of the House. The Premier said that the leader of the Opposition's objections might be raised in committee; but he (Mr. McLean) took it that the proper time to raise any objection to the Bill was when it came on for the second reading, so that, if necessary, it might be referred to a select committee. He had no objection to Mr. Gulland making branch lines of railway, but in a Bill of this kind the length of the lines and where it was proposed they should run to and from should be stated.

Question put and passed.

The committal of the Bill was made an Order of the Day for to-morrow.

The plans and books of reference of Gulland's branch lines of railway were laid on the table of the House by the hon. Minister for Works.

LOCAL GOVERNMENT ACT AMENDMENT BILL—SECOND READING.

The PREMIER, in moving the second reading of this Bill, said that great difficulties had been encountered at the Treasury with regard to the working of the Act of 1878, and it was with a view of getting over those difficulties that this Bill had been introduced. By the Local Government Act of 1878, municipalities were entitled to levy rates in several different ways. By clause 187, a general rate might be levied, limited to 1s. in the £. By clause 188 another rate might be levied. The clause ran thus:—

"Where it appears to the council that any work, improvement, or undertaking which the council are authorised to do or execute is for the special benefit of any particular portion of the municipal district, the council may, for defraying the expenses incurred in doing or executing such work, improvement, or undertaking, by special order distinctly defining such portion, make and levy a rate, herein called a 'separate rate,' equally on all ratable property situated within such portion."

That was another class of rate authorised under the Local Government Act of 1878. Then, by an addition to that clause, it said:—

"The council may, from time to time, make and levy 'special rates' for the purposes hereinafter mentioned, and such rate may extend to the whole municipal district, or may be a separate rate."

The purposes hereinafter mentioned, so far as he could see, were contained in clauses 252 and 255 of the Act:—

"252. For the purpose of constructing and maintaining any works for or relating to sewerage or drainage."

"255. For the purpose of constructing and maintaining waterworks and ensuring a supply of pure water."

Those were the clauses which he found authorised municipalities to raise general separate and special rates; but, in addition to these ordinary rates, clause 226 provided for a loan rate, and that loan rate was made the only exception in the clause regulating the amount of endowment to which a municipality was entitled. To that he would refer in a short time. They found, therefore, by these clauses which he had recited, that municipalities might raise a general rate limited to one shilling; they might raise separate rates which were not limited at all, and they might raise again special rates which did not seem to have any limit either. Now, having gone over the clauses referring to the powers of the municipalities, he would just say a few words on the mode in which the Act had been administered by the Government. The Government all along had been under the impression that municipalities were only entitled to endowment on the general rates, and they had acted on that. Where municipalities had claimed an endowment on special rates they had been refused. However, it turned out that in Brisbane for a considerable time they had been paying endowment on special rates unknown to the Treasurer or to the Auditor-General. According to the Audit Act, the Government had power to examine the books of municipalities. As a rule, he might say that the endowments were paid on the certificate of the Mayor and Corporation that so much had been raised on rates. Whenever that certificate was given, the Government paid the endowment. However, the Government having the power to examine the books, considered it their duty to do so, and by an Executive minute made in February, 1880, they recommended that the Auditor-General be appointed by the Governor in Council to examine the books of the Brisbane Municipality. On that examination being made they found, in the amounts included in the certificate of the Mayor, that there was a special rate levied for lighting and watering; in fact, that all the special rates, except the special loan rates, had been included. They were jumbled up in a manner as, he believed, to make it a work of considerable difficulty to say what amount had, according to the report of the Auditor-General, been paid on general rates. As nearly as possible, however, it was ascertained by the books that the Government had paid about £1,000 on special rates in Brisbane that year, which was quite against the principle that it was only entitled to endowment on general rates. When this occurred the opinion of the Law Officers of the Crown was taken by the Government. That opinion was that the Government were bound by the Act to pay endowment, not only on special rates and the separate rates, but also on the water rates included or mentioned in clause 255. That imposed a responsibility on the Treasury that he was perfectly satisfied was never intended by the Legislature when the Act was passed. As soon as the opinion of the Attorney-General was known other towns put in claims to be paid endowments on special rates—gas rates and water rates. When he spoke of gas and water rates he meant respectively the rate for lighting the streets and the rate for water supplied to the inhabitants. He did not think it was ever the intention of the Act that endowments should be paid on these rates. The Attorney-General said they were bound to pay on all these rates; but that made the whole thing an absurdity. Because it would be very absurd, after the Government had lent a municipality money for the purpose of enabling it to bring water into the town, that when that municipality imposed a rate for the purpose of paying back the principal and interest the Government should subsidise them to an extent equal to the rate; in other words, give the municipality half the money for the purpose of paying the loan back again, and also the interest. He was quite certain that that was never intended, and unless he was forced by law, he did not intend to pay money for that purpose out of the Treasury. Toowoomba was the municipality which first awoke to the idea of endowment on water rates, and they claimed it about a year ago. It was refused on the ground that water rates were subject to endowment according to the Act; but still there was a difficulty, and the only means he could devise of securing the Treasury was to come to the House and ask it to amend the Act. There was, in his opinion, not a word to say in favour of paying endowments of that character. To suppose that the Bill passed by the House intended that endowments should be given on water rates was a real absurdity. When they looked at the very handsome endowment given to Brisbane—and he need not instance Brisbane alone, for, in fact, all the municipalities were receiving aid on the same scale, namely, £1 for every £1 raised—he was sure the House never for a moment expected that any municipality would make further inroads on the Treasury. In Sydney at the present time, though he did not exactly know how much was paid, the maximum amount that could be paid was £25,000 annually; and that was paid in a very different way to that adopted here. In this colony the aid was at the rate of £1 for every £1 raised on a general rate up to 1s. in the £. In Sydney they were allowed to raise a certain amount above 1s. in the £, and they were only paid endowment on that amount. Sydney was a city of much greater size than Brisbane, and yet the Government actually limited the endowment to £25,000. Last year the Government here paid one-half that amount to Brisbane alone. So that the municipalities could not be considered as being subsidised in a niggardly way. He was quite sure that in the whole of the colonies no Legislature favoured municipalities more than that of Queensland. It might be a matter of dispute whether they should grant a subsidy on special rates; but it could not be a matter of dispute—he did not think any member of the House would say for a moment that they should pay endowment on water rates. He would, therefore, say very little more on that part of the question. With regard to the special rates, he thought it his duty to point out another matter between the Treasury and the different municipalities—a matter in which he thought the Treasurer, although not entitled to pay by law, should in equity pay. In the case of special rates they were bound to pay by law, but in equity they should not pay. In this case they were not bound by law to pay, but he thought they should pay. They lent money to various municipalities for water supply purposes. He thought that was a commercial transaction that was completed by both parties; and when water was supplied by municipalities to charitable institutions, or to any institutions or building under the Government, he thought the Government should pay the same as individuals. He had, therefore, adopted that principle in the Bill, and made it compulsory on the Government to pay for the actual water supplied; so that while this Bill might seem hard on corporations in one way, they got a very great advantage in another. He hoped that both parts of the Bill would go through Parliament, and enable him to keep the books of the Treasury in a more lawful manner than he had been able to do lately.

Mr. GRIFFITH did not think anyone was likely to seriously object to the second part of this Bill, providing that the Government should pay for water supplied to them; though he did not understand how water rates were to be charged on cemeteries. He did not quite know how they were going to be calculated. With respect to the endowment for municipalities, he quite agreed with the hon. gentleman at the head of the Government that they should not pay endowment on water rates. That never was contemplated when the Act was being passed, and it was evidently an oversight, although, perhaps, according to the strict letter of the law, the municipalities were right. With respect to the other rates, he did not see any reason why a distinction should be made between general and special rates. The hon. gentleman had pointed out the separate rates. Those rates were for defraying expenses incurred in doing some work for the special benefit of a part of a municipality; but he did not see why people in a part of a municipality, who carried out improvements in that part, should not be entitled to an endowment as well as the whole municipality. He did not see, with respect to the special rates provided for in clause 252 for sewerage and drainage purposes, any reason whatever why a corporation which raised a large sum of money for those purposes should not get some assistance from the Government. Drainage and sewerage were as necessary as roads, and he did not see why any distinction should be made. He therefore hoped that the Bill would not pass in that form, but that the endowment on special rates would be continued. He did not know how much it amounted to; it might not amount to a great deal. The reason why they were called special rates in the Act was, no doubt, because they were for works which did not come within the ordinary work of a corporation. He thought it would be impolitic indeed to diminish the endowment in such cases.

Mr. GROOM did not see any great objection to the second reading of this Bill or to its going through committee. He might say that he was very much pleased with the second section introduced here; but he should like, from his practical knowledge of the working of water rates, to introduce an amendment, if the Treasurer would allow it. It was this: Of course the laying of water rates just now in municipalities was a new thing, and there was a general feeling of dissatisfaction on the part of the ratepayers with regard to them. He would explain why this was so. A tenement in Toowoomba, for which the general rate was only about 10s., would have to pay water rates to the amount of £7 10s. or £7 15s.; while for an hotel, for which the general rate was about £4, the water rates came to £20 per annum. The rates had become very high this year. For these waterworks—and the same argument applied to Warwick, from which he saw that a petition had been presented to the House stating that the interest to be paid would be equal to a rate of 4s. in the £—a rate was levied on buildings in accordance with the Local Government Act. The result was they had to raise £1,050 for interest and part of principal, and a further sum of £600 for working expenses. Allowing for non-payment of rates, of which there were numerous instances, the entire rates levied for the first year was £2,300. Now in a place with a population of only 5,000, this would be a large amount to raise even supposing it applied to the whole town; but owing to the peculiar wording of the Local Government Act it only applied to buildings occupied by water consumers, which were constructed in front of the water mains. In Toowoomba there was a practice which was not carried on so much in Brisbane—namely, that numbers of persons bought land for purposes of speculation. They did nothing whatever with it, and municipalities had no power to levy water rates on it. What he wished to ask the Treasurer was, whether he would allow an amendment to be introduced into this Bill giving municipalities the power to tax these vacant allotments for water rates? The hon. gentleman had got that principle in his Water Storage Bill; but he (Mr. Groom) had seen in *Hansard* that the Government did not propose to proceed with that Bill this year. Twelve months would therefore elapse before it was gone on with, and it would be a great benefit to Toowoomba, and also to Warwick, if the hon. gentleman would allow this amendment. These waterworks had cost more than was expected. The engineer's estimate for the Toowoomba works was £10,000, but they had cost £18,000; and besides that there was not a good supply. At the present time certain portions of the town had to be served at one time, and other portions at another time. It was possible that an objection might be made to churches being taxed; but he thought they ought to pay water rates. If a fire broke out in them the water would have to be used for extinguishing it, and therefore it ought to be paid for. He considered that the assistance given to municipalities was very liberal indeed; in fact, it was more liberal than in other places. An agitation was going on in New South Wales to have the Queensland law extended to them; while in Victoria, just now, he observed that there were differences of opinion as to whether the endowment should be raised or not. He hoped the Treasurer would consent to the amendment he had suggested. It was the result of the actual working of water rates in country places, and in all scattered places there were numerous allotments the owners of which ought to be made to pay water rates.

Mr. DICKSON said he had no doubt that the majority of the members of this House would approve of the action of the Treasurer in resisting the claim of municipalities, not on special rates, but on loan and water rates. He did not think, nothwithstanding the remarks of the Treasurer, that any payments of that character had been made. He knew that such claims had been preferred; but the right to claim them had always been distinctly denied. He did not believe endowments on water rates should be paid; they should be paid simply on the rates levied on the land and houses within the municipality in the manner defined in the Act of 1876, where this perpetual endowment was created. Therefore, while resisting the claims of the municipalities for endowment on water and loan rates, he was of opinion that they should not be suddenly placed at a disadvantage by a diminution of the source of revenue which they had been encouraged by the Act passed in 1876 to depend upon. Hon. members would find, upon referring to the Municipal Endowment Act of 1876, that the second clause provided that the endowment should be calculated upon the basis of—

> "All sums of money actually raised therein by rates or assessments on houses and lands during the year."

Bearing in mind that in 1876 the municipalities were in a very depressed condition, and that this enactment was passed for the purpose of giving them vitality by means of a perpetual endowment, the House should be very careful in diminishing the sources of revenue, upon the strength of which they had been possibly led into the construction of large works, which had exhausted their revenue to a very great extent. Under this Act new municipalities received an endowment of £2 for every £1 for the first five years, and after that of £1 for £1; and if any serious diminution were now made from a desire

to restrict the endowment to general rates, a great hardship and inconvenience might be inflicted upon many townships that had been working well under the Act of 1876. That Act had given a great fillip to the municipalities, and had been an incentive to many to start into operation; and since then there had been no case of the lapse of a municipality, as there had been previously. It would have been well if the Treasurer had shown what would be the result of restricting the endowment to general rates, and of including special rates, but not water or loan rates. Having led the municipalities to expect, in pursuance of the Act of 1876, an endowment upon all rates and assessments upon houses and lands, the House ought not now to break faith with them, especially in the case of new municipalities, to whom the loss of revenue would be a very serious matter. He believed that in the case of the city of Brisbane there would be a most marked difference, as they had both a watering and a lighting rate; and his feeling was that the municipalities should continue to receive a full endowment upon all rates levied, exclusive of any claim for water or loan rates. He agreed with the Treasurer that it was desirable that Government offices that used water ought to pay for it; but in the case of cemeteries, where an assessment would fall heavily upon trustees, he thought a supply might be given without charge, and that an amendment to that effect might be made in the Bill when in committee. In the case of Brisbane, the churches and other public institutions, excepting Government offices, had to pay water rates to the Board of Waterworks, but exemption was often claimed in the towns where the waterworks were under the charge of the corporations. In Brisbane all such institutions to which the water was laid on were very properly assessed, and had to pay rates to the waterworks board. He should be glad to learn from the Treasurer whether the disputed account between the Board of Waterworks and the Government stood any chance of being settled. He referred to the arrears claimed by the Board of Waterworks for supply of water, and the arrears claimed by the Government for overdue interest on a sum of £60,000 advanced originally to provide for the construction of waterworks. Now that a start was being made towards placing matters on an equitable basis——

The PREMIER: That is settled.

Mr. DICKSON said the settlement had not appeared in the public accounts.

The PREMIER: It was settled by the Local Works Loan Act of last year.

Mr. DICKSON said the matter had not appeared in the public accounts as settled, but possibly the liability of the Board of Waterworks had been removed; and the matter might be considered settled in that way. If that were so, he did not wish to re-open the question; but he remembered that, when the Estimates had been before the House on former occasions, the subject had always been a fertile source of discussion. This Bill, on the whole, had an equitable appearance, and so long as the endowments were not diminished below what he conceived to be the equitable claims of the municipalities, the Bill was a fair one, and the Treasurer should be satisfied; but if the endowment were restricted to what the Treasurer might consider general rates, the revenue of many of the new municipalities might possibly be seriously diminished.

Mr. DE SATGE said he should support the second reading of the Bill, and give his assistance to disendowment of municipalities so far as anything beyond the general rates was concerned. He should not have occupied the time of the House on this occasion had it not been for the grave discrepancy between the endowments originally made to the several towns of the colony for water supply and the very small amount which had been expended for water storage on the main roads of the colony. A sum of £265,000 altogether had been granted to municipalities throughout the colony, distributed as followed:—Brisbane, £95,000; Charters Towers, £35,000; Ipswich, £31,000; Toowoomba, £16,000; Warwick, £14,000; Maryborough, £35,000; Gladstone, £5,000; Rockhampton, £25,000; Townsville, £33,000; and other towns, £10,000. To that must be added the following amounts upon the new Loan Estimates:—Warwick, £2,600; Maryborough, £5,000; Brisbane, £80,000. Against that the total amount given for the storage of water on the main roads of the colony amounted altogether to only £30,000. As those municipalities had been originally endowed to such an extent, he thought the same principle might be applied in the case of the main roads of the colony, which were thirsting for water supply. If the Minister for Works would take upon himself to form some plan and introduce some Bill for the storage of water in the interior, the development of the country would go on under more favourable conditions than it did at present. If that were done, and a system adopted similar to that in force in New South Wales—of taxing travellers and making them pay for the water they consumed—the expenditure would yield a return, and a much more satisfactory state of things would be established in the interior. By every mail he received letters from his constituents, drawing attention to the lamentable state of the roads this winter. The rates of carriage were now at such a pitch that carriage was nearly as high now as it was before railways were constructed. From Withersfield to Aramac the rate was now £18 per ton, and about the same to Blackall—rates which had not been paid for many years. The tax for water which he suggested would be paid with alacrity by all who used it. The people of New South Wales had adopted this plan recently, and were now building tanks and wells, and leasing them under certain restrictions to people who charged at a certain fixed rate for the water. The system seemed to answer admirably; the rates of carriage were kept down to the benefit of the whole community, and the enormous losses of cattle by carriers during drought were avoided. If the carriers lost their cattle during drought, the lessees, the graziers, and the whole community suffered from the exorbitant rates for carriage.

An HONOURABLE MEMBER: Question.

Mr. DE SATGE thought this was not an improper time to draw the attention of the Minister for Works to the disparity between the amount voted for water storage and the requirements of the interior, to which capital was going every day. The matter called for some measure——

The PREMIER rose to a point of order. The hon. member appeared to be talking to the subject of another Bill altogether.

The SPEAKER: The hon. member is going away from the question, which is, that a Bill to amend the Local Government Act be read a second time.

Mr. DE SATGE said he had been referring to the endowments of municipalities, so he had not strayed far away; and he hoped his remarks had gone in a right direction.

Mr. MACFARLANE said he did not think that any hon. member was opposed to the storage of water in the outside districts; and the divisional boards in any of those districts could

borrow money for the purpose on the same terms as the municipalities borrowed. In reference to the Bill, it was his intention to support both sections; believing that it was a very fair way of making matters in that respect more clear than they had been in the past. He did not think the rates, as a rule, had borne heavily. Whatever might have been the case in Brisbane, the experience of the people of Ipswich had been quite the reverse. Before the waterworks were established the people had to pay very high rates for their water, and since then the expenses of private houses and hotels for water had been reduced by one-half, and in some cases by two-thirds. While the waterworks were in course of construction the corporation made special rates according to the quantity of water required, and, as a rule, there was no complaint. One hotel-keeper said that before the waterworks were constructed he had to pay 25s. a-week, or at the rate of 1s. a cartload, for water; whereas now he was only charged £25 a-year, and for that he got as much water as he chose to consume. The rate pressed most heavily upon men in business, who required very little water, but had to pay the ordinary rate. With regard to the second section, he thought it very just that anyone using water, including the Government, should pay for it. Churches, if they used water or required it in the case of fire, as well as hospitals and other public institutions, ought to pay rates. The hon. member for Toowoomba had suggested that the owners of vacant allotments should be called upon to pay water rates; but that would be very unfair, as they used no water, and he could not see how they could be benefited by having a water-pipe running in front of their property.

The PREMIER: It increases the expense of taking water to the next allotments.

Mr. MACFARLANE said he admitted that, but if a man bought two adjoining allotments and built on one it would be hard that he should be charged rates for both. He was, however, prepared to vote for the Bill as it stood.

Mr. PERSSE said he could not see why the hon. member should object to making the owners of vacant allotments pay water rates, seeing that their property was enhanced in value by the fact of the water pipes passing in front of their property, and water being, therefore, easily obtainable. He was sorry that the Premier had risen to a point of order when the hon. member for Mitchell was speaking, because this appeared to him (Mr. Persse) to be a very proper time to refer to the bad supply of water in the outside districts. It was monstrous that such a large sum——

The SPEAKER: There is no general question of water supply before the House. The question is the second reading of the Local Government Act Amendment Bill.

Mr. PERSSE said he bowed to the ruling of the Speaker; but although the House was not discussing a Bill with regard to water supply, he thought hon. members might be allowed to allude slightly to the discrepancy between the large amount voted for the towns of the colony and the small amount devoted to the outside districts. He wished that an opportunity had been afforded of speaking on that subject.

Mr. BAYNES said he had no doubt the Bill was intended to apply to municipalities to a limited extent, but he would take a broader view. Under the Divisional Boards Act a municipality might be a large area of country, or even the whole of the colony. Without wishing to go against the ruling of the Speaker, he would refer to water storage——

The SPEAKER said there was no question of water storage before the House. The question was the second reading of a Bill which contained, amongst other provisions, a clause relating to the endowment to be paid on account of water rates; but there was no general question of water supply before the House.

Mr. BAYNES said he would not refer directly to the storage of water, but he could hardly confine himself to the subject of municipalities in the ordinary and limited sense. Under the Divisional Boards Act they might be far more extensive than they were now, and that was why he had sympathised with the remarks of the hon. member for the Mitchell.

Mr. ALAND said it was altogether beside the question to make comparisons between the £30,000 for water storage and the £230,000 expended by municipalities for water supply. In the one case, he took it——

The SPEAKER: There is no water supply question before the House.

Mr. ALAND said he agreed with the latter part of the Bill; but he had hoped that the Colonial Treasurer would have seen his way to allow the endowment on what were termed special rates—the rates for lighting and watering the streets. While believing that the Government would deal liberally with the municipalities, he saw great force in the remarks of the hon. member for Enoggera—that many municipalities had entered upon great works upon the strength of the Act of 1876, which led them to expect an endowment upon special rates as well as upon the general rates. He hoped the Premier would take into consideration the amendment which his colleague (Mr. Groom) had proposed. In his opinion, vacant lands should be taxed. Persons bought them for speculative purposes, and he did not see why the people living round about should have to pay for improvements, while the speculators reaping the benefit of the improvements bore no share of the burden. His colleague had referred to the excessive water rate to which the town they represented was now subjected, and he (Mr. Aland) could fully bear him out in the statement that one tenement paid something like 35s. general rate and £7 10s. for water rate. That, of course, did seem altogether excessive. Still, he believed their water rate was not higher than that of the city of Brisbane. Indeed, he had been told by the Water Supply Committee that they had based their rates on the same scale as the Brisbane Board of Waterworks.

Mr. FOOTE said that he liked the object of this Bill, which was calculated to settle a difficulty which had long existed with reference to certain municipalities. He could not fall in with the ideas of some hon. members, that unoccupied lands should not be rated. He thought that they should be, and also allotments with churches built on them; although, he supposed, the water board had the power to levy a rate upon churches if they pleased. In some towns—in Ipswich, for instance—they levied a rate on churches, and it was paid. Whilst he agreed that an abundance of water was a great benefit to the municipalities, he did not fall in with the idea that they had the supply at a cheaper rate than they used to do. His own experience was to the contrary. Of course, there were certain houses and institutions of public business where the water supply might be a great deal cheaper. But, on the other hand, those who did not use a supply in proportion to them had to make up the deficiency. Therefore, he thought it was right that vacant allotments should be assessed under the water rate, because it would be the duty as well as the privilege of the municipality to lower the rate as soon as they were able to do so.

Mr. GARRICK said that he considered this Bill to be of considerable importance, and one

that might very seriously affect the revenue from endowments of the different municipal councils. It would, therefore, have been just as well—he did not know if the Treasurer could do it—if they could have been given some idea how far the older municipalities would be affected by these different alterations if this Bill became law. In the Act of 1876 it would be seen that all taxes raised received endowment. At that time, of course, there were no loans, and no provision needed to be made for loans to councils, and there were no questions of their receiving endowments for them. At that time, too, he believed there was no water supply; at any rate, Brisbane was supplied with water by a Board of Waterworks with which the Municipal Council had nothing to do. Possibly, there was one other municipality—Rockhampton—which also had a water supply at that time.

Mr. GRIFFITH: That was under a special Act.

Mr. GARRICK: By the Act of 1876 rates were levied upon all lands and houses, and loans were not provided for. Waterworks were not thought of. Then came the Act of 1878, which perpetuated the Act of 1876, except as to the question of loans. This it had failed to provide for, and this, he submitted, was the only one thing which needed amendment—the question of water rates—which the Act of 1876 left untouched, and which, apparently, the Act of 1878 did not provide for either. He agreed with the Treasurer in his intention not to keep up the payment of endowments with respect to water rates. This was a very proper principle indeed, because it amounted to the fact that it was money paid for a commodity supplied. On that very principle he thought that cases in which the endowment was entitled to be paid was where the good was common, and not individual. In the case of the water rate, the benefit was individual; but in the case of lighting and drainage rates, and rates for watering the streets, all these things were common to the whole municipality, and not only to the municipality but to any who might be in the municipality, even though they might live outside of it.

The PREMIER: If it is common to the whole community, why was it called a special rate?

Mr. GARRICK said it was called so, and that was all. If they lighted or watered the streets—take, for instance, Queen street—they did not do it especially and only for the people living in those streets, but for the benefit of every one of those who used the streets. They did it for the benefit of the whole of the municipality, and for the benefit of all those who visited the municipality. The water rate was different, and would therefore be very properly excluded from the endowment; but the lighting and drainage rates—nothing was of greater importance to the municipality than that the sanitary arrangements should be good—were for the good of all, and the money should be taken from the common fund to keep them going. That he believed to be the proper view of the matter. The mere calling of some rates separate or special rates did not alter matters when they considered the principle. This was a very serious matter to the municipalities. Hitherto they had led them to believe that they would receive a certain amount of money. All of a sudden they were going to cut it short. It was unfair—he was almost saying it was more than unfair—and it was certainly very hasty legislation.

Mr. H. PALMER (Maryborough) saw nothing to object to in this Bill, but, on the contrary, a good deal to commend it to the House. He would like very much if the Premier could see his way to accede to the proposal of the hon. member for Toowoomba. The proposition was one which would and did affect the constituency he represented to a very large extent. The town of Maryborough was, he believed, the second largest borrowing municipality in the colony, and he believed also that they had more vacant land in the way of allotments, through which water mains ran, than any other part of the colony. He held land in this way himself, and his opinion was that the owners should be assessed and made to pay. He had been under the impression that the municipality had power to levy rates under the Acts of 1876 and 1878, and he had only discovered that such was not the case during this debate. He hoped that some such provision would be introduced into the Water Storage and Distribution Bill, which was now before the House, or that it would be effected in some other way that these vacant allotments—or the owners of them—should be open to assessment, so as to equalise more the distribution of the water rate, which now pressed very heavily on the inhabitants of the town of Maryborough. He should support the Bill.

Question—That the Bill be read a second time—put and passed, and the committal made an Order of the Day for to-morrow.

POLICE JURISDICTION EXTENSION BILL—SECOND READING.

The ATTORNEY-GENERAL (Mr. Pope Cooper), in moving the second reading of the Police Jurisdiction Extension Bill, said that its objects were to extend the provisions of the Acts contained in the schedule to grounds occupied by societies and associations for certain purposes of amusement and instruction—such as pastoral and agricultural societies' grounds, and racecourses, for instance. Everybody knew that certain acts took place at these grounds occasionally which everybody wished to see put a stop to; but it appeared that there was no law at present to deal with them, and this Act was intended to provide a remedy for those evils. If anything was required in the shape of amendment, such as slight modifications in the schedule and also in section 1, which he thought desirable, it could be made in committee.

Mr. GRIFFITH said they wanted something of this kind very much, but he was much afraid that this Bill missed the point aimed at. The difficulty now was, not that these Acts did not apply to the places where the societies held their meetings, but that these places were not "public places" within the meaning of the Act. What was now required was to make these places public places within the meaning of the Act, and he was very much inclined to think that if the Bill passed in this form they would not be placed within the meaning of the Acts any more than they were before. He would suggest to the hon. Attorney-General that it would be better to have the Bill in such a form as to leave the power with the Governor in Council to declare the premises of any society or association to be a public place within the meaning of the Acts, either absolutely or for a limited time. No proclamation was necessary to make the Acts apply to such towns as Brisbane and others, but it was required to make these places "public places" within the meaning of the Act, because they were considered private places.

Question—That the Bill be read a second time—put and passed, and the committal made an Order of the Day for to-morrow.

SUPPLY.

On the motion of the PREMIER, the House resolved itself into a Committee of Supply.

The CHAIRMAN said the question before the Committee was that a sum not exceeding £7,420 be granted to Her Majesty for the service of the year 1881-82, for District Courts.

The ATTORNEY-GENERAL said that before any further discussion arose upon this item he wished to make a correction of something which was attributed to him in *Hansard* of the 17th September last. The hon. and learned member for Enoggera (Mr. Rutledge) had asked him a question about Crown Prosecutors defending prisoners, and he (the Attorney-General) was reported to have said: "They are not allowed to do so." What he did say was that they were not allowed to do so in their own districts—that was, in the districts in which they were acting as Crown Prosecutors.

The MINISTER FOR LANDS (Mr. Perkins): I heard you say that.

Mr. RUTLEDGE said the fact of a Crown Prosecutor not being allowed to defend in his own district did not make much difference. Crown Prosecutors being salaried officers for the purpose of prosecuting on behalf of the Government all the year round, ought not to be allowed to defend prisoners in any case; because possibly in some cases they might assist in defeating the object the Crown had in view. The two functions ought to be kept distinct. If they only received commissions to prosecute in special cases, there would be no objection to them defending prisoners; but when they received their salaries by the year for performing special functions, the practice had a tendency to collide with those functions in any district. The practice was not a good one, and ought to be abolished.

Mr. LUMLEY HILL corroborated the statement of the Attorney-General. He distinctly remembered hearing the hon. gentleman make the statement with regard to the defence of prisoners by Crown Prosecutors in their own districts; and it was the same as the hon. member had just repeated. He (Mr. Hill) took a different view from the hon. member (Mr. Rutledge), and thought that it was rather an advantage that a Crown Prosecutor should have the privilege of defending in other districts. At the rate those gentlemen were paid they could not live on their Crown Prosecutorships, and if they had experience in defending prisoners, that experience would add to their ability in prosecuting on behalf of the Crown.

Mr. McLEAN said he was informed that not long ago a judge held his court on a steamer while lying at the wharf in one of the Northern ports.

The ATTORNEY-GENERAL: No; he did not.

Mr. McLEAN said he was very glad to hear it; but he was informed that this court was held late at night on board the steamer; and he would ask hon. members whether that was at all conducive to carrying out the ends of justice? He hoped such practices would receive the condemnation of the Government. When a judge was paid to visit the Northern courts he should perform the duties he was supposed to perform. He had been on steamers which were detained on some occasions for a considerable time for the purpose of getting the judge on board. When the judge rushed to and from court in that way, it was impossible for him to give due consideration to the cases brought before him; and if it was true that one of the judges held a court on a steamer, such a practice should be stopped.

The ATTORNEY-GENERAL said he knew the case referred to by the hon. member. The judge availed himself of the provisions of the District Court Act, which provided that a judge might hold a sitting in Chambers at such time and place as he might appoint. He believed some small application was made to the judge in Chambers on this occasion, and the matter came before him, and was disposed of in a very short time. With respect to judges rushing through their work, he believed that observation was intended to apply to the judge whose conduct was under discussion the other day.

Mr. McLEAN: No.

The ATTORNEY-GENERAL said the cases left over by district court judges were very few; there were very few appeals, and only one official complaint had been made about them.

Mr. McLEAN said his remarks had no reference to the judge whose conduct was under consideration on Friday. The occurrence took place three years ago, when he was at Townsville. He visited Mackay on the way, and the steamer was detained a good many hours for the judge. The matter was publicly commented on at the time.

Mr. NORTON said, with regard to holding court on a steamer, he could throw a little light on the matter. About twelve months ago a paragraph appeared in the *Gladstone Observer* regretting that the editor was unable to furnish a full report, because he naturally anticipated that the judge would have conducted proceedings in the court-house; whereas the steamer, which arrived at 12 o'clock at night, was detained for an hour, during which time the necessary witnesses were hurried down, and the business was conducted. He had brought the matter under the notice of the Government, and the judge, on inquiry, had admitted that the statement was correct. He merely went into the matter now because it had been already brought before the House. According to the remarks of the hon. member for Logan, this was not an isolated case, and steps ought to be taken to put a stop to the practice, no matter whether it was chamber business or any other. If the practice were not stopped it would lead—no matter how little harm might be done in any particular case—to a great deal of suspicion, misunderstanding, and doubt as to the administration of justice.

Mr. LUMLEY HILL said he knew the judge referred to by the hon. member for Port Curtis—the judge of the Central District Court, Mr. Blake, to whom he had referred on Friday. He had since heard of something done by that gentleman last June, when he was on circuit at Aramac and Blackall. A short time before his arrival he sent two telegrams to Blackall—one to a publican, Mr. Frost, telling him to adjourn the court, and the other to the police magistrate, Mr. Rankin, telling him to secure a good bed, and have plenty of butter. The publican, accordingly, swaggered up to the court, said he was judge for the day, and that the court was adjourned; while the police magistrate went all about the town buying butter, which was scarce, and rose considerably in consequence. He believed that that judge served out his sentences in the same way that he served out his telegrams—three months to a man who, perhaps, deserved six years, and three years to a man who deserved six weeks. He would not repeat the illustrations he gave on Friday. It was utterly useless to send this poor old man round on circuit, and it was no use sending a Crown Prosecutor with him. He did not wish to see the poor old man deprived of his bread and butter; but it was rather hard that the country—more especially such a rising district as the Central—should be saddled with an effete old man, who was shoved into a haven of rest, not because he had served the State, but because he could get no more

briefs. He did not see why a man should be shoved into a billet of that kind to the making ludicrous of the administration of justice in those districts. He moved that the item be reduced by £400—Crown Prosecutor's salary.

The ATTORNEY-GENERAL said the judge referred to had been four years judge of the Central district. During that time only one appeal had been made from any decision, and that appeal was dismissed from the Supreme Court; only one application had been made for a new trial, and that was refused; there had never been a case left over for another sitting of his court, and only one official complaint had come to the Crown Law Officers about him. Under the circumstances, it would be highly improper for hon. members to take notice of mere rumours of what the judge did. With regard to the telegrams, he happened to know that the judge did not send them himself at all, but asked the Crown Prosecutor to send them; and he made the mistake many a better man had made, and addressed them to the wrong men. The proposal to strike out the salary of the Crown Prosecutor, because the judge did not do right, was rather hard on the Crown Prosecutor.

Mr. STEVENSON said he did not know about the telegrams or the butter, but it was a notorious fact that in the district alluded to the administration of justice was a perfect farce, and had been for the last two or three years; and the Attorney-General no doubt knew that quite well. If there was no machinery by which the judge could be removed——

The ATTORNEY-GENERAL: There is machinery.

Mr. STEVENSON: Then he ought to be removed. He did not know whether it was owing to his idiosyncracies or his incapacity, but this judge's action was the talk of everyone out west. Many people had asked him to use his influence with the Government to get him removed, and he believed it was high time he was removed.

Mr. McLEAN said he had always been under the impression that judges were sacred personages, and that there was no machinery by which they could be removed during good behaviour.

The ATTORNEY-GENERAL: District court judges can be removed.

Mr. McLEAN said they were told by the Attorney-General that they should not take notice of rumours; but there was another rumour to the effect that the Government had asked this judge to resign; so that they must have seen some necessity for a change. If they had the machinery to remove the judge they ought to put it into operation. But what he (Mr. McLean) previously referred to was not rumour; one case came under his own observation, and the other from a newspaper. The hon. member for Gregory had moved the omission of £400, Crown Prosecutor's salary, and the Attorney-General had given just reasons why that proposition should be sustained. He (the Attorney-General) said the Crown Prosecutor sent the telegram, and not the judge; and if the Crown Prosecutor sent a telegram to a publican to adjourn the court, and to the police magistrate to get butter and beds, he deserved to be brought under the notice of the Government just as much as the judge. He had known Mr. Rankin years before he entered the service of the Government, and he should have thought Mr. Rankin would have stood on his dignity and refused to do such a thing.

Mr. RUTLEDGE said it was only due to the Crown Prosecutor of the Central district to say that he was not likely to make mistakes of that kind. He had the facts from the gentleman who acted as Crown Prosecutor on the occasion to which reference had been made. The Crown Prosecutor was not at the time travelling with the judge, and the Acting Crown Prosecutor, Mr. Prior, sent the telegrams in the way the judge requested him to send them. Subsequently, the judge, not knowing Mr. Prior had carried out his instructions, sent other telegrams, and there the confusion arose. But there was no such thing as the publican going to adjourn the court.

Mr. LUMLEY HILL: He did.

Mr. RUTLEDGE said if he did he was confronted by the other telegram, which had been received by the police magistrate from the Crown Prosecutor.

Mr. LUMLEY HILL said this was not mere rumour. Before he brought this matter forward he took care to ascertain the facts, beyond doubt, from two gentleman he had known for many years—one of whom corroborated the other in precisely the same words. From what he knew of the boniface, no doubt he would be delighted at the opportunity. He enjoyed himself immensely—and why not? As to other telegrams being sent, it was time such bungles were stopped. This was the only chance they had of bringing into force the machinery spoken of by the Attorney-General. That hon. gentleman talked about the rumours of this judge's behaviour. He (Mr. Hill) had seen and heard him on the bench; and really the poor old man was in his dotage: he could not hear the witnesses, and went to sleep repeatedly. If he were to tell all the stories he had heard about this judge, the Committee would be not only astonished but very much disgusted. Other members of the House had heard them besides himself. As to there having been no appeals from that court, he could only say that the people out there were sensible men; they saw what a farce law was when they went into court, and were content with paying for a bad job at first and have done with it. Miscarriages of justice had been frequent there, and he had no hesitation in saying, from the evidence of his own senses, that it was just a toss-up what the verdict of the judge was.

Mr. GRIFFITH said he was responsible for this appointment, having made it, and he was very glad to have the responsibility of it. He had not seen the learned gentleman on the bench often, but he had heard him summing up a difficult case within the last twelve months, and a better summing up he had never heard from any judge. It had been said that this gentleman went to sleep on the bench; but, although he might close his eyes, he (Mr. Griffith) doubted very much that he went to sleep. He had seen a very learned judge of the Court of Appeal in England fast asleep on the bench. Of course he did not stand up to advocate the desirability of judges going to sleep on the bench, and he did not believe that this gentleman did so, but that he formed a very clear opinion of every case that came before him. They might go a very long way before they would find a judge whose opinion was worth more.

Mr. BAILEY could not agree with the last speaker. He had seen the learned judge asleep on the bench at Maryborough during the greater part of a case; and the poor witnesses hardly knew what they were saying, the judge being so deaf that he could hardly hear anyone. That, of course, was not his fault, but his misfortune. He was so very deaf that it made him sometimes apparently idiotic. He (Mr. Bailey) had known crimes committed by men who were a terror to the district punished by this judge by two or three

months' imprisonment, while men who had simply fallen into a mistake had had frightfully heavy sentences served out to them. As to dispensing with the Crown Prosecutor, he thought that officer was the great safeguard of the court; he was practically judge and Crown Prosecutor. He travelled about with the judge, assisted him in and out of his carriage—in fact, he acted as *valet de chambre* when travelling, and adviser-general in court; and, under these circumstances, the fact that there had been no appeals would tend to show that the Crown Prosecutor was not only a very able lawyer but a very fair one.

Mr. ALAND thought it was always a very serious thing to criticise the conduct of judges; and he regretted to hear the remarks that had been made, because they were calculated to bring the administration of justice into contempt. It would have been much better if the matters complained of had been brought under the notice of the Government so that inquiry might be made. He desired to call the attention of the Attorney-General to the fact that district court judges were often in too great a hurry to get through their work at a place and leave it. A short time ago the judge of the Southern District Court made his appearance on Friday morning and kept the court sitting until 2 o'clock on Saturday morning, in order, he presumed, to get to Brisbane and spend his Sunday there. That was not the way in which the business of our law courts should be conducted.

Mr. LUMLEY HILL said the hon. member talked a good deal about the veneration attached, or which should be attached, to the office of a judge, and about their making it in this particular instance an object of contempt; but he said it was the judge himself who had made it an object of contempt, and if they flinched from expressing their non-concurrence with that sort of thing—their utter abhorrence of it—or winked at the administration of the law in this way, they would be utterly unfit to hold their seats in this House.

Mr. ALAND thought the remarks of the hon. member would have some force if he could show the House where justice had been wrongly administered.

Mr. LUMLEY HILL: I have proved it.

Mr. ALAND: He had not heard anything of the kind proved. The hon. member had complained of the sentences which the judge had seen fit to pass; but whether they were unwarranted was simply a matter of opinion.

Mr. RUTLEDGE explained, with reference to the case instanced by the hon. member for Toowoomba (Mr. Aland), where the judge kept the court sitting until 2 o'clock in the morning, that it was done to meet the convenience of counsel and all the parties concerned, and not in any way to suit the convenience of the judge, who did not return to Brisbane, but proceeded to Warwick to hold the court there.

Mr. DE SATGE said he wished to endorse the remarks that had fallen from the hon. members for Gregory and Normanby. He did so before when he initiated the debate; and, as it would not tend to the dignity of the House if these charges were to be repeated, he thought it would have been well if the Attorney-General had given a decided answer to the House. He thought the statements made by three credible witnesses concerning the incapacity of a judge required a definite answer. From the remarks of the hon. member for Wide Bay, it would appear that the Crown Prosecutor was an important adjunct to the judge; and another important matter in connection with that subject was that when the Crown Prosecutor was absent a junior member of the Bar was appointed to fill his place. That was a mistake, for the Crown Prosecutor was really the Attorney-General for the time being.

The ATTORNEY-GENERAL: He is not; he is Grand Juror.

Mr. DE SATGE: That was one of the most important offices that could be held by any officer in the colony. He had the power to put justice into action, and he (Mr. De Satgé) thought that high office should not be deputed to a junior member at all. If the Crown Prosecutor found that his private business detained him in a more profitable way he should give the other up altogether. He could not support the reduction of the item, as he thought they wanted both judge and Crown Prosecutor, although the present judge did not fulfil the duties of his office.

Mr. GROOM desired to state that he had often had opportunities of witnessing the conduct of proceedings in court by Judge Paul, and could do that officer the justice to say that he never saw a more painstaking judge than that gentleman. He (Mr. Groom) had frequently reported his decisions, and he must say that, to his mind, these decisions as well as his conduct had given great satisfaction. He could state from experience that that gentleman always endeavoured to meet the convenience of the public and all parties concerned. With respect to Judge Blake, he could only say that he was regarded as the soundest and ablest lawyer in the colony when he was appointed to the bench. He had previously been offered a seat on the bench by other Ministers, and declined because of the good practice he had at the Bar here as a criminal lawyer, in which branch he was considered unequalled, excepting by the late Mr. Gore Jones. If there had been any good grounds for such a grave charge against that gentleman's character as that his administration of justice was a farce, surely some representations on the subject would have been made to the Crown Law Officers; but the Attorney-General had stated only one decision had been appealed against during three or four years, and he (Mr. Groom) took that as incontrovertible evidence that the judge had discharged his duties in an able manner. He took it, also, that the rule to be observed in this case would be, as in all others, that where hon. members who were supposed to have the best knowledge of the facts of a case made statements, the Attorney-General would make inquiry to see whether what had been represented was true or not. This was a duty which the Government owed to the judge as well as to the public, for it must be injurious to have these representations made with regard to any judge in the colony.

Mr. MILES said he understood that the hon. member for Gregory had moved the reduction of the salary of the Crown Prosecutor, not because he had any objection to that officer, but because he might be thereby enabled to express his opinion respecting the administration of justice in the Central districts; for he knew perfectly well that he could not move for the reduction of this judge's salary, which was provided by an Act of Parliament. He did not think there was one hon. member who would say an offensive word of this judge. He was known to be a good lawyer, but he had come to that time of life when it was impossible for him to discharge his duties satisfactorily.

Mr. McLEAN said he thought, after all that had been stated, the Attorney-General might inform the House whether the Government had requested this judge to resign or not.

The ATTORNEY-GENERAL: Not within my knowledge.

Mr. LUMLEY HILL said the Attorney-General had only recently joined the Ministry, and perhaps some other member of the Ministry could say whether this judge had been called upon to show cause why he should not send in his resignation or be dismissed.

The PREMIER said he had the same answer to give as given by the Attorney-General. He knew nothing about it. If anything of the kind had occurred, it must have been while he was away.

Mr. McLEAN said, as the Premier was away from the colony a good many months, probably the Minister for Lands, who took his place, might know something on the subject. This rumour had been before the public, and it would be satisfactory to know whether it was true or not.

The PREMIER said the Government were perfectly prepared to produce the correspondence on the matter, on a notice by any hon. member. He did not remember Judge Blake being called upon to show cause why he should not resign. He was told here that something of the kind had taken place; but, if so, he did not remember it. He had not the slightest objection to supply all information on the subject.

Mr. LUMLEY HILL said they had not appeared to be able to get any satisfactory information from the Ministry as to whether that judge had been called upon to resign or not. They had been told they could get the information by giving notice of motion that the papers be laid on the table of the House, but then before they could do that this opportunity would be lost of expressing their opinions as to what ought to be done.

The ATTORNEY-GENERAL: I will give the correspondence to-morrow, if you like.

Mr. LUMLEY HILL said, what good would that be when the estimate was through? He wished to show that the court that this judge presided over was utterly useless; and he was certain that he should meet with the approbation of the inhabitants of the Central districts if the court was done away with, rather than have it carried on under the present judge. He did not wish to deprive this gentleman of his bread and butter, and should be prepared to move that the sum of £500 be put upon the Supplementary Estimates by way of a pension, if the judge would send in his resignation. He was certain that the country would be the gainer by that proceeding. If the Attorney-General was willing to give a promise that he would try and induce the judge to resign, or endeavour to pension him, he (Mr. Hill) would withdraw his motion; but if he would not, he should put it to the Committee.

Mr. NORTON said he hoped the hon. member would not put this to the vote, because, if he did so, he (Mr. Norton), although he sympathised with him largely in the action he had taken, could not vote for the amendment, because he believed it would be inflicting an injury upon the gentleman who held the office of Crown Prosecutor, against whom no imputation whatever had been made. The effect would be to do away with his appointment altogether, and he doubted, even if they did that, that it could have the effect the hon. gentleman desired, because somebody else would be paid to do the work. Surely the Government knew what they were going to do in this matter. The charges were so very serious and of so grave a nature that he thought, if the Government required any compulsion, the mere fact of these charges having been made would compel them to hold some inquiry into the matter. He did not think that after what had been done it would be necessary to urge the Government to take action in the matter, as they would do it of their own accord.

Mr. STEVENSON said that the hon. the Attorney-General had it in his hands to prevent this amendment being put. He thought that hon. gentleman should give the Committee some promise that he would investigate the charge that had been made against this judge to-night. He had no desire to waste the time of the House, but thought that hon. members would like some satisfaction, and that the matter should be explained. That was the only way they could attack the vote at all, or get any satisfaction. The judge might be a very estimable man, but at the same time hon. members knew perfectly well that he was incompetent to perform the duties that he had been told off to perform; and they knew that he was incompetent to earn a living in any other way before he was appointed to act as Judge of the Central District Court; and had it not been for that he would not have been appointed. He had no personal feeling in the matter, but at the same time things had been represented to them that they were bound to take notice of here. They knew perfectly well that a good deal had been said about his statement that the administration of justice in the Central District Court was a farce, but it was a fact. The hon. member for Gregory and himself, who had visited the district lately, had been told by intellectual men who could be relied on, that business had been managed in that court lately in a way that they were bound to take notice of. He thought, therefore, that the hon. Attorney-General should give his serious consideration to the matter; and if he found, on investigation, that what had been represented was a fact, he should take some steps to remove this judge from the bench. They wanted to know if anything was to be done, if the Attorney-General found what had been stated to be correct.

The ATTORNEY-GENERAL said he was sure that there was no one in the country who had a greater desire to see the administration of justice carried on in a proper way than he had. If there were really serious grounds for the general charges that had been made against this judge, he should feel it his duty to investigate them. From what had been said in the House to-night about the judge, and what was said the other night, he was certain that it was a matter for very serious consideration. It was quite impossible for him to institute investigation into a general charge, but he should endeavour to find out in the best way he could whether there was any serious ground for the complaints that had been made. With reference to the statement that had been made about a man having been dragged about from one town to another, and having received a very short sentence for stealing, the judge had given his reasons for that, and he thought the Committee should remember that every judge must have power to discriminate as to what sentences he thought fit to inflict on prisoners. This judge was a man who had had great experience at the Bar; he had defended prisoners for half his lifetime, and knew as much about the criminal law of this colony as anyone in the colony. He was a man who was above suspicion, and surely some discrimination must be accorded to him, and he must be allowed to use his own judgment in many cases. He did not think it right to sit in judgment upon this gentleman, unless a specific charge was brought against him; and, whenever that was done, he would promise the Committee that an investigation would be held. If the result of the investigation was not satisfactory, and one that the Committee would receive, the matter would be dealt with in a very prompt and decisive way.

Mr. LUMLEY HILL said the Attorney-General had said that the judge had given his reasons in the case referred to. What were the good of reasons from an incompetent man? The case in question was that of a horse-stealer. The man stole a horse from Colloden Station, brought it to Mackay, and there sold it to a publican. The police arrested him at Port Douglas; he was brought down to Rockhampton by steamer, and went thence by coach to Aramac. The owner of the horse, living sixty miles west of Aramac, was brought down to identify the horse at Mackay; the publican at Mackay was brought to Aramac, as was also the horse, at an immense amount of expense. The charge was clearly proved, and the man got something under three months. He should like to hear the opinion of the Minister for Lands, who was at Aramac when the judge was holding his court. If the Minister for Lands would give his version of the affair, perhaps the Attorney-General would be satisfied that the complaints against this judge were well founded.

The MINISTER FOR LANDS (Mr. Perkins) said he happened to be at Aramac at the time, and he failed to see how the Attorney-General could say that the explanation of the judge was satisfactory. He was not going to give an opinion one way or another, except to say that the people were horrified and disappointed, after the trouble the police went to to catch this thief, that he should get off so easily. The man stole a horse from Colloden Station and took it to Mackay, where he sold it for £40. The owner spent a considerable sum of money in advertising, etc., to get back his horse, and about a year afterwards the animal was found working in a dray at Mackay. The man who sold the horse was found at the tin-mines, after some trouble, and he was brought down and committed for trial at Aramac. The man had not been in gaol twelve months, as stated by a witness, but about sixteen weeks; but the judge preferred to take the witnesses' statement in preference to that of the Crown Prosecutor and the police, and sentenced him to six weeks' imprisonment. He (Mr. Perkins) had no doubt the man was horse-stealing in that or some other district now, and he did not wonder that the people complained. He had heard of cases where witnesses had come 300 or 400 miles to give evidence at Blackall, and then no conviction was obtained. The police said there was no inducement for them to hunt down horse or cattle stealers if that were the result of their labours. If there was provision in any statute for cases of the kind, he knew what would have been done with this judge long ago. As the Attorney-General had said, a specific charge must be made against the judge, for the first thing he would do, if they were to proceed against him, would be to ask to have the case stated. It would not do to ride rough-shod over a man in his position, and turn him out on the streets. No matter how useful this judge might be here, in Rockhampton and Maryborough he was physically incapable of enduring the fatigues and hardships incidental to a journey in the Western districts. The name of District Judge Paul had been mentioned by the junior member for Toowoomba, and his way of doing business called into question. He (Mr. Perkins) had had some experience of Mr. Paul's administration, and he could only compare him to Judge Cope, of Victoria. He was so quick and decisive, and gave satisfaction to both losers and winners. There was a want of candour on the part of the junior member for Toowoomba in not stating the case he brought forward fully and fairly.

Mr. GRIFFITH said hon. members who had listened to the Minister for Lands must begin to wonder what his notions of Ministerial responsibility were. He had told them that a judge was incompetent to perform his duties. Did he understand that he was responsible for that state of things?

The MINISTER FOR LANDS: I do not want any of your lectures.

Mr. GRIFFITH said if the hon. gentleman believed what he himself said, he had failed to perform his duty.

The MINISTER FOR LANDS: So have you.

Mr. GRIFFITH said the Minister for Lands had failed to perform his duties. Every member of the Government had a duty to perform, and they were responsible for that duty, and no one else. The Minister for Lands, in saying what he had, had brought a charge against himself.

Mr. LUMLEY HILL asked, what effect had the opinion of one Minister when opposed to five or six? The Minister for Lands had a perfect right to give his own private and personal experience out west, and it was candid of him to do so. It would do some of the members of the Opposition a deal of good if they went out west and stayed there. They would learn something then. He should fancy that any one member of the Cabinet would be a very courageous man if he tried to bring about the removal of a judge through his own individual voice and opinion.

Mr. GRIFFITH said one member of the Cabinet was only one member, but every member of the Cabinet was responsible for all the actions of the Cabinet; and a member of the Government who had such strong views as the Minister for Lands had expressed ought either to assert those views or leave the Cabinet.

The PREMIER said the Ministry had not the slightest intention of shirking their responsibilities. Whatever the Minister for Lands had said did not bear the construction put upon it by the hon. member for North Brisbane. He had expressed his own opinion about the competency of one of the judges—whether it was the proper way to get the Estimates through by bringing up points of that sort was a question that rested with the Ministry. The Minister for Lands was called upon by some of the Government supporters to express his own opinion, but he (the Premier) did not know that he said the gentleman referred to ought no longer to be a judge. The hon. leader of the Opposition knew perfectly well the difficulties to be encountered by the Cabinet in dealing with matters of this sort. The Ministry were perfectly conscious of charges having been made; but until they could be brought home to the judge no Ministry would be justified in taking action. The hon. gentleman knew it was exactly the same when he was in office, and he (the Premier) believed he knew the difficulty would occur when the appointment was made.

Mr. O'SULLIVAN said he did not like the turn this debate was taking. He believed the opinion of the Minister for Lands in this case was perfectly worthless. It was a vague tissue of generalities—was just like all other charges that had been made. A good suggestion had been made to pension this judge off. The House and the country had heard complaints against him, but none of them could be proved; nor did he think the Government had the power to remove him. If he recollected aright the clause in the District Courts Act referring to the power of the Ministry over judges, he believed that a judge could only be dismissed for incompetency or neglect. Neither of these had been proved against Judge Blake. Of course, he was an old man, but surely there was

some respect for his old age. If he was an old man, he could claim that he was the wreck of an able man. He (Mr. O'Sullivan) thought that the members who had brought the charge of incompetency should be made to prove it. The proper way was for those who took up this matter to call for a committee of the House to inquire into the conduct of the judge, and not bring vague charges against him. He (Mr. O'Sullivan), two or three sessions ago, made charges against the Superintendent of the Lunatic Asylum, and he was called upon next day to prove them. Why were not those gentlemen who made charges against Judge Blake called upon to prove them? It was said that the judge sometimes went to sleep on the bench, and gave incorrect verdicts. He believed both to be untrue. Gentlemen very often closed their eyes, but at the same time they were wide awake. One good effect would spring from the complaints against the judge, and that was that, according to the hon. member for Gregory, people would not go to law; that was a good thing, for, in other places, there was too much law. As regarded the £400 for the Crown Prosecutor, he scarcely thought he should vote to keep it on. He was quite satisfied that the Crown Prosecutor would gain nothing by being on that circuit, as, for years past, he had been losing money. Three members had spoken as to the judge's capacity, but it was impossible to pay any more attention to them than to the cackling of a goose; they knew nothing at all about it. The judge was as far above them in intellect as the sun above the earth.

Mr. LUMLEY HILL was glad to see that the hon. member for Stanley had set himself up as a judge of intellect—he was a very Daniel come to judgment in this House. The case cited as to the leniency of the judge had only been referred to that evening because the Attorney-General had brought it forward. But there was a very opposite case to that—a case in the same session—where an unfortunate man got two years for stealing—although he (Mr. Hill) did not believe he had stolen it—a rusty old gun not worth 20s. This was while a horse-stealer, who had given any amount of trouble, got three weeks.

Mr. O'SULLIVAN said he was glad that the hon. member knew how to judge intellect. What intellect had he shown since he came into the House? He (Mr. O'Sullivan) could point out some of the intellect that the hon. member had shown.

Mr. NORTON said he should oppose a pension to the judge. It would be perfectly ridiculous to give a pension to a gentleman who had only served something like five years at the very outside. The Attorney-General had represented that there was some means of dealing with a judge of the district court, and if it could be shown that Judge Blake deserved what had been said of him, then the sooner the country got rid of him the better.

Mr. BAILEY said he did not think any hon. gentleman wished to deal hardly with Judge Blake; but they should prevent the recurrence of the constant miscarriage of justice that had taken place, and from which the people had suffered. A more scandalous case than any yet mentioned occurred in the Maryborough court some time ago. Two bushrangers were tried, and found guilty. They had been bushranging several years, and had got their living entirely by horse-stealing in different parts of the country; but, being caught red-handed, they were sentenced by the judge to a few months' imprisonment. They went out of the court laughing at the sentence they had received. At the same time, the judge actually forgot the sentence he had pronounced upon them. One barrister said it was such and such a sentence; another said it was not so much. Eventually the prisoners got a sentence which was not that which they originally got, nor that which the barristers thought it was.

Mr. KINGSFORD said they had no right to make a football of the character of a judge. He thought that every charge that had been made or insinuated ought, in all fairness to the judge, to be either substantiated or withdrawn.

Amendment put and negatived.

Mr. GRIFFITH wished to know from the Attorney-General what course was taken with regard to fixing the times of sitting of the courts in the Northern districts. Complaints used to be frequent, and then it was enacted that the dates should be approved by the Attorney-General. He did not know that very much improvement had taken place since, for complaints were still frequent. The judge now was so hurried that he had not time to do the business.

The ATTORNEY-GENERAL said it was his custom to personally revise the time-table as submitted by the judges, and no complaints had reached him since he had been in office of judges having to hurry their decisions through want of time. He always provided that the judges should be a sufficient length of time in each place to enable them to finish all the business, and, if decisions were reserved, it was probably because there were knotty points to be decided, and the judge had not his books of reference to satisfy himself as to the proper conclusion.

Mr. LUMLEY HILL said some explanation should be given of the reason why, in the Monahan perjury case, witnesses were brought from Rockhampton to Blackall only to find that no bill had been found. As the depositions had been in the hands of the Attorney-General some six or eight weeks, there was no reason that he knew why the hon. gentleman should not have made up his mind sooner.

Mr. SWANWICK said that not many days ago the Attorney-General had stated in the House that he never permitted a Crown Prosecutor to appear in defence of any prisoner.

The ATTORNEY-GENERAL: In his own district.

Mr. SWANWICK said that in the *Courier* of to-day there was a report of a trial at Rockhampton, in which the gentleman who was now virtually appointed Crown Prosecutor for the North appeared in defence of one or two Polynesians; and it was well known that the same gentleman was going to appear in defence of an unfortunate woman on trial for either murder or manslaughter—he was not quite sure which. Though not personally interested in the matter himself, he thought that the mere fact of a Crown Prosecutor appearing, even in a district other than his own, to defend a prisoner while he was paid virtually for prosecuting, was a very grave matter, showing *laches* on his part and on the part of the Attorney-General. He found also that the same gentleman had been deputed to do a certain amount of the work of the Attorney-General in the colony. Very probably the exigencies of the Government might require the presence of the Attorney-General in the House; but he had heard that the gentleman who up to this time had been directed to undertake the duties of Attorney-General had been allowed to undertake the defence of prisoners; whilst another gentleman, the Crown Prosecutor of the Central District Court (Mr. Real), had been deputed to undertake the work of the Attorney-General. There were certain facts that might be brought before the House to show

that there had been grave *laches* on the part of the Attorney-General, in that he had received and kept in his office various depositions before deciding whether a true bill should be found or not; and he thought the time had now come when a Solicitor-General, who would be removed from all political agitation, should be appointed, or a Bill passed to introduce a grand jury before whom prisoners might be arraigned. He could mention cases in which prisoners had been kept in gaol two, three, four, and even five months, and then all at once the Attorney-General—not the present occupant of the office in particular—had found that there was no case. He considered such delay was an abuse of the liberty of the subject; and if family affairs had not prevented him from leaving the North in time to be present in the House during the early part of the session, he should have brought forward a motion for the introduction of a Bill to regulate the administration of justice in the colony, by taking the duties of grand juror out of the hands of a careless or merely political Attorney-General and putting them in the hands of men properly constituted a grand jury. The institution of Attorney-General acting as grand juror was a relic of the old convict days, when it was perfectly impossible to obtain a grand jury of respectable persons. Those days had, however, gone by, and it was now time that the institution of grand jury should be introduced into the colony. At the present time the Attorney-General was often too much occupied to attend to those matters, and it might happen that an Attorney-General might find a true bill, or throw it out for political reasons. The time had now come when such a state of things should be put an end to; and, with a view of seeing the matter through, while fully sensible of the kindness, ability, and straightforward manliness of the Crown Prosecutor for the Central district, he should support the motion for the reduction.

The MINISTER FOR LANDS: That motion is already disposed of.

The ATTORNEY-GENERAL, in reply to the remarks of the hon. member for Gregory, said the depositions in the Monahan perjury case were in the Crown Law Offices for three or four weeks. It was well known to him (Mr. Pope Cooper) that it would be impossible for him to prosecute at the Circuit Court at Rockhampton, to which Monahan was committed for trial; and he therefore preferred that the papers, which were very voluminous indeed, should be placed in the hands of the gentleman who should be appointed to act as Crown Prosecutor for the Circuit Court, in order that he might examine the depositions first and report. That gentleman did so, and afterwards he (Mr. Pope Cooper) and that gentleman went through the papers together, and they came to the conclusion that there was no ground for a prosecution for perjury, because the alleged false swearing had been given in a matter not material. As soon as no true bill was found, a telegram was sent to Blackall directing the police magistrate to give notice to the witnesses not to come down to Rockhampton. The telegram was sent in ample time to prevent the witnesses from starting; but some of them, apparently wishing to go to Rockhampton on their own account, had started before the proper time. Two of the material witnesses had not left Blackall, and immediately the telegram arrived the inspector wired down to stop those who had already started. They were intercepted some short distance on the road, but they still went on to Rockhampton—all of them; none turned back, from which he assumed they went on for private business of their own, on which account he instructed the Crown Prosecutor at Rockhampton not to pay their expenses until he had ascertained that there were proper reasons for their action. As to some cases—general cases—which had been mentioned by the hon. member for Bulimba that depositions had been lying in the Crown Law Offices for a great length of time unsettled, and to the great injustice of the prisoners—he could state that no such cases had occurred at all. There was one case in which it was necessary to make some inquiries in a distant colony as to whether it was possible to get evidence on a certain point. That necessarily involved a waste of time; but as soon as it was found that the evidence necessary to convict was not forthcoming, the prisoner was discharged. In another case he had found it necessary to keep a prisoner in gaol in order to get the man from the colony—a man who was too ready to fire off pistols—and as he (the Attorney-General) did not choose to have people annoyed in this way, he kept the man until his ship was ready to sail, and then sent him on board. There was no foundation whatever for saying that any injustice had been done to any prisonor, or anybody, from delay in the Crown Law Offices.

Mr. SWANWICK said it was all very well to talk in a grand *laissez faire laissez aller* sort of way about a man firing off pistols. If the man had pointed a pistol at the hon. and learned Attorney-General, a true bill would have been found then.

Mr. FOOTE referred to a case which had come under his notice, where a man named Mountford was charged with horse-stealing and no bill was found. More than five or six weeks elapsed between the day of committal and the day of trial, and yet the man was allowed to go to the expense of taking every precaution of having himself properly defended. He (Mr. Foote) believed the man was told that a bill was filed against him, and on the day of trial it turned out that there was no bill filed. The man was thus put to an expense of over £30.

Mr. SWANWICK said he could add to this the case of a man named Buckley, who was committed by the sapient Police Magistrate of Brisbane to take his trial for a rape upon his own child, though no proof whatever was given of the age of the child. This man remained in gaol for some time, until on a certain Saturday—two days before the Monday on which he was to have been brought before the Supreme Court—the Attorney-General made up his mind to discharge the man because there was no case against him. All this delay took place, though the depositions were lying all the while in the Attorney-General's office, showing that there was no proof whatever of the age of the child. It was about time there was a grand jury.

The ATTORNEY-GENERAL said that this was the case which he had mentioned where it was necessary to seek for evidence in a distant colony. He had kept the prisoner in custody until he was satisfied that no evidence could be obtained, and he thought that the prisoner richly deserved it.

Mr. O'SULLIVAN suggested that they should get on with the Estimates. This was only lawyers talking "shop," and he would prefer listening to a lecture at the School of Arts.

Mr. DICKSON asked the Attorney-General for information respecting the revised edition of the Statutes. The hon. the Premier had the other evening said that the Government were anxious and willing to give the fullest information on this subject, and possibly the Government could now give the House further information as to the progress of the work, and when the issue might be expected. The hon. gentleman could hardly say he was being taken by

surprise in the matter. The question was mooted last week, and no doubt members of the Government were more conversant with it now than they then were. He would like to have from the Attorney-General—who he must say seemed to be desirous of giving the fullest information in connection with the Estimates—some information on this point.

The ATTORNEY-GENERAL said the revised edition of the Statutes was in a satisfactory state of progress. [Laughter.] He did not understand the laughter. The progress was satisfactory to him. He expected to see it in the hands of the public in about a month—or perhaps less—within a month, at any rate.

Mr. McLEAN said, if the revised edition was in such an advanced state, surely the hon. gentleman could inform the House how much it was likely to cost the country—whether the £500 already paid as fees would be all, or whether further demands were to be made.

The ATTORNEY-GENERAL said he could not state whether the sum mentioned would be sufficient.

The HON. G. THORN said that he had seen a copy of the revised Statutes in the Library. If the work was finished by the hon. member for Cook, in whose hands it had been placed, surely information could be given as to the cost of it.

The ATTORNEY-GENERAL: The work is not finished.

Mr. THORN said that he saw a copy in the Library the other day.

The ATTORNEY-GENERAL: Someone must have got a proof copy and taken it there.

Mr. RUTLEDGE thought it was time they had done with such reticence on this subject. The amount of mystery which was thrown about it was altogether unaccountable and unsatisfactory. He could quite understand that there might have been an indisposition on the part of the Government, and on the part of the hon. member for Cook, to enter into any bargain before the work was undertaken. There might have been some delicacy about arranging the amount of the fee whilst the work was in progress. But now, if it was completed, the Government ought to be able to say whether any request had been made for further payment; or, if such a demand were made, whether they would be prepared to pay it. A copy, they were told, was in the Library.

Mr. STEVENSON: That is a proof copy.

Mr. RUTLEDGE: If the work was so far advanced there ought to be no difficulty in stating what was thought by the Government to be a fair price for it.

Mr. DICKSON asked if the printing was completed and the type distributed?

Mr. STEVENSON: You have been told it is not completed.

The ATTORNEY-GENERAL believed that the actual work of printing was completed, and that they were sewing the leaves together. An advertisement was to be added before the work was complete, in place of certain statutes which it was not thought advisable to bind in with the others.

Mr. THORN said the statement of the Attorney-General was that Mr. Cooper's work was finished.

The ATTORNEY-GENERAL: I have not said so. I said there was an addition to be made.

Mr. THORN said that if the work was in the hands of the printer, he thought that, although the Government might not be able to say what the printing and binding would cost, they could at least state what would be the cost of the work of revision. He thought the information should be given to the Committee before they left this vote.

Mr. RUTLEDGE said they had the admission that the Statutes were complete, as far as the reviser was concerned, or so far complete that nothing remained to be done but the insertion of an advertisement, and that the work had been done to the satisfaction of the Attorney-General.

The ATTORNEY-GENERAL: I said satisfactory progress had been made, and that I was satisfied with the work as far as it had gone.

Mr. RUTLEDGE said the question was asked—what remained to be done; and they were told that the only remaining duty on the part of the reviser was the addition of an advertisement. How could any further review of the work of the reviser be necessary to discover whether the work was satisfactory or not? Surely the hon. Attorney-General would not have them suppose that he was not aware of the contents of the volume when it arrived at its present stage? If it was satisfactory at that stage, it was only a natural deduction that as far as the literary portion of the work was concerned it had the Attorney-General's approval; and they were entitled to know what the Government intended to pay for the work.

Mr. DICKSON said they were told the other day, by the Premier, that there was not the slightest wish on the part of the Government to withhold information with respect to the Statutes; and if the information were given, it would at once remove all uncertainty.

The PREMIER: Read all of what I said.

Mr. DICKSON said the Premier stated on a previous occasion:—

> "At all events the item would be proposed for the approval of the House, and they would have every opportunity of opposing it. As to when the Statutes would be ready, the hon. gentleman had himself suggested some of the difficulties in the way. However, they were in fair progress now, and when they were ready the House would be informed of it. There was not the slightest wish on the part of Ministers to withhold any information respecting them."

With regard to the first part, they all knew it was no use to oppose sums on the Supplementary Estimates which were paid long before the House was asked to vote them. But they might fairly ask the Premier to fulfil his promise. He understood the Attorney-General to express his satisfaction of the manner in which the Statutes had been revised, and to say that the work was complete—except an advertisement intimating that certain statutes had not been embraced.

Mr. SWANWICK said the hon. member who had just sat down, and some other hon. members also, might just as well have added a small postscript, by saying that they were put forward as stalking-horses by the leader of the Opposition in this matter. From what they had seen of that gentleman for the last two years, they knew that he had not the courage of his own opinions, and naturally had great diffidence in coming forward himself, but made those gentlemen stalking-horses to bear the brunt, the burden, and the heat of the day; and then when everything was well wound up he would come forward in his usual manner with the last word, hoping to convince the House. But that hon. member would never convince the House until this House ceased to be, and a new House was constituted. The hon. member had been in the habit of bringing forward false accusations for a long time, which he was not able to substantiate, and which

he would not be able to substantiate till the House ceased to be the House which it was now.

Mr. McLEAN said the leader of the Opposition was quite able and prepared to take his own share of debate. If the hon. member for Bulimba had been in the House two days ago, he would have heard a promise that further information would be given on this matter. The hon. member for Northern Downs stated that the judges had copies of these Statutes; and if that was the case, surely they were completed.

Mr. SWANWICK: It is not true; the judges have no copies.

Mr. McLEAN said the hon. member for Northern Downs stated in his hearing that the judges had received copies of the Consolidated Statutes. If that were so, then the work was completed, and the Government ought to give the information asked for—namely, how much the compilation was likely to cost the country. He did not suppose they knew how much the printing and binding would cost; but they should know how much was to be paid for the compilation.

The PREMIER said the hon. gentleman asked for information given by the Attorney-General some time since, and which he (the Premier) gave some nights ago. It had been attempted to be represented by the hon. member for Enoggera that the Attorney-General admitted the whole work was finished; that he had examined it and found it satisfactory, and, therefore, he should tell the House how much the Government were going to pay for the work. But the Attorney-General admitted nothing of the sort. What he said was that the printing was finished; that certain additions had to be made to the work; that so far as he had examined the work it was satisfactory; but he had not examined it so as to be in a position to say what it would cost. That was the position at the present time. If the hon. member delayed business for a month, the time might elapse, and the Government might be in a position to give the information; but they would not give to-night more than had been given. They had given an explicit answer to the question; and if the Committee disagreed with the action of the Government in the matter, they were quite prepared to meet censure in any shape it might be put; but it was an unreasonable thing, after the Government had given all the information they could give, to delay the Estimates by simply nagging at Ministers for more. He was prepared to meet a motion of censure on the Government, or any other motion, provided they went on with business; but it was simply delaying business to ask for information which they had said they could not give.

Mr. GRIFFITH asked whether the work was printed, or whether the type was standing in the Government Printing Office, so that it could be printed off? How could the printing be finished if additions had to be made? The two statements were inconsistent. It was nonsense to try to delude sensible men by saying that the printing was finished, but additions had to be made.

The PREMIER said the hon. gentleman attributed statements to him which he did not make. From his own knowledge he did not know whether the printing was finished or not. He (the Premier) said that what the Attorney-General told the House was that he believed the printing was finished, but additions had to be made. A great deal of matter was often added at the last moment. But the hon. gentleman (Mr. Griffith) wanted to bind the Government down because the Attorney-General said the work was printed, and said that therefore they could not add a word to it. This was captious criticism, and quite unworthy of the hon. member.

Mr. GRIFFITH said, if the Government would not give information, he would give some to the House. When the matter was mentioned last week the Colonial Secretary asked him (Mr. Griffith) if he had seen the book. He said he had not; but next day he saw a copy for about half-a-minute in the Library, and turned to two places where he thought it possible there might be some mistakes. Having been consulted by Mr. Romily, who was first engaged on the work, and having advised that gentleman particularly on two points, he opened the book at random to see whether errors had been made in these cases, and, of course, they had. He then went to the Colonial Secretary, and told him he had seen the book since he spoke about it, and that it contained some serious mistakes. The Colonial Secretary told him (Mr. Griffith) that he had directed the Government Printer to let him have a copy; and last Friday a copy of the Statutes was sent to him, completely printed—title page, table of contents in different forms, and index—a book as complete as it could possibly be. He had not had much time to look into the book, but he did look for two or three well-known statutes, which were not in the book.

HONOURABLE MEMBERS: Name the statutes.

Mr. GRIFFITH said, during the hour and a-half or two hours he was employed he discovered twenty statutes entirely omitted from the work: in one instance, the whole of the statutes relating to a subject entirely omitted; in another case a series of statutes, extending over a series of years, repealing, modifying, and altering, in various particulars, statutes that were printed in the book, entirely omitted. The result was this: that the book was perfectly worthless. It would be simply a disgrace to the Government if they allowed it to be issued. Considering that in about two hours he found twenty statutes that had been omitted, he did not know how many he might have discovered if he had devoted more time to it. Considering that the hon. member had been employed for nine months in compiling the Statutes, and left out so many that he (Mr. Griffith) had been able to discover in a couple of hours, they could draw their own inferences of what else was likely to be left out. He then looked to see what repealed statutes had been included, and he found statute after statute that had been repealed printed in the book. He hoped, for the credit of the Government, that the book would never be issued, for he ventured to say that all the paper used for it had become simply waste paper. Any intelligent clerk in a lawyer's office could, if he were asked, find out what he had said to be perfectly correct. The Government might now perhaps tell them what they proposed to pay for the work; or, did they intend to make a further engagement with the hon. member for Cook to correct these mistakes and start afresh, and pay him another £500—or £1,000, perhaps? However, they were entitled to know what the Government intended to do. Would they give them the assurance that the book would not be issued? If it were issued there would be page after page of errata, and this would fill at least 100 such pages. He found many important statutes omitted; and, upon referring to those in the book, so many inserted that had been altered, repealed, and modified, that he thought it would be far better to continue using the volumes they had on the shelves. That was what he knew so far of the subject. He might state that the Under Colonial Secretary called upon him yesterday and asked

him to furnish him with a list of the statutes omitted. He declined to do so, and he thought he was sensible. He declined for his own credit sake, for he would not undertake the duty of furnishing a complete list without making a more careful search. That was one reason why he would not give the information. He must confess that amongst the number there were several statutes that he was not before aware were in force, but all of which, with the material at hand, could be found out in the course of a day or two. He found that many people in the colony were under an entire delusion as to what laws were in force here, but these matters could be found out by any intelligent clerk in the Colonial Secretary's Office. A revised edition of the Statutes was urgently wanted in this colony. It must be sometimes found practically impossible to administer the law, simply because the statute law in force could not be found out. He hoped that such a book would be issued, but he hoped it would be a book that would not be misleading. He would give one curious instance, and it was a wonder to him how it could have happened. He found that since Mr. Handy's edition of the Statutes was published nine statutes had been passed dealing with a certain subject, and out of these nine only one had been inserted, and that, strangely enough, was one of three passed in the same year; the compiler taking the middle one and leaving out the first and third. A more grotesque compilation could not possibly be printed. The edition published in 1874 was very incomplete, but it was perfection compared with the copy sent to him. He considered it very desirable that a select committee should be appointed to inquire into this subject, but he was sure that if it was asked for the Government would refuse it.

The ATTORNEY-GENERAL said he could quite understand what had stimulated the hon. gentleman's industry in this matter. He wanted to have some cause of complaint against the Ministry. He could tell the hon. gentleman that the Ministry were perfectly prepared to take the whole responsibility of this work. They had to find out someone to do this work, and selected the best person they could find to do it, and if they had made mistakes they were perfectly prepared to take the responsibility. He (the Attorney-General) had not investigated the work sufficiently to say whether it was perfectly satisfactory or not, as he had not had time to do so; but he shrewdly suspected that these twenty statutes said to have been left out were English statutes, about which the gentleman compiling the work in question might exercise his own judgment as to whether he should insert them or not. There were many Imperial statutes which he might not deem necessary—the shipping laws, for instance. Moreover, if they were inserted they would swell the work to a very inconvenient extent. It was his opinion that the compiler, in leaving out English statutes applicable to the colonies, had exercised a wise discretion. He did not think that amongst the number of omitted statutes discovered by the hon. member there were any English statutes that applied to this colony.

Mr. GRIFFITH: Yes, there are some that apply exclusively to the Australian colonies.

The ATTORNEY-GENERAL: They might apply exclusively to the Australian colonies, but they did not apply to this colony, and if not, where was the necessity for inserting them in this book? It was a matter entirely in the discretion of the compiler. As to the book containing statutes which were repealed, he suspected they were statutes respecting which it was very doubtful that they had been actually repealed, or were only repealed by implication; and in that case he thought they ought to be inserted. He believed that no statute that had been specifically repealed would be found in the work, although, as he had said, he had not examined it in a very critical way.

Mr. HORWITZ said it seemed to him that they had paid away the sum of £500 for nothing, and he did not think the information given by the Attorney-General was satisfactory. He objected to the hon. member who was engaged in the work receiving any money before the work was completed.

Mr. KINGSFORD said it did not necessarily follow that because the hon. member for North Brisbane (Mr. Griffith) said the work was useless that it was so. He thought there should be some further evidence than that hon. member's mere *ipse dixit*. The hon. member might be correct or not, but in justice to the compiler he ought to have more information on the subject before he spoke in the confident way he did. It appeared a characteristic of the hon. gentleman that he should be infallible, but he (Mr. Kingsford) thought some further investigation should be made.

Mr. GRIFFITH said the Attorney-General had said that the statutes referred to had no doubt been omitted in the discretion of the compiler: but amongst those he found omitted there were statutes which could have been left out by no compiler. There were statutes specially applicable to the colony; entirely altering the meanings of the terms in other statutes—not statutes that might be left out at discretion. As he had said before, it was not a matter that could be disposed of now, but he thought it was advisable that a committee should be appointed to inquire into it. To publish the book in its present form would be a disgrace to the colony, because it would be entirely misleading. He did not wish to say anything about the relationship existing between the hon. member for Cook—as a member of that House;—it did not make the matter any better if they considered the relationship between the compiler of these statutes, as a member of that House, and the Government, taking into consideration the disapproval expressed by that House to the employment of members of Parliament to do work for the Government. The Government declined to give any information on the subject—how much the member was going to get for it;—whether it was finished or not, when they knew it was completed a fortnight ago, and, he believed, would have been issued if attention had not been called to it. Under these circumstances the House was entitled to some more definite assurance or explanation from the Government. These things could not be tolerated for long. A line must be drawn somewhere. Hon. members on the other side—one of them at least—professed to want information on the subject; they could easily get that by moving for it.

An HONOURABLE MEMBER: You move for it.

Mr. GRIFFITH said he should like to know if a committee would be granted?

The PREMIER said the hon. gentleman never took up a case but he spoiled it by going a great deal too far. To-night he had tried to work himself into a state of virtuous indignation again, and had raked up a case against the Attorney-General.

Mr. GRIFFITH: No.

The PREMIER said yes. The hon. gentleman pointed out the relationship existing between the Attorney-General and the hon. member for Cook.

Mr. GRIFFITH : Never ; you know I did not.

The PREMIER : The hon. gentleman, lawyer-like, said—"I will not mention the relationship ; the fact does not make it better—it makes it worse." The insinuation was most distinct.

Mr. GRIFFITH : You know it was not made.

The PREMIER : The insinuation was most distinct—that it was corrupt on the part of the Attorney-General to employ his own relation, the hon. member for Cook.

Mr. GRIFFITH : You know I said no such thing.

HONOURABLE MEMBERS : Order, order !

The PREMIER : The hon. gentleman never rose that he did not spoil a case by going a great deal too far. He (the Premier) saw the insinuation most distinctly—that the relationship between the Attorney-General and the hon. member for Cook was so direct that it made the case a great deal worse.

Mr. GRIFFITH : You know that no such suggestion was ever made.

The PREMIER : Why should the hon. member have called attention to the relationship at all ?

Mr. GRIFFITH : I did not.

The PREMIER said, was he to believe his own ears ? Did the hon. member think he was going to howl him down ? He would not howl him down if he roared for a fortnight. He would tell the hon. gentleman and the House what he wanted to say. He would tell the facts of the case. With regard to this relationship, he positively did not know that the two gentlemen referred to were related, except from a leading article in the daily *Telegraph*. That was the first intimation he got of it. One article said that the Attorney-General was the uncle of the hon. member for Cook ; another that the hon. member for Cook was the Attorney-General's uncle. Another said that they were brothers, and then that they were cousins. He did not care what relationship existed between the two gentlemen ; and, as to employing the hon. member for Cook to revise the Statutes, the Attorney-General had nothing to do with it, because he was not Attorney-General when the hon. gentleman was employed.

Mr. GRIFFITH : I know that.

The PREMIER : So that the hon. gentleman might have saved himself the imputation that he had brought against his (the Premier's) colleague and the Ministry.

Mr. GRIFFITH said the hon. gentleman knew as well as he knew that he never made such a suggestion or referred to anything of the kind. He knew it, and knowing it he repeated the statement time after time in order that he might escape under a cloud of dirt. The hon. gentleman knew perfectly well, and knew when he was speaking, that he (Mr. Griffith) never meant to suggest anything of the kind.

The ATTORNEY-GENERAL : I understood you to do so.

Mr. GRIFFITH said it never occurred to him to do so. He knew the Attorney-General was not Attorney-General when this corrupt bargain was made ; and he believed it would not have been made if the present Attorney-General had been a member of the Government then. It never occurred to him to suggest anything of the kind ; but the connection between the Government and the hon. member for Cook with respect to this revision of the Statutes had been referred to two or three times.

The PREMIER said the words were, "the relationship between the Attorney-General and the member for Cook." His hon. friend and every other hon. member understood the same. He was satisfied that there was not a member who did not think as he did.

Mr. GRIFFITH said he said, "the relationship between the Government and the member for Cook." He never said anything of the kind imputed to him, and if he had done so accidentally he would be the first to apologise. He would do so now if he thought he had said such a thing. The transaction did not require anything of that kind to expose it. It spoke for itself.

Mr. HAMILTON said it was all very well for the leader of the Opposition to say that he did not make any insinuation respecting the relationship between the Attorney-General and the hon. member for Cook, but he was perfectly certain that to every person in the House the impression was conveyed that that was what he referred to ; and he (Mr. Hamilton) was confident that when *Hansard* appeared to-morrow morning, if the words were reported as they were uttered, that was the impression that would be conveyed to everyone who read them. The leader of the Opposition asked the Government to stop the publication of these Statutes on his bare assertion that a number had been left out ; but when he was challenged to mention the names of those statutes, so that it could be seen whether his statement was true or untrue, he refrained from doing so, and alleged as a reason that if he did so his reputation would be gone, because, if he again looked over these Statutes, he might discover that more had been left out. This was evidently not the real reason that actuated the hon. member in refusing to supply evidence in corroboration of his statement.

Mr. SWANWICK said the virtuous indignation of his hon. friend the member for Gympie was perfectly thrown away, because everyone who had had the pleasure of being in the House during the last two or three sessions knew perfectly well that any statement made by the leader of the Opposition was just as true as the statements made by him as regarded the steel rails inquiry. As regarded the matter which had been brought forward, the leader of the Opposition was challenged in several places to name certain statutes that had been left out. If he had only named one that would have been a certain amount of satisfaction, but there was no doubt that the question had been raised with a view of throwing mud on the top of the Government, as he always endeavoured to do. Like a skilful general, the hon. gentleman first advanced a lot of skirmishers, and, finding that anything they said had no weight whatever, at last there was a flank movement, and he disclosed himself as leader and came forward, with what advantage there was no doubt the result this evening would show. No doubt a great many of the things that that hon. gentleman might bring forward might, or might not, be correct ; but when he came forward after mature deliberation—and there was no doubt the hon. gentleman had given the matter mature deliberation—and said that he had only devoted two hours or an hour and a-half to the subject, that was a matter that rested with himself, but upon which he (Mr. Swanwick) had very considerable doubt. When the hon. member came forward, after several hours' study of these Statutes, and tried to pick out holes and faults in them, and said that certain statutes had been omitted and others which had been repealed had been inserted, the least thing he could have done would have been to name at least one solitary statute that had been omitted, or that had been inserted after it had been repealed. The hon. gentleman had not had the pluck, in accordance with his

usual character, and in spite of a popular demonstration, to bring forward one statute which had been omitted.

Mr. RUTLEDGE said he shrewdly suspected the real reason for the advertisement, so called, that was to be affixed to the Statutes. It leaked out the other night that the Statutes were not what they ought to be, and that there were some serious defects in them, and now it was intended to make good those defects by placing the omitted statutes in an addendum. He wished to refer particularly to what he considered a very ungenerous observation made by the hon. Attorney-General, when he spoke of the stimulated industry of the leader of the Opposition. He said that what stimulated the hon. gentleman's industry was a desire to get hold of something to damage the Government. He wanted to know whether this was a generous reflection to make? The other night, when the Attorney-General was absent and the Colonial Secretary had charge of two most important measures that were then before the House, his hon. friend was there—not getting hold of some matters to damage the Government, but sitting at the table poring over the measures, and lending the most industrious help towards getting them through committee with as few errors as possible. He thought, if they wanted anything like industry, there was stimulated industry. The hon. gentleman should take a suggestion that had been made to him before now, and not be so generous in his exhibition of industry for those who sneered at him.

Mr. SWANWICK said he only hoped that the meritorious speech of the hon. member who had just spoken would meet with its due reward. That would be the next time the hon. leader of the Opposition was leader in a case he would make the hon. member for Enoggera (Mr. Rutledge) his junior. That was the whole secret of it.

Mr. GARRICK said that, although the Government could not tell them the price that they were going to pay for those Statutes, they might tell them what agreement had been made with the hon. member for Cook as to what he was to receive. What was the contract between Mr. Cooper and the Government? What money was to be received for those Statutes; what was the basis of the contract? All they were told was that the Statutes had been sent in and printed and the pages had been sewn, and yet there seemed to be no understanding on the part of the Government as to what was to be paid to Mr. Cooper for them. Surely they were entitled—as custodians of the public purse, they were entitled—to know what was the contract between the Government and the hon. member for Cook as to what he was to receive for this work. What was it to depend upon? That was what he should like to know. He wondered that the hon. member for Cook had not had the courage to speak out and tell them what he was to get—that he had not been stung by a sense of dignity to tell them what he was to receive. Would nothing make him do it? Was there nothing in oratory which could persuade him; was his skin so dreadfully thick that there was no lance of the strongest or sharpest kind that would pierce that hide? Could the hon. gentleman sit there and hear them speak, and not rise in reply? When he looked upon the ranks on the Government side he thought each one of them would have jumped to his feet and howled at them, but the hon. member for Cook sat there, as it were, rattling the guineas in his pocket, without a word of explanation. Surely they could get at it. They had done much to rouse the hon. member for Cook, and had failed; but they must keep at him. It was no use talking to the Government; they were utterly bad, and resolved to do nothing whatever. Surely there was something left in the hon. member for Cook. He (Mr. Garrick) could not believe that he could remain much longer without taking up the challenge. Was the hon. member to get paid for anything besides revising the Statutes? What did his contract include? Or, possibly, there was no contract at all. They had heard it said that hope sprang eternal in the human breast; he really believed it sprang not only eternal, but perennial. They would like to know really what the hon. member expected in this matter.

Mr. SWANWICK thought the hon. member for Moreton had made a very generous speech, more especially as it was in relation to a member of his own profession. There was no doubt that no hon. member in this House knew better how to make a generous speech than that hon. member; but if the hon. member would only add one thing more to his generous speech, he (Mr. Swanwick) would be perfectly satisfied. The hon. member had told them that the hon. member for Cook had rattled guineas in his pocket; but he (Mr. Swanwick) had heard no rattling. If the hon. member for Moreton would go a step further and rattle out of his pocket the guineas he got from Mr. Macansh, of Canning Downs, then this House would be perfectly satisfied.

Mr. GARRICK said he hardly thought the hon. member for Bulimba was at any time worth replying to.

Mr. SWANWICK: Well, don't reply.

Mr. GARRICK said that hon. members would understand—and he stated this for the benefit of the country—that the dastardly lie which the hon. member had insinuated here——

Mr. SWANWICK rose to a point of order. He submitted that the hon. member was out of order. The hon. member had charged him with telling a lie; and he moved that the words be taken down. The words the hon. member used were that he (Mr. Swanwick) had told a dastardly lie.

Mr. GRIFFITH: And very good words, too.

The CHAIRMAN quoted the 93rd Standing Order, as follows:—

"In a Committee of the Whole House the Chairman will direct words objected to to be taken down, in order that the same may be reported to the House."

The words taken down were "the dastardly lie which the hon. member has insinuated."

Mr. GRIFFITH said he thought the words were, "the dastardly lie which the hon. member has insinuated."

Mr. SWANWICK objected to the word "insinuated." The hon. member for Moreton had said that he (Mr. Swanwick) had told a dastardly lie.

The PREMIER: The words used by the hon. member were, "the dastardly lie which he has insinuated." He moved that the Chairman leave the chair, and report the matter to the House.

Question put and passed.

The House having resumed,

The SPEAKER said it had been reported to him that the hon. member for Moreton had made use of the words, "the dastardly lie which the hon. member has insinuated." According to the Standing Orders, the hon. member had an opportunity of offering an explanation.

Mr. GARRICK said he had had no intention whatever of infringing the proprieties or decorum of the House; he would be the last to do so. Certainly there were weaknesses of temper, and one might say things in the heat of the moment which he would afterwards regret. The hon. member for Bulimba had made a gross statement.

Mr. Macansh, it was well known, was the owner of Canning Downs. It might not, perhaps, be known, but he would now state, that Mr. Macansh was connected with his (Mr. Garrick's) wife's family by marriage. The insinuation of the hon. member for Bulimba was in connection with some grants for Canning Downs. He (Mr. Garrick) was Minister for Lands at the time the grants were made, and the insinuation was that he, as Minister, had given up those deeds wrongly. He had done so after a decision had been given regarding them—a fact which would be borne out by those connected with him at the time, and which he thought needed no explanation. It was well known that those deeds were given up after a decision at home, and after the then Attorney-General, now the leader of the Opposition, had written an opinion for the guidance of the office he (Mr. Garrick) then filled. In pursuance of that opinion those deeds were delivered up in the department in the ordinary routine of business, and in no other way. The insinuation made by the hon. member for Bulimba was that those deeds were not given up in the ordinary departmental way, or in his (Mr. Garrick's) ordinary administration as Minister for Lands, but were given up—he hated even to think of such a term, much less to mention it—were given up corruptly; that was the answer to a similar insinuation made a few months ago. He maintained that when an hon. member made such a statement as that, no man, if he was a man, could sit still and refuse to say what he (Mr. Garrick) believed it was—an insinuation of a dastardly lie.

The SPEAKER said that provocation received might be taken by the House as an excuse for the committal of an offence, but not as a justification of it. In order to save the time of the House, therefore, he would ask the hon. member to make a proper apology, and then to withdraw whilst his conduct was under the consideration of the House.

Mr. GARRICK expressed his regret at having used the words, but said he would use them again.

The hon. member then withdrew.

The PREMIER said he was sorry that the hon. member had devoted the greater part of his remarks to an attempt to justify what he said. The hon. member seemed to forget that it was not to the hon. member for Bulimba that he was called upon to apologise—no one had expected him to do that—but to the House, because the Standing Orders of the House would not permit the use of such language, no matter what the provocation might be. He understood that the hon. member had apologised to the House, and he moved that the apology be accepted.

Question put and passed.

The SPEAKER left the chair, and the Committee resumed.

Mr. THORN said the Committee had a right to expect some information from the Government as to the amount which the hon. member for Cook was to receive for revising the Statutes. He understood that, if it had not been for a want of material in the Government Printing Office, the Statutes would have been out months ago. The Government were setting a very bad precedent in feeing a member, because, if a legal member of the House could be feed, there was no reason why the principle should not be extended to any other member.

Mr. RUTLEDGE said it was all very well for the Government to tell the Opposition to move a vote of want of confidence if they did not approve of the actions of the Government; but they must know that they could do so safely, because many of their own supporters, who might be dissatisfied with their action in withholding information, would be driven by their own interest to vote against such a motion, and save the Government from defeat. No doubt the Government deserved a vote of want of confidence, and, as the unexpected often happened, perhaps the day might not be far distant when they would get it. The Committee was entitled to have the information for which hon. members were asking, and, as it could be given, it ought to be. It was the business of the Opposition to watch the expenditure of the country, and not to sit like dumb dogs when the Government refused to give information. If any administrative act of the Government deserved reprobation, it was this act; and if the Opposition sat still under such circumstances, they would deserve to be execrated by the country.

Mr. MACFARLANE said he hoped the Government would no longer refuse to give this information, as by doing so they were blocking the business of the country.

The PREMIER: What do you want to know?

Mr. MACFARLANE said he wanted to know if any agreement had been entered into for compiling the Statutes.

The MINISTER FOR WORKS: You were told that long ago.

Mr. MACFARLANE said the Committee did not know whether the cost would be £500 or £1,000 or £1,500. The leading journal had stated the other day that the Opposition were neglecting their duty in not getting more information. An honest, simple "yes" or "no" was all the Committee wanted.

The PREMIER said if the hon. member was contented with a simple "yes" or "no" he would never have asked the question; because a downright "yes" or "no" was given the first time a question on the subject was asked. He (Mr. McIlwraith) then stated that there was no agreement, and there could hardly be any other member of the House than the hon. member who was ignorant of the fact.

Mr. THORN said it was not a matter of an agreement. The Committee wanted to know whether it was proposed to make the payment of £500 up to £1,000, or £1,500, or £2,000. In addition to the payment to Mr. Cooper, he understood that the expense of printing had been £3,000 to £4,000. All that had been utterly wasted on a lot of useless statutes, and he wanted to know how much more of the money of the country was going to be spent in that way. The Committee were entitled to know whether the rumour that Mr. Cooper was to receive an additional £1,000 was correct.

Mr. KINGSFORD said the hon. member should hesitate before uttering such clap-trap as that the money of the country had been utterly wasted. Until the Statutes had been produced, and there was some evidence on the subject, no hon. member was entitled to make such an assertion. Statements made by hon. members were published over the whole colony, and they might be quite untrue, like the statement just made. When proof was brought forward sufficient to convince the Committee that a corrupt bargain had been made between the Government and the hon. member for Cook, then it would be time for the hon. member to declaim; but until then he would be wise to reserve strictures which bore hardly upon the character of another hon. member. Nothing had transpired yet to show that money had been wasted.

Mr. FRASER said the real question was not whether money had been wasted or not. It was

the peculiar province of the Committee to know what money had been paid, what it was paid for, and how it was paid; and hon. members were only exercising their legitimate rights when they asked the Government for an explanation on those points. Hon. members asked civilly for that information, and they were perfectly entitled to get an answer.

The PREMIER said if the hon. member had been in his place he would have heard the question answered to-night by the Attorney-General

Mr. GRIFFITH said all the information the Committee had obtained yet was that the hon. member for Cook was engaged by the Government to do certain work, the amount of remuneration being left to the goodwill and pleasure of the Government, and he thereby becoming simply a beggar on their hands to be fed as it pleased the Government to drop food into his mouth—not entitled to ask for anything, but taking the bounty which the Government were pleased to give him from time to time. If hon. members thought it was a proper thing that a member of the House should from time to time receive bounty from the public Treasury at the pleasure of the Government, he (Mr. Griffith) thought it was a very bad state of things. It was possible that the Government thought this amount already paid a sufficient expenditure. At any rate, it was an open secret that the hon. member expected to get another £1,000. He (Mr. Griffith) stated that the work was not worth 1,000 pence. The hon. member might not get the money, but he might get it, and in payments which would not be finished by this time twelve months. He (Mr. Griffith) was quite sure that the work would not. Some hon. members had said that there was no proof of the Statutes in this volume not being complete; but he had stated they were not so, and, though he had declined to give the Colonial Secretary a list of the absent statutes, he had given the hon. gentleman the information to enable him to find out for himself, and any hon. member could go and get the information for himself in the Library. He found Acts included which had been repealed, and altered, and modified in all sorts of ways. Amongst the Acts omitted he might mention one which they had trouble enough to get passed—the Australian Customs Duties Act—which was an Act to enable the colonies to make treaties for differential tariffs. That was not included. Other things were not there, and the "Rules of the Road at Sea" were not printed aright. He asked hon. members on the other side of the House—if they had leave to speak at all, if they desired to see the reputation of the colony not disgraced in these proceedings—if they would support his motion for a select committee to ascertain what really was the value of this work?

The PREMIER said that the hon. the leader of the Opposition assumed a great deal too much when he assumed that the members of the House and the public were satisfied with the proofs that this compilation was incomplete and full of faults, because he (the Premier) had the authority of the Attorney-General—they had heard the hon. gentleman say so in the House—that so far as he had examined the work he had found it to be satisfactory. Was the House to take it for granted that the leader of the Opposition was right and the Attorney-General wrong? He (the Premier) was prepared to let the matter remain there.

Mr. GRIFFITH said he would take the opinion of the Attorney-General that they were complete.

The PREMIER: He has given his opinion.

Mr. GRIFFITH: No, he has not.

The PREMIER said that the Attorney-General had given his opinion in the most straightforward way that night. The hon. leader of the Opposition spoke of the conversation he had had with the Under Colonial Secretary. He (the Premier) had heard that conversation, and he did not think it gave any satisfactory proof to his mind that a single statute was left out which ought to have been in the compilation. He was satisfied that, if it was to be done with the minuteness with which the hon. member would have it done, the work would be twice the size, and more expensive in proportion.

Mr. GRIFFITH: There would be about 100 pages more, and it would be worth 400 guineas—not more.

The PREMIER thought not. From what he understood of the matter it was very much a question of judgment whether some of these Acts were put in at all, and from the conversation he had with the Under Colonial Secretary he found that the Acts omitted were omitted from the compilations made by Mr. Handy and Mr. Pring which should have been put in. He (the Premier) said that the House was not at all in a position to discuss this thing. He knew how it was brought up. He was quite prepared to meet a motion—however framed—on the subject. It was very illogical to fight the Government simply with delay. They could not come to any conclusion now. The members of the Government had no further information to give, so how could hon. members have it, even if they delayed the Estimates for a month?

Mr. GRIFFITH said that the statutes he had referred to were such as ought not to have been omitted from this compilation, and he ventured to say that no member of the House—be he layman or lawyer—would say so when he looked at them. It was a matter of fact, too, that statutes were printed there which had been repealed, or in part repealed, by express enactment. What he was anxious for was that this matter should be thoroughly investigated. Would the hon. gentleman have a select committee to inquire into it?

Mr. HAMILTON said the leader of the Opposition had evidently a far higher opinion of himself than the other members had of him, if he imagined his reputation for veracity stood on such a high pedestal that his simple *ipse dixit* should be accepted as proof of the truth of any statement he might make. He had to-night attacked a member of the House—had asserted that a work of his was a disgraceful production—and, when asked to bring corroborative proof of his statements, had shirked doing so, and appeared surprised that his mere assertion should not be sufficient proof. His (Mr. Hamilton's) first experience of the hon. member in that House had been such as to cause him to regard with grave suspicion any statement he might make. He recollected, when Mr. Pring made a statement in the House that he had a communication with the leader of the Opposition on a certain subject, that Mr. Griffith emphatically denied it. Mr. Pring then said that he had actually received a letter from Mr. Griffith, but that, being a semi-private one, it was mislaid. Mr. Griffith, after hearing Mr. Pring make that statement, distinctly stated that he never had any communication whatever on the subject with the hon. member, thinking that the evidence was lost. On the very next day Mr. Pring moved the adjournment of the House, stating that he had found the letter, which he then read to the House. It was signed "S. W. Griffith," and proved the statement made by Mr. Griffith that he had never had any communication on the subject with Mr. Pring to be totally untrue. Since that time he (Mr. Hamilton) had always been loath to take

the *ipse dixit* of the leader of the Opposition as gospel.

Mr. GRIFFITH said that it was hardly necessary to take up the time of the House with a matter which a reference to *Hansard* would show to be entirely incorrect. As, however, the hon. member had made the statement, he supposed he must correct it. What Mr. Pring said was that he (Mr. Griffith) had offered him the Solicitor-Generalship. He (Mr. Griffith) said he had not. It was in the first week of the session of 1879. He (Mr. Griffith) could not understand what the hon. member alluded to, and stated that he had had no communication with him on the subject. Next morning he thought some more about it, and on arriving at his office he searched in his drawer and there he found the draft letter which was referred to. He communicated with Mr. Pring that day, and said that if he did not mention it to the House he (Mr. Griffith) would. Mr. Pring did mention it, and so did he (Mr. Griffith) afterwards. As to offering him the Solicitor-Generalship, he did not think he did so then, nor did he think so now.

Mr. HAMILTON said that the letter Mr. Pring produced was not the copy found by the leader of the Opposition, but the letter he received from him. The statement made by the hon. gentleman was that he had had no communication with him on the subject, and the letter proved that he had had some communication with him on the subject.

Mr. RUTLEDGE thought that the leader of the Opposition was quite right not to tell the Government what were the twenty statutes omitted from this compilation. It was an old trick for the other side of the House to suck the brains of the leader of the Opposition; and he dared say, if the hon. gentleman supplied this list, he would find it duly incorporated in the addendum which was to be compiled. The hon. gentleman, therefore, acted very wisely in letting the Government find it out for themselves by-and-bye. He did not think it was a case of pitting the leader of the Opposition against the Attorney-General, because the Attorney-General had not committed himself to the statement that the work was entirely satisfactory. He only said that he had made no critical examination, but that, so far as he had gone, nothing had struck him as being defective. The hon. gentleman said he had not gone into it analytically. If an inquiry were to be made, the hon. gentleman, the leader of the Opposition, would be one of the first and most competent witnesses called as to the value of the work; and he (Mr. Rutledge) took it that the opinion of the hon. gentleman, given deliberately before a select committee, would be of no more value than his opinion given in the House.

The PREMIER said he should not be disappointed if he found things in a compilation which ought not to be there. If they went into the matter so minutely, it would be more than the best barristers could do to determine what should go in and what should be left out.

Mr. GRIFFITH asked on what principle the revised edition was to be compiled? Did it include Imperial Acts, or not? In Victoria, Colonial statutes only were included; and that was an intelligible principle. The materials for making a complete compilation of all the Imperial statutes in force in the colony were never conveniently available till last year, but at the present time a man of ordinary aptitude could in a month make out a complete list of the Imperial statutes applicable to the colony. It was ludicrous to find Acts relating purely to the Australian colonies omitted, and Acts which had been repealed included in the book. Let the Merchant Shipping Acts be left out altogether if they liked, but they should not put in what was repealed. There were Acts passed in England, partly in consequence of correspondence between this colony and the Secretary of State for the Colonies, and these were left out, though they applied to this colony. If this edition were published there would have to be a note to the effect that the book was incomplete, and it would be the duty of the next Government to have it completed. They should first get a competent man to do the work, which should be done under the supervision of some leading member or members of the Bar. There should be a careful compiler in the first place, and the exercise of a careful discretion as to what should be omitted. There were many cases in which the discretion of two or three might be better than that of one. He felt inclined to ask for a select committee to examine the work before it was issued; but he supposed the matter would be mentioned again. He had one word to say, however, with respect to the member for Gympie. On page 62 of the *Hansard* of 1879 he found Mr. Pring said:—

"The facts were that he (Mr. Pring) had been asked by the hon. member he referred to if he would accept the office of Solicitor-General without portfolio, the senior member for North Brisbane being Attorney-General."

"Mr. GRIFFITH: The hon. member is quite wrong. I never had any communication with him on such a subject in my life."

The same evening he asked Mr. Pring if he would allow him to see the letter, and he said he would. Next day Mr. Pring produced the letter, and this was it:—

"I send with this note a formal offer of the Central or Northern District Court Judgeship.

"In considering the matter, I wish you to be aware that it will probably be proposed next session to appoint a Solicitor-General to perform the duties of grand juror and chief prosecutor, now attached to the office of Attorney-General. The proposition, if made, is almost certain to be approved by Parliament. Should I be in office when the appointment is to be made, I feel that you are of all others the man to whom it should be offered. Your acceptance or non-acceptance of the judgeship will in that respect make no difference, as in either case, if the appointment rests with me, you will have the first offer of it."

That was written in 1875, and in 1876 a Bill was brought in on the subject. He need not read any more. He had made a mistake, and said so, and was never ashamed to say that he had made a mistake when such was the case.

Mr. HAMILTON said the statement made by the leader of the Opposition, even to-night, was not correct; and he would prove it by *Hansard*. The facts were these: Mr. Pring had stated in the House that he had a conversation with the hon. member on a certain subject. Mr. Pring then stated that he had actually received a letter from Mr. Griffith regarding the matter; but that, the letter being of a semi-private nature, he had not taken care of it. The hon. member for North Brisbane, on hearing that the letter had gone astray, thought, doubtless, that his word would be as good as Mr. Pring's; and immediately asserted that he never had any communication with Mr. Pring on such a subject. But next afternoon Mr. Pring moved the adjournment of the House, and produced Mr. Griffith's own letters, proving that his statement was not true. The hon. member for North Brisbane, to-night, in explaining the matter of the letters, said that on the morning of the day that Mr. Pring moved the adjournment of the House he (Mr. Griffith) found the drafts of the two letters he had sent Mr. Pring, and wrote to that gentleman informing him of that fact. He also attempted to convey the impression that Mr. Pring read these drafts to the House; but the pages of *Hansard* afforded evidence that his statements were untrue, for there the following words appeared:—

"The Hon. R. PRING moved the adjournment of the House for the purpose of reading to the House two letters

which the hon. member for Brisbane had requested him to send to him, but which he had not done."

Now, the fact of the hon. member having asked Mr. Pring to send him these letters proved that he had not found the drafts; for if he had, why should he want the originals from Mr Pring? It also showed that Mr. Pring read the originals which he had luckily found. Mr. Pring, moreover, did not care to trust the hon. member with the letters; for he went on to say that he had not complied with his (Mr. Griffith's) request to send him the letters, "as he preferred to read them to the House for the purpose of proving the accuracy of the statements made on the previous evening." When on the previous evening Mr. Pring referred to a conversation that he had with the hon. member (Mr. Griffith) on the subject of the appointment of a Solicitor-General, he denied it, but Mr. Pring replied that he had even received a letter from the hon. member on the subject, but had lost it. Mr. Griffith replied, according to *Hansard* :—

"The hon. member is quite wrong. I never had any communication with him on such a subject in my life."

But when the letters were produced next day, the leader of the Opposition then confessed, to use his own words, that he had made a mistake in denying that he had any communication with Mr. Pring on such a subject. He did not discover he had made a mistake, as he mildly put it, until Mr. Pring produced evidence in support of the truth of his statement. Then he admitted, to use his own words, that he made a mistake in giving the lie on the previous evening to Mr. Pring.

Mr. DICKSON said what had transpired this evening in regard to the Statutes justified them asking the Attorney-General whether he intended to ascertain whether the statements made by the leader of the Opposition were correct. Such a costly work should not be imperfect; and it was incumbent on the Attorney-General and on the Government to say that this revised edition of the Statutes would be submitted to some competent authority—possibly the Attorney-General—so that the country might have the assurance that it would be satisfactory. If such an assurance was not given, the work should be submitted to a select committee. Such a work should not be attempted by any one individual, however able in his profession. There should have been a committee of professional men, consisting of the best legal talent of the Bar, employed to collect and revise these Statutes; and then the work would have been more satisfactorily performed. He thought he was justified at the present stage in asking the Attorney-General to say whether he intended to look into the matter so as to satisfy the public that the work received his approval.

The ATTORNEY-GENERAL said the hon. gentleman had his opinion, and the Ministry had their opinion also; and they considered that they had the responsibility of the matter. The hon. gentleman asked whether it was his (the Attorney-General's) intention to examine the Statutes. He certainly intended to examine them as critically as time and opportunity would allow.

Mr. DICKSON said the question assumed a new phase the further they probed it. Would the Attorney-General be able to make that examination within a month?

The ATTORNEY-GENERAL: Certainly.

Mr. DICKSON said they understood that the work would be issued by that time. Of course, the Government thought they had secured the best services they could obtain for this work; but that was a matter of opinion. The country, being in the position of paymaster, expected the best value for their money; and if the work was not complete or satisfactory, no amount of investigation by the Attorney-General would make it so. So far as had been shown up to the present time, the work was incomplete and unsatisfactory. Assuming that the Attorney-General would find it so on investigation, was it his intention to have the omitted statutes reinserted and the repealed sections omitted? He thought this matter had not been considered by the Government as fully as it ought to be. It was no excuse, and would be held as no excuse by the country, that they had employed the services of a gentleman to perform this work whom they considered a competent man to perform it, if it turned out, as it appeared very likely it would, that the edition was very unsatisfactory. He would ask the Attorney-General, if he found the work as incomplete as it had been stated to be, whether he would do the work over again by omitting the repealed statutes and inserting those which had been omitted?

The ATTORNEY-GENERAL said the incompleteness referred to by the hon. leader of the Opposition was of such a hazy description that he really could not tell what he should do if he found it to be as stated, because the hon. gentleman had stated nothing. If he found on examination that twenty English statutes had been omitted from the book, he certainly should not feel it his duty to insist upon these statutes being incorporated into the book, because personally he did not think they ought to be there. That was his opinion; it might be wrong. What he should do with regard to what was now a mere shadow he could not say.

Mr. GRIFFITH said of course the Attorney-General would exercise his own discretion. If the hon. gentleman thought fit to issue an incorrect book, of course he could do so; but for his own sake he hoped he would not.

Mr. DICKSON said another phase of the question was that, if this work was as incomplete as it was stated to be, was anything additional to be paid for it? They were told that something approaching £1,000 additional had yet to be paid for it, and it was only right to know whether there was a probability of that money being paid.

Question put and passed.

The ATTORNEY-GENERAL moved that £1,285 be granted for the Department of Insolvency. Hon. members would see that there were only two small increases of salaries: one to the clerk of the Official Trustee, who was a very efficient officer, and had been a long time in the Service; and the other to a messenger who had also been a number of years in the Service at a salary of £40, and as he now did the work of junior clerk in addition to that of messenger, he was put down at an increase of £20. The other items were as last year.

Question put and passed.

The ATTORNEY-GENERAL moved that £927 be granted for Intestacy. There were no changes in the items from last year. He thought it would be as well for the Committee to know that the expenditure for the year ending June last for the Department for the Administration of Justice was, he believed, for the first time in the history of the colony, entirely within the estimate; and the total sum on the Estimates for the department for this year was below what it was last year.

Mr. GRIFFITH asked if the Attorney-General could say how the Intestacy Act was working; whether the receipts covered the expenditure? It was anticipated when the Act passed that they would.

The ATTORNEY-GENERAL said the department was self-supporting.

Mr. GRIFFITH said he had another question to ask. The Insanity Bill now before the

House provided for a Master in Lunacy. Was it intended to make a separate office of that? It was quite certain that the Curator of Intestate Estates would have plenty of time to attend to the duties.

The ATTORNEY-GENERAL said the subject need not be decided upon yet, but consideration would be given to it.

Question put and passed.

On the motion of the PREMIER, the Chairman left the chair, reported progress, and the Committee obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER moved that the House do now adjourn.

Mr. GRIFFITH said he hoped the House would adjourn until such a time to-morrow as to enable hon. members to attend the funeral of the late hon. member for Rockhampton (Mr. Rea), which was to take place in the afternoon. He was sure all animosities were buried now, and that the Premier would adjourn the House out of respect to the late hon. member.

The PREMIER said all members of the House must join in the regret expressed by the hon. gentleman. He begged to withdraw his original motion, and to move that the House adjourn until 7 o'clock to-morrow.

Question put and passed, and the House adjourned at thirteen minutes past 10 o'clock.