Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 11 NOVEMBER 1885

LEGISLATIVE COUNCIL.

Wednesday, 11 *November*, 1885.

Appropriation Bill No. 2.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

APPROPRIATION BILL No. 2.

The PRESIDENT announced that he had received a message from the Legislative Assembly, forwarding, for the concurrence of the Council, Appropriation Bill No. 2.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time.

The POSTMASTER-GENERAL moved that the Bill be now read a second time.

Question put.

After a pause,

The PRESIDENT said: Hon. gentlemen,—There appears to be some difficulty about getting this Bill from the Government Printing Office, some mistakes which occurred in it having to be rectified. I notice that the Bill sent up from the Legislative Assembly is merely corrected in

writing. In order to enable hon. members to have the Bill in their hands, I shall resume the chair at half-past 4 o'clock.

On the House resuming,

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I did expect that on a question of such magnitude as that which now comes before us, in connection with this Appropriation Bill, the Postmaster-General would be the first to rise and address the House. That hon. gentleman must be aware that there are matters contained in the Bill that will not meet with the approval of the Council. I think I may safely say that a matter of such importance—of such great magnitude—has not arisen in this Council on any previous occasion. We have, from the end of the first session of the Parliament of this colony, had brought before us many Appropriation Bills, and our Standing Orders have been suspended to allow them to be passed through all their stages in one day. Appropriation Bills have, as a rule, passed with very little discussion. The question that now arises is, however, of a very different nature, and I trust it may be fully discussed, not only by the Postmaster-General hereafter, but also by most hon. members present, so that we may have their opinions on a matter of such great importance. It is within the memory of hon. gentlemen that not long ago a Bill relating to the payment of members of the Assembly was thrown out by the Council. On taking up the Estimates, I find that provision is made on them for the payment of the expenses of members, the provision being similar to that made in the Bill rejected by the Council. It is a well-established rule of Parliament that the same question cannot be taken into consideration in one and the same session when once it has been settled in that session. There may be means of doing it, but in effect this amounts to exactly the same as the Bill for the payment of members. Hon. gentlemen will see that the sum of £7,000 has been set down on the Estimates for that purpose, and I think I may as well state at once that it is my intention, when the Bill is in committee, to move an amendment omitting that item from the Bill. The question as to our right to alter money Bills was discussed not long ago, and I do not think it necessary now to enter into that matter at any length; nor do I think there is any similitude between the Constitution of the Imperial Parliament and our own Constitution. I therefore propose to stand only within the four corners of our own Constitution. Our Constitution is our bond, and whatever may be said as to the right we have of amending Bills that right is undoubtedly in our Constitution; I believe that is not disputed anywhere. The question then is, whether it is advisable for us to exercise that privilege? Under other circumstances I should decidedly say that it would not be advisable, and we have hitherto, ever since the separation of this colony, refrained from in any way altering money Bills. But the circumstances in this case are different. I, for one, having thought over the matter, have tried to look at the end of what I am commencing, and wishing to avoid as much as possible any collision with the other branch of the Legislature, I will, so far as I am able, refrain from making any observations that might not be liked in that place. Ministers brought in a Bill some time ago in another place, which was rejected by us. Ministers and hon. members have, against all parliamentary usage, being the custodians of the public purse, voted money to themselves. It now becomes our duty to step in and assert our privilege to avoid a recurrence of the same thing in the future, and to preserve the money of the people. I will own that the question we have before us is a very difficult one in view of the present state of the colony. With the drought that we are experiencing, the failure in sugar, and many other circumstances, the throwing out at once of the Appropriation Bill might plunge the colony into difficulties which few of us can foresee. We are now at a stage when all the energies, both of the people and private individuals, are required. I feel, being the mover in this matter, a great responsibility on my shoulders for the action I am now taking; but, hon. gentlemen, right must be done. Wherever a wrong is done a Nemesis follows, and the worst happens; and I think hon. gentlemen will agree with me that we should do what is right and take the consequences. I will not speak too much of our privileges, because, in my opinion, even the privileges of the Council should succumb to the good of the people, and I therefore take the position I am now occupying, believing that what I am doing will end favourably to the people. There were sundry ways in which this matter could be reasoned, and I turned and twisted it in every way I could. At first I thought it would be better, in the present state of the country, to refrain from bringing forward any amendment, and to let the Bill pass. But if we did that we should be condoning what we think is utterly wrong, and upon more mature consideration and reflection, I cannot see how we can do that, and make ourselves as it were *particeps criminis*. I therefore put that on one side. Another plan would be to throw the Estimates out altogether. That might by some be considered the best plan; but the reason why an amendment is proposed is that, in the first place, we exercise our right, and, in the second place, we give an opportunity to Ministers to reconsider what they have done. As we at present stand our position is firm, and I trust that nothing that the Council may do will alter that position. I cannot see how it will, in the minds of proper thinking men who can enter into our reasons for what we are now doing. Ministers will have the chance if they please to reconsider their decision by bringing in—that is, if they do not think fit to agree to our amendments—by bringing in another Bill without the objectionable part in it. If the colleagues of the Postmaster-General wish for the welfare of the country and not to disturb the finances of the colony, they will do that. However, I can know nothing of their intentions, and perhaps the Postmaster-General will explain them to us. I think hon. gentlemen will see that the one great motive I have in moving the amendment is that we should not, if possible, come into collision with another place, and cause what is generally called a "deadlock." If we look to what has occurred in other colonies under such circumstances, everyone in the country would be glad that there should be no deadlock here. There will be, no doubt, many others to speak, and my part is mainly in opening the question and giving certain reasons for so doing. I hope that the arguments which may be used by hon. gentlemen who take my view of the question will convince the Postmaster-General of the right we are doing in acting as we are acting. I trust that not only in this Chamber those who join me may have the approval of their own consciences; but I trust also that the country at large will give us credit for doing what we intend to do for their good, and for their good only. I shall in committee move the amendment I have shadowed forth.

The HON. F. T. GREGORY said: Hon. gentlemen,—Before entering upon the main question which is likely to be at issue before us to-day, as referred to by my hon. friend Mr. Murray-Prior, I will take a hasty review of the

position in which I conceive this House to really stand in regard to the question of Appropriation Bills. I may say, in so doing, that I have no recollection, nor do I find it in the records, that on any occasion since the establishment of responsible government in Queensland, has a more important question arisen for their consideration than that presented in the Bill before us. In so far as it involves the future independent exercise of the functions conferred upon us by the Constitution Act under which this Council exists and continues to perform its functions, it is unnecessary for me to repeat the various arguments which have been recently advanced in support of our contention that we possess absolutely co-ordinate powers with the other branch of the Legislature in dealing with money Bills, that is after they have been introduced to this House for consideration. According to my reading of statute law the only point on which we have absolutely no right to deal is in the introduction of money Bills, and for adding additional imposts upon the taxpayers of the colony. If we confine ourselves within these limits we shall run very little risk of going beyond the bounds of our constitutional rights; and I may safely affirm that this House, so long as it remains constituted as it is, and the calm, deliberate, and dispassionate judgment of its members is brought to bear upon all questions connected with money Bills or taxation, there is no fear that they will trespass beyond the reasonable exercise of those rights which they possess. The matter has been frequently discussed in the Press and in other quarters when various questions have been before us, and the consensus of opinion arrived at by those who take the true reading of the Constitution Act is that we possess the absolute power, but that we should be acting injudiciously and unwisely if, because we possess that power, we used it on all occasions or without forethought and consideration. The fact that up to the present time we have never come into serious collision with the other branch of the Legislature is ample proof that those powers have been exercised with thought and judgment. On the present occasion, however, we have a Bill brought up containing an item which we have deliberately rejected by a large majority, and that is—"Payment of members." It came before us as a distinct Bill. It was calmly and carefully considered, and by a verdict of the majority of the House, amounting to three to one, that Bill was rejected. It has been affirmed, and it is quite true, that this Bill has been before the House five or six times in the course of the last ten or twelve years. So far it may appear that, having been brought up so frequently, the House might in some degree be inclined to allow its judgment to yield to a wish expressed so frequently by the other branch of the Legislature. If this question merely resolved itself into a matter of six, seven, eight, or even ten or twenty thousand pounds, it might be well to concede the matter, as we have already shown by frequently passing measures incurring additional taxation, and also incurring additional expenditure, when we have had very grave and serious doubts as to whether they were for the good of the country, that we do not wish to come into collision with the other House; but on this occasion we have aimed at us a blow by the other branch of the Legislature, and if we submit now we shall be absolutely yielding and surrendering our rights. Had this been a question of the appropriation of a sum of money for a public work as to the utility of which we had very grave doubts—had it been for some purpose to aid and assist the various working classes of the country to carry out some project from which they might derive benefit though adding an additional burden to the country, we might say—"The popular branch of the Legislature has affirmed that it shall be done, and we may fairly let the onus stand with those who have passed the Bill"; but the responsibility would still rest undoubtedly with this House. It is a grave responsibility, and one which, I fear, on more than one occasion, we have not fairly considered. We have sometimes allowed measures to pass such as we have had reason since—and so have the people of the country—to regret. Nevertheless, there is no reason, because we have made mistakes, or because, on account of an extreme anxiety, we have yielded to the wishes of the other branch of the Legislature, that we should continue to do so in this case, when we feel that we should be guilty of absolute and unmistakable political criminality. The proposition is, as we all know, to vote money practically for the payment of members. Disguise it under whatever head you like, clothe it in any way whatever, it is distinctly payment of members and nothing more or less. It is of no use quibbling. The common-sense meaning of the item is—appropriating money to be put into the pockets of the other branch of the Legislature. To begin with, there are two or three important considerations connected with the question, and I will first consider the question of legality. The Bill has been brought up to this House and rejected. The other House, though not technically bringing it up as a new Bill during the same session, has practically done the same thing by tacking it on to the Appropriation Bill. It is as much a tacking on as it is possible to be; and how then are we going to accept, under the cloak of an item in the Appropriation Bill, that which we have distinctly affirmed to be prejudicial to the best interests of the country—to be an act of absolute wrong on the part of the other House; an act which will lead to all the consequences of an unconstitutional act? We have no right to be participators in that wrong. I will even go a step further; I will assume that we permit this item to pass. That vote will simply involve the members of the other House in the consequences to which they are liable under the Constitution Act. They have no right to vote money to themselves in any form or shape under that Act. I have already said that this attempt to coerce us into passing the sum of £7,000 as payment of the members of the other House is not only a serious blow at our privileges but an act utterly at variance with the principles of our Constitution. For the foregoing reasons I believe it to be my duty, when in committee, to exercise the constitutional powers which are possessed by the members of this House in aiding to remove therefrom the objectionable item to which I have alluded. It is wrong in principle, and, as I have before said, it would be an act of criminality—it would be a breach of the trust reposed in us, and a violation of constitutional law were we to do otherwise. I think it is hardly necessary for me to enter further upon the question now. The arguments that were advanced upon the Payment of Members Bill apply with equal force now, and, consequently, we should be in no way justified in attempting to pass that to which we have shown such unmistakable objection. It is not necessary either for me now to refer to the Constitution Act, which has been alluded to so frequently in support of our right to deal with the question, with the exception of once more pointing out a very simple process by which the object of the other branch of the Legislature can be attained, if the country really approves of such a measure. There is the simple process, which has been more than once pointed out, of

applying the principle of local option to the payment of members. In those districts where the taxpayers—the electors—believe that it would be for the benefit of the country in general that members should be paid, it would be easy to levy a rate and establish a fund for the payment of their members by law; but to apply a measure indiscriminately to the whole of the colony would be an act of gross injustice. Each electorate should possess the power to collect the revenue necessary to pay the amount required for the members of the district alone; but it is unnecessary for me to point out what a grave injustice it would be to put the whole of the colony on the same footing. It is quite evident that those who reside at the Gulf of Carpentaria, or in the interior, are put to far greater expense in attending Parliament than members who reside in Brisbane or the other towns in this part of the colony. Another reason why the item should not be passed is that it is entirely uncalled for. As far as I am aware there is not a single district in the whole of Queensland where there is any difficulty in obtaining persons who are willing to represent the people in Parliament without any emoluments whatever; and that being the case, I shall, when in committee, join the Hon. Mr. Murray-Prior and others who take the same view in eliminating the sum of £7,000 for payment of members from the Bill.

The POSTMASTER-GENERAL said: Hon. gentlemen,—With the consent of the House, I shall be very glad to reply to a few observations made on the general question by the two last speakers; if there is no objection I will proceed. Of course hon. gentlemen are aware that by moving the second reading of the Bill, as I did, without comment, I thereby lost the right of even replying; but my reason for making no observation was not that suggested by the Hon. Mr. Murray-Prior. I may tell hon. gentlemen that it is not customary for the leader of the Government in this Chamber to make a speech on the second reading of the Appropriation Bill, for reasons which must be fully apparent to every hon. gentleman in this House. As that hon. gentleman observed, the question of right was discussed very recently indeed in relation to the Local Government Act, and I think it is to be regretted that he, as well as the hon. gentleman following him, did not touch upon the question, because I think it would do no harm whatever to the respective minds of those present to be refreshed on that subject. I was, therefore, somewhat surprised and taken aback when the hon. gentleman sat down after having delivered an introduction to a speech upon that right. In the whole of his observations he made no reference whatever to the subject-matter of the question as it should be dealt with in this Chamber to-day; probably he intends to give us another speech. At any rate, he gave us a very good preliminary speech on the question, but he did nothing more. I take objection to the Hon. Mr. Murray-Prior's observation that Ministers have, against all parliamentary usage, voted money to themselves. Of course, I assume that he referred to the whole of the other House, because he must know that Ministers do not participate in the vote in question in any degree whatever, and, notwithstanding what he said, that this was a covert mode of establishing payment of members in the colony, I think that no one will for an instant assert that he was correct in that statement. The item in question is under the heading of "Expenses of Members," and the hon. gentleman wound up his observations by stating that at all hazards right must be done, and that a great wrong would be perpetrated if this Chamber allowed the Appropriation Bill to pass with that item included in it. He also stated that the inclusion of such an item was unprecedented, and said something to the effect that the present was a most momentous occasion, and the question a very serious one to deal with. Has the hon. gentleman forgotten that the matter was dealt with in Victoria some years ago?

The HON. T. L. MURRAY-PRIOR: No.

The POSTMASTER-GENERAL: If he has, I have not; and, for the benefit of the hon. gentleman, I will quote exactly what took place upon that occasion. It is embodied in a telegram despatched by Governor Bowen on the 19th September, 1877, to Her Majesty's Secretary of State for the Colonies, asking whether he was at liberty to consent to his Ministers placing on the Estimates a sum of money for the payment of members of the Legislative Assembly, in view of the fact that a Payment of Members Bill had been twice passed by them, and rejected by the other House. The reply was that that was not a matter for Imperial interference—a very proper and sound reply indeed, having regard to the origination of local self-government in British colonies a very long time ago, the origin of which has never been forgotten by the Imperial authorities; but it has been forgotten by this and other Chambers in other British colonies, very much to the detriment of the countries in question. Now, the Hon Mr. Murray-Prior said that if an amendment was moved it would give Ministers an opportunity of reconsidering their views on the question, but the hon. gentleman must be fully aware that Ministers have had time to consider their views. He must know that this is a matter that has been before this Chamber not once but frequently. It has been before the other branch of the Legislature on numerous occasions, and Ministers, properly interpreting the will and wishes of the people in this colony, took the responsibility of including this item in the Appropriation Bill now before this Chamber. Ministers would not be performing their duty if they did not do so. The responsibility, therefore, does not rest with Ministers in the sense that the hon. gentleman puts it. The responsibility, in fact, rests with this Chamber as to whether the public will is to be served and whether the full and frequent expression of the wishes of the people of this land are to be complied with or not. Incidentally, the last speaker, the Hon. F. T. Gregory, practically assented to the principle of payment of members in suggesting that it should be made a matter for local option. Now, I wonder how long that hon. gentleman has held that opinion. I believe that some hon. gentlemen--I know of two, at any rate, not including the hon. gentleman himself — who have held that opinion for many years, and, I believe, hold it now, but why have they not had the courage to introduce a Bill into this Chamber providing for that? They well know that their efforts would be entirely futile, and that there is no ground upon which they could found such a Bill. Now, the text of the Hon. F. T. Gregory's speech is this: He claims—to put it in the manner and mode of his previous utterances on this subject—co-ordinate rights and privileges with the other branch of the Legislature in this country—or rather, with one of the other branches, because the Governor is a branch. He gives us no ground upon which he rests that claim; he does not even quote from one of the well-known authors. Upon what, therefore, shall the amendment rest? Is it to rest upon the speeches and opinions of hon. gentlemen in this Chamber? Are we to be guided entirely by the ideas of members of this Chamber; or are we to be ruled, as we should be, undoubtedly, by constitutional usage, by parliamentary privilege, and by

parliamentary law, as represented in this colony by the Statute-book, by our Standing Orders, and, above all, by the parliamentary structure from which we spring—namely, the Constitution of Great Britain? Working from that point I shall offer a few observations on the ground of right. Where did colonial self-government first exist, and where was it first developed? The answer is, in Canada. After a great deal of confusion in that land, and much trouble, local self-government was at length established. If I can show this Chamber that the spirit of local self-government intended to be fixed upon that land by the Imperial authorities was an exceedingly liberal government, surely hon. gentlemen will not contend for one moment that that broad principle upon which a country is governed is a wrong principle; and if hon. gentlemen contend that this question is to be narrowed down to what has been suggested by the Hon. Mr. Gregory—that this House shall claim co-ordinate rights and privileges with the Legislative Assembly—I think there can be no difficulty in making a reply. Now, on page 56 of "Todd," in a part of the work which has been overlooked, it is said that Lord Sydenham—

"Publicly announced that henceforth the Government of Canada should be conducted in harmony with the well-understood wishes of the people, and that the attempt to govern by a minority would no longer be resorted to; a declaration which was received with satisfaction by all moderate men throughout the province."

Is this Appropriation Bill the result of a Government by a minority? I answer, no. If this Appropriation Bill is amended as is proposed, will that be Government by a minority? I answer, yes. I go further and say, if this Chamber is unanimous in amending this Appropriation Bill, that they will do what the Hon. F. T. Gregory said would be done if we passed the Bill—they will not be doing that which is constitutional. I say that if this Chamber is unanimous in carrying an amendment on this Appropriation Bill we shall be doing an unconstitutional act, and one that would indeed be government by a minority. Nothing has been said upon which that right can be founded. It has not been proved, and cannot be proved, that we have the right to amend the Bill; and, moreover, let me direct the attention of hon. gentlemen to this—that our statute cannot alter the principle of the British Constitution; we inherit that, and I will quote something further on to show that there is no statute law to alter or deprive the people of a British colony ruled by constitutional government of the rights which we inherit from the British House of Commons. On page 60 of "Todd" we find the following words:—

"Upon the confederation of the provinces of Upper and Lower Canada, Nova Scotia, and New Brunswick, into one dominion, under the Crown of Great Britain and Ireland, in 1867, it was provided in the Imperial Act of Union that the Constitution of the new dominion should be "similar in principle to that of the United Kingdom."

The HON. W. FORREST: What does that prove?

The POSTMASTER-GENERAL: It proves that the contention set up by the last two speakers is entirely without foundation. If hon. gentlemen contend that that principle is absent from our Constitution, of course there is an end at once to all argument. Some hon. gentlemen have said, "What about our Constitution as a statutory Constitution?" The Hon. Mr. Gregory contends that we have co-ordinate rights with the other Chamber, except that this House cannot originate. Let me say a few words upon that point. Under the head of "England," in the *Imperial Gazetteer*, E. A. Freeman, D.C.L., and S. Rawson Gardner, say:—

"The British Constitution is the growth, and embodies the wisdom and experience, of ages. No man or set of men first preconceived it in theory and then proceeded to give it a real existence.

"In general, any legislative measure may originate in either House; but the House of Commons possesses the exclusive privilege of originating money Bills and voting money—a privilege which it guards so jealously that it will not allow the Lords to make any change on a money clause in any Bill, of the most general nature, which the Commons may have passed and sent up to them."

This was also called "the money privilege of the Commons," and that privilege is as solemnly vested in the Legislative Assembly of this colony as in the House of Commons. Hon. gentlemen opposite want us to go back to the middle ages.

HONOURABLE MEMBERS on the Opposition benches: No, no!

The POSTMASTER-GENERAL: The arguments adduced by preceding speakers, as well as by hon. gentlemen on the other side of the Chamber, on the occasion referred to, are to the purpose that the power over the purse of the colony rests as much in this Chamber as in the other. That is a matter that has received the highest and gravest attention from many generations of men. I shall now pass to another phase of the question, still following up the point as to the rights of both Houses. It is quite right that I should again refer to it, because hon. gentlemen will then have no excuse for the vote they will give on this occasion. I quite agree with what fell from the preceding speaker that this is a most momentous occasion in many respects. I hope hon. gentlemen will bear that in mind. "Todd" says:—

"But whether constituted by nomination or election the Upper House in every British colony is established for the sole purpose of fulfilling therein 'the legislative functions of the House of Lords,' whilst the Lower House exercises within the same sphere 'the rights and powers of the House of Commons.'"

Again—

"In the case of New Zealand, the law was qualified by the addition of the words, 'so far as the same are not inconsistent with, or repugnant to, the Constitution Act of the colony,' a proviso which does not appear in the Canadian statute. The addition of this proviso, however, does not materially affect the question in its constitutional aspect."

That bears out what I said before with respect to attempting to enlarge the powers of the colonies by statute.

"But neither the New Zealand nor North Canadian laws can be so construed as to warrant a claim by the Upper Chamber of either Parliament to equal rights in matters of aid and supply to those which are enjoyed and exercised by the Commons House of Parliament of the United Kingdom; for such a claim, if insisted upon, would, to a like extent, derogate from and diminish the constitutional right of the representative Chamber.

"The Victorian Constitution Act, 1855, section 56, and the British North American Act, 1867, section 53, severally declare that 'Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the (Assembly or) House of Commons.'"

Hon. gentlemen will of course remember what I have said before, respecting the right of any Chamber to originate. Either Chamber may originate Bills dealing with general subjects, but the House of Lords can in no way, nor can the Upper House in any British colony, originate or interfere by amendment with any Bill of this kind. I admit that the Appropriation Bill may be rejected, as has been done on several occasions in the history of the British nation.

"No further definition"—

I hope the Hon. Mr. Gregory will note that—

"No further definition of the relative powers of the two Houses is ordinarily made by any statute. But constitutional practice goes much farther than this.

It justifies the claim of the Imperial House of Commons (and, by parity of reasoning, of all representative Chambers framed after the model of that House) to a general control over public revenue and expenditure, a control which has been authoritatively defined in the following words: 'All aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons, and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, *which ought not to be changed or altered by the House of Lords.*'"

Hon. gentlemen will recollect the case submitted in 1872 by the New Zealand authorities to the law officers of the Crown, and they will remember also what was the result of that. It was clearly to take away the alleged privilege or right claimed by the Upper House in that colony, and they have always acted upon that ever since. I shall not trouble the House by quoting the decision at length, but I must repeat a few words with reference to the British practice, which we must take for our guidance:—

"The relative rights of both Houses in matters of aid and supply must be determined in every British colony by the ascertained rules of British constitutional practice. The local Acts upon the subject must be construed in conformity with that practice wherever the Imperial polity is the accepted guide. A claim on the part of a colonial Upper Chamber to the possession of equal rights with the Assembly to amend a money Bill would be inconsistent with the ancient and undeniable control which is exercised by the Imperial House of Commons over all financial measures. It is therefore impossible to concede to an Upper Chamber the right of amending a money Bill upon the mere authority of a local statute, when such Act admits of being construed in accordance with the well understood laws and usages of the Imperial Parliament."

Will any hon. member say that in construing that statute he can ignore the constitutional practice, and usage, and laws of the country from which our Constitution has grown? I think not. All law, all usage, all practice, and all privileges are entirely on the side of those who contend that this Chamber has not the right to amend a money Bill. The Hon. F. T. Gregory said that if we yielded we should be absolutely surrendering our rights. Well, I do not apprehend any great catastrophe if the hon. gentleman does yield, nor——

HONOURABLE MEMBERS of the Opposition: If he does not yield.

The POSTMASTER-GENERAL: Hon. gentlemen have taken the words out of my mouth: nor do I foresee any great calamity if he does not yield. I believe that the people of this country will insist upon their representatives bringing about and establishing the laws which they desire, and as to the manner in which they achieve their wishes, that is to be regarded entirely as a matter of detail. The Government are entrusted with the confidence of those holding the franchise, and I therefore think that it is straining the matter very much too far indeed for any hon. gentleman in this Chamber to move an amendment upon a question of this kind, which has been well considered by the Government, upon whom the entire responsibility of including that item rests. I am aware that several hon. gentlemen wish to put it in that way.

HONOURABLE MEMBERS: No, no!

The POSTMASTER-GENERAL: They wish to put it as a matter personal to the Government. I hope hon. gentlemen will exclude that from their minds altogether, and remember that the Government are simply the representatives of the people of the colony for the time being. It is not a matter for the Government individually or collectively; but the people have again and again demanded payment of members' expenses.

HONOURABLE MEMBERS: No, no!

The POSTMASTER-GENERAL: The last Parliament were elected by an enormous majority upon that ticket.

HONOURABLE MEMBERS: No, no!

The POSTMASTER-GENERAL: Hon. gentlemen forget the political history of the country. I repeat what I said, that the Government are only representing the will of the people in doing what they have done, and the responsibility of throwing this back into the teeth of the constituencies entirely rests with this Chamber. I hope, however, that better counsels will prevail, and that hon. gentlemen will see that, notwithstanding they have rejected this principle in a much more objectionable form—to use their own words—they will alter their views, and remember that the matter has been before them time after time, and brought back again, and is again before them, not, in the words of a previous speaker, to give the Government a chance, but rather to give this Chamber a chance of reconsidering the decision which was arrived at by it before—whether after careful consideration or not I do not know. I hope and trust that no tension will result, and the constitutional aspect of the question, and that alone, will guide them in arriving at a decision upon it—an important one as it is, alike to the colony and to its well-being.

The HON. A. J. THYNNE said: Hon. gentlemen,—I am very glad that the hon. Postmaster-General has, with the consent of the House, just made the speech he has made. He has shown the complete weakness of the argument with which he has endeavoured to justify the action which has been taken by another Chamber in endeavouring to foist this matter in the way it has been—to coerce this House in a way which has never been attempted in this colony before, and which cannot but be resented by all right-thinking men in the community. I do not desire to discuss the question of payment of members in this matter. That has been introduced into this House during the time I have been a member, on two different occasions, and upon each occasion I have been obliged to decline to discuss it, simply because the measures that have been introduced have been, upon each occasion, for the payment of members now sitting in Parliament. It was a measure that appeared to me to be a dishonest and improper one, inasmuch as the men who have been entrusted by the people with the chief administration of the finances of the colony propose to take some of the trust moneys which they have under their control, and put them into their own pockets. That is a transaction which, as I said then, and will repeat now, I could not under any circumstances assent to. In doing so I should feel myself a party to committing a wrongful and dishonest act. I should be quite as much responsible for that action as a man committing what I consider a breach of trust. The Government, no doubt, are endeavouring in this matter to impress upon us the necessity of assenting to the principle of payment of members. But I wish to point out in this Chamber, that the way in which the Government propose to do this is not at all asserting the real principle of payment of members. The basis upon which payment of members is claimed by the constituencies, if claimed at all, is this: That they may be able to select from a larger field the members whom they would send to the Legislative Assembly—that they may be able to choose men who are not able of their own means to bear the expense of attending Parliament. They have elected a series of members upon the assumption that they are in a position to bear their own expenses, and the constituencies have not yet had an opportunity of selecting the

members whom they would like to return, if payment of members were in force. They have not had that opportunity, and I say it is wrong in principle, and in every other way, to attempt to extract out of the public purse, payments of money to men who are presumed to be able to bear their own expenses. When the constituencies get payment of members—and I daresay they will get it in time—we shall see, probably, the men for whom the payment of members measure was introduced, elected to Parliament. We have none of them at present, but we are actually called upon to pay men who have not been chosen upon that basis. The hon. Postmaster-General, in discussing the matter, ignored this important view of the matter altogether. I certainly think that, in our judgment upon this question of the payment of members' expenses, when introduced in a previous session and in the earlier part of this, we acted in the only way that was consistent with public honour and public fair-dealing when we declined to assent to the payment of members of Parliament with moneys out of the public purse. I decline also to go into the question of constitutional right. The hon. Postmaster-General has favoured us with some extracts with which we have been already favoured on a previous occasion, and the matter, when before this Chamber, received a very great amount of consideration. The result was that the hon. Postmaster-General found himself sitting with one other member in a minority of two. I certainly am not impressed sufficiently with the hon. gentleman's argument to change the views I then held, and which I now hold. I think it is beyond us to discuss that question upon this occasion. I would point out a little further that the hon. Postmaster-General is rather contradictory in his argument on the question of statutory right. He went so far as to say that in this respect no statute that can be passed can affect the privileges or rights of the people as regards this political or constitutional privilege between the two Houses. I would ask hon. gentlemen to bear in mind that this House, both Houses, and the whole Government, are the creatures of the statute. They are created by the statute, and if the hon. Postmaster-General says that we inherit here the same privileges as they have in the British House of Commons and House of Lords respectively, what is the good of the statute at all?

The POSTMASTER-GENERAL: The statute is silent.

The HON. A. J. THYNNE: It is not silent; that is the principal part of it. The inclusion of one thing means the exclusion of another. One of the clearest of facts is the restriction against the House originating money Bills. Everything else is excluded. We are only restricted in that one particular. It seems to me that the hon. gentleman did not fully consider the bearing of his argument on that question. He ignores in one sentence the existence of the Constitution Act, and on another occasion he bases his argument on that measure. I fully concur in the idea that it is our duty in this Chamber to amend this Bill, and to protect the public purse in the way which has been proposed. In doing so, I would say this much: That it is entirely independent of any question of party that I look upon this question. I think that the question at issue is one that is entirely above party politics. It is a question in regard to which party considerations ought not to be allowed to insinuate themselves into our minds. It is a matter which may and probably will affect the constitutional working of the Legislature of this colony for all time, and we must not look merely at what its effects may be to-day or to-morrow. It is a matter which will have its effect for many years. I think the safe and proper way is to reduce one's reasoning on the subject to a principle, and then, having got at the right principle, to adhere to it.

The HON. W. D. BOX said: Hon. gentlemen,—I think this is a question on which every member of this House ought to express an opinion. Every member ought to have an opinion on the subject, and ought to avail himself of the opportunity he has of expressing it. To my mind, it is a serious thing, in this particular crisis of the colony, when the pastoral, sugar, and many other industries are in a depressed condition, to bring about what has been called a kind of deadlock, or some collision between the two Houses. It is possible that the resolution of the Hon. Mr. Murray-Prior may bring about such a state of things. If that does happen it will happen at a most unfortunate time. Still I think we are in that position here that we ought not to be entirely actuated by considerations of that kind. The question has cropped up now for the first time, and, to my mind, it is now our duty to deal with the matter independently of the considerations I have referred to. The question as to whether we have a right to amend this Appropriation Bill—I speak for myself—rests in the written Constitution under which we are appointed. That Constitution distinctly states that we have not power to initiate money Bills, but is perfectly silent as to the amending of a money Bill. If we are to entirely regard our Constitution, as the Postmaster-General would have it, from the authorities he has given us, and the records of the Houses of Lords and Commons, why should we have a constitution of our own at all? Instead of that we have created a written constitution, in which our powers are distinctly defined in plain English, and therein it is stated that we shall have no power to initiate money Bills, whilst on the question as to money Bills being amended by us it is perfectly silent. The question has cropped up several times, and it will crop up again, and I think the Government might easily get it settled by submitting a case to the Privy Council. They might thus have it settled once and for ever. There is another way in which this particular difficulty might be overcome. If the question comes to a collision between the two Houses, and the Government choose to take the vote of the people, and if the people return an Assembly who approve of and pass a Payment of Members Bill, I will no longer oppose the measure. I will, however, oppose, as long as I have a seat in this House, any direct vote which is to my mind in distinct opposition to the resolution which this House arrived at lately that a Payment of Members Bill is not expedient in this colony. The Appropriation Bill we have before us is a measure by which members in another place vote sums of money to themselves for their services. The question was not discussed at the last general election. I heard nothing about it, although I read the papers and moved about the country. The question at the last general election was transcontinental railways, and not payment of members. Payment of members may have been mooted, but all kinds of things are mooted at general elections. If the Government find that they cannot accept the amendment of this Chamber, and go to the country for the opinion of the people on the subject of payment of members, and the people by a majority affirm that principle, and they then bring in a Bill for payment of members, I certainly shall not oppose it any longer. If the question comes to a division, as I hope it will, I shall vote for the suggestion shadowed forth by the Hon. Mr. Murray-Prior for the reduction of the appropria-

tion, which includes £7,000 for the payment of members, by that amount. I trust this House will insist on that amendment.

The HON. G. KING said: Hon. gentlemen,—The subject of payment of members sinks altogether into insignificance when compared with the great issue now before us, which is whether this House has a constitutional right to amend a money Bill. That there is a difference of opinion between myself and other hon. members on this point is the natural result of different circumstances. As Minerva sprang at one bound full-armed from Jupiter's head, so, with one stroke of the pen, hon. gentlemen have been invested with all the privileges of the peerage without passing through that intermediate stage—that other sphere through which I have passed—in which case, possibly, their views on the question of privilege might have been modified. It has often struck me that the reason why a collision between the House of Commons and House of Lords rarely or hardly ever occurs is attributable in a great measure to the circumstance that so many of the junior members of the aristocracy have had to rub shoulders with the Commons, and in their intercourse with them learned to recognise the rights of others, and in doing so divested themselves of previous prejudices. That, no doubt, has in a great measure tended to avoid friction between the House of Commons and the House of Lords. Now, when in the Legislative Assembly of New South Wales, where I had the honour to represent East Sydney, I always considered that the Assembly was possessed of those rights and privileges inherent in the House of Commons. It is almost fifty years ago since I read the opinions of De Lolme on this subject, and, at a later period, Blackstone. The reasons given by those writers why the right of taxation and appropriation should rest entirely in the House of Commons, and why the House of Lords should not participate in that right, seem to me to be peculiarly applicable to a colonial Legislature, based upon the lines of the English Constitution with a nominated Upper House and an elective Legislative Assembly; and so far as the principle is concerned I think it is only right that the money power should be vested in the Legislative Assembly, because there the policy of the country is shaped, and the members of that Chamber must therefore have the power unchecked of forming that policy. I do not say that in any spirit of disloyalty to this House. I am quite incapable of such heresy. I am proud of being a member of this House. I recognise it as a necessary institution of the three estates of the realm, and I am a willing witness to the ability and assiduity which have been brought to bear upon the several legislative questions which have been submitted to this House. I agree with what my hon. friend Mr. F. T. Gregory said the other day, that there is no record in the past history of this House to show that we have been influuenced otherwise than by the best motives for the welfare of the country; and I cannot withhold my meed of admiration for the vast amount of critical acumen, practical and useful information, brought to bear on every subject by my hon. friend Mr. A. C. Gregory. But I cannot concede to this House the money power; it is the inherent right of the Commons, and with them it rests. It is inherent in the British Constitution, and I cannot submit to any change in that. It is alleged that, if it had been the intention of the framers of our Constitution Act to exclude from us the right of amending money Bills, such intention would have been contained in specific words, and that the absence of such exclusion constitutes a right. I maintain, however, that the absence of a prohibition does not constitute a right; that a right such as we claim of amending money Bills must be conveyed in specific words. I do not know exactly how to draw an analogy, but it strikes me that it is very much like this: Supposing a private individual claimed a right of this sort, and wanted to prosecute it at law, and he was stopped by an injunction, while the matter was under judicial investigation his alleged right would not be a right *in esse*, but "a chose in action." Now, the right we claim not being stated in express words but disputed is analogous to "a chose in action." It has yet to be decided by some tribunal, and the difficulty is to what tribunal we should refer it, and what tribunal is competent to deal with the question. There are only three ways of dealing with the matter. One is to amend the Constitution Act, the result of which can easily be foreseen, because it must be done by an appeal to the central power—the people. The second method would be to refer the question to some high constitutional authorities in the mother-country beyond the sphere of the party politics of this country and unconnected with the colony, and who would only give their opinion upon the dry constitutional question as was in the case of the ruling of Lord Coleridge and Sir George Jessel upon the question submitted to them by the Legislature of New Zealand. The third course is to follow the forbearing and wise example set us by the House of Lords, which, if strictly adhered to, would prevent collisions of this nature, and at the same time preserve our dignity and self-respect. I must apologise to my hon. friend Mr. W. Forrest that I did not hear one word of what he said the other day when he spoke about the question of privilege. Hon. gentlemen may recollect that I quoted Lord Coleridge and Sir George Jessel, and my hon. friend replied. I unfortunately really did not hear one word of what he said, and did not know what his remarks were until I saw them next day reported in *Hansard*. The hon. gentleman took exception to what I stated, and said:—

> "But in Queensland they had a written Constitution of their own, and if hon. members found it necessary to go outside that written Constitution, why not go to New South Wales, whose Constitution was almost identical, and whose Upper Chamber had made amendments in money Bills, which had been accepted?"

If I had heard that I would have at once told my hon. friend that he was in error.

The HON. W. FORREST: I will prove that I was not in error.

The HON. G. KING: The course pursued during the whole time that I was a member of the Legislative Assembly of that colony was not to allow even a verbal amendment in a money Bill.

The HON. W. FORREST: It is since you were a member of that Assembly.

The HON. G. KING: The course pursued was this: The Speaker reported that there was a verbal amendment in the Bill, and that he considered it a breach of the privileges of the House. The Bill was then laid aside for the session, or perhaps a new Bill was introduced either that session or the next, with the amendment if approved of by the Assembly. I think that was a very wise course, especially where money Bills were concerned, as it prevented such a collision as that which occurred here on a recent occasion. To send back a Bill with a message that you have no right to amend it is not a very pleasant thing to do; to lay aside the Bill and introduce a new one afterwards is a much more appropriate way of dealing with the matter. I think I omitted to state in the earlier part of my remarks, when speaking of our right to

amend money Bills, that if this right had been conceded to us by the Assembly and exercised by us there could have been no question as to our right to amend money Bills, for of things received by use long usage is a law sufficient, and usage would establish rights as effectually as statute law. With us, however, the contrary is the case. The right has never been conceded, but always disputed. I think I have dealt with what the Hon. Mr. Forrest said on the last occasion. I now come to the remarks made by my hon. friend Mr. Macpherson on the same occasion, and there again I must plead the excuse that I did not hear what he said. I heard the words "Chief Justice" and "Mr. Wentworth," and I thought it was a deliverance of the Chief Justice upon a certain constitutional point; but when I read the hon. gentleman's speech next day I remembered all the circumstances of the case. I refer to the ruling of Sir James Martin as to the co-ordinate powers of the Houses. The circumstances of the case were these: The Government of New South Wales were in very embarrassed circumstances, so much so that they had actually to borrow £200,000 from the Australian Mutual Provident Society to reduce their overdraft. It was also necessary to provide money for current expenditure. A new Customs Bill was introduced. Before doing so, and before the intentions of the Government were known, the Custom House was closed, and by proclamation the new tariff was published, and authority given by that proclamation to levy those rates. Instead of passing as rapidly through the Assembly as was anticipated, there was considerable delay and opposition to it, and in the Upper House it was attempted to throw out the Bill altogether. However, it passed with small verbal amendments. On former occasions even verbal amendments had been objected to in the Assembly when made in money Bills, and therefore when the Bill came down the Government were in a regular fix about it if they adhered to their former practice of refusing even verbal amendments in money Bills. It was on that occasion that Sir James Martin made the speech from which my hon. friend read. Speaking of the two Houses, he said:—

"Their powers are the same in all respects save that any Bill for imposing any new tax, rate, or impost must originate in the Legislative Assembly; but when a Bill of that kind has been originated in the Legislative Assembly, the power of the Council in regard to it is just as great as the power of the Legislative Assembly."

Now, my hon. friend Mr. Macpherson stopped there; but that would have been a new doctrine, which would never have been received in the Legislative Assembly of New South Wales—in fact it would have endangered the fate of the Ministry. But Sir James Martin went on to say—and this part my hon. friend did not read. The speech was reported in the *Sydney Morning Herald* of the 18th May, 1871. He went on to say:—

"But, hon. members, we are not called upon to discuss this matter on general principles, because there is a law which places the subject beyond a doubt. He would, however, now go a step further, and say that if the Legislative Council had altered any portion of the taxing part of the Bill—although they had the power, as it seemed to him, under the 1st section of the Constitution Act—he should not have thought it right as a matter of expediency to have accepted it. (Hear, hear.) He would not have asked the House to accept an amendment of that character. He had never done anything of that kind, and he thought it would be an improper thing for the Assembly to accept an amendment made by the Legislative Council in the taxing part of the Bill. They had, however, done nothing of that sort; all they had done in reference to this Bill was to alter certain clauses in the regulating part of it."

The alterations were perfectly trivial in their character. There was the substitution of the word "affirmation" for the word "oath," and a few other small matters. Even to those trivial amendments the Opposition objected, but it was carried because there was no desire to embarrass the Government. I believe that is almost the only case in which an amendment of that sort has been received; and the assurance that he would permit no alteration in the taxing part of a Bill was sufficient to pass it. In order to make quite sure that what I state is correct, I wrote to the then Solicitor-General, who was then in the House, that I might authoritatively be able to state what took place, and not depend upon my own recollection only, and he writes to me as follows:—

"You are quite right in your belief. Our Legislative Assembly in this colony has never accepted and carried out the opinions of Sir James Martin and Mr. Wentworth as to the power of the Legislative Council to amend money Bills. On the contrary, it has always vigorously resisted any attempt on the part of the Council to do so, even when some defect in a Bill has been discovered in the Council which made its alteration imperative. The Assembly, on the Bill being returned to it, laid the Bill aside, and a new Bill has always been introduced. I was in the Assembly at the time Sir James Martin made the speech you referred to, but the Assembly would never accept his interpretation of the law."

I am also confirmed in what I say by a letter from Sir Henry Parkes, and also one from the late Speaker of the Legislative Assembly there. Now, I would ask whether Sir James Martin, after having given that assurance, would have received a Bill from the Legislative Council in New South Wales with so large an amendment as the omission of £7,000? I am sure he would not. He would have returned it at once. In fact, he could not have presented himself to his constituents of East Sydney if he had been guilty of such a breach of trust, because it was a privilege which the Assembly always valued very highly, and which could not be dealt with in that way. The opinions of Sir James Martin and Mr. Wentworth, under the circumstances under which they were given, could not be received like those of Lord Coleridge or Sir George Jessel on a constitutional point, because they were the opinions given on political questions in which they themselves were interested. Being then satisfied that Sir James Martin would never have accepted such an amendment from the Council, I would not do Sir Thomas McIlwraith the injustice—I would not do Mr. Griffith the injustice—I would not for one moment discredit all the hon. members in the other House, and think that they would at our dictation surrender the rights of their constituents upon so important a matter as a money Bill. They would not be justified in doing it; therefore, in making the amendment, we court a deadlock, and that is a very serious matter indeed. There are £2,000,000 on the Estimates which will have to be paid away in wages, salaries, and public works, education, and all the general purposes of Government; and if this Appropriation Bill is thrown out the Governor will not be in a position to sign warrants for this money, and you stop the daily bread of hundreds, even thousands, of people. That is a very serious matter, and a matter deserving of very serious consideration, because you will inflict a decided injury upon a number of innocent persons with a view of punishing those whom you suppose to be guilty. If those who are responsible to the electors have done wrong, the power of punishing them rests with the electors, for they need not return them again. It has been my misfortune to see all the evils arising out of a deadlock. I have seen the misery which it has produced among the Civil servants; I have known clerks

n Government offices who had to give bills of sale over their furniture and borrow money at the rate of 1s. per £1 per month. It was a most distressing thing. I know that when that deadlock ended and the arrears of salaries were paid three-fourths of the amount had gone in interest. I do not like to say anything to hurt the susceptibilities of my hon. friends; but all I can say is that if this Appropriation Bill is thrown out you will have committed worse than a crime—you will have made a great political mistake—because we shall have shown the necessity of an alteration in our Constitution—the doing away with a nominated Upper House, irresponsible altogether, and the substitution for it of an elective House responsible to the people. The argument outside will be—"If you can do us such injustice you must be placed in a position to be made responsible for it. We ought to be able to visit it on you." That will be the argument, and a very proper argument too. But I maintain that there is no necessity at all for any change in our Constitution, if we exercise the same forbearance and the same prudence in dealing with Appropriation Bills and all money matters that have so signally characterised the House of Lords in their relation to the Commons. Indeed, I may say that bear and forbear is a golden rule, and it is just as applicable to the statesman as to every one of us in the ordinary relations of life; it smooths asperities and heals wounds of long standing. But if we do what is now proposed we shall inflict wounds and injuries upon innocent persons who are not here to speak for themselves. I commend their interests to the serious consideration of hon. gentlemen, before they take the step they are about to take.

The HON. W. FORREST said: Hon. gentlemen,—I quite agree with the last remarks of the Hon. Mr. King, with regard to forbearance and all the Christian virtues, but I think in this case he has addressed his admonition to the wrong Chamber. I think, and I hope, that if there are any members of another place listening they will consider that they should have forborne and not laid their hands so heavily upon us. We did not seek this quarrel, and I hope it will not end in any of the disasters the hon. gentleman has foreshadowed. I also hope that what he is pleased to call a mistake, if we pursue a certain course of action, is a mistake in his reasoning, and will not be a mistake in our action. I shall show before I have done that he has made several mistakes, and it is quite possible that if he is mistaken in questions of fact he may be mistaken in questions of judgment. He committed a clear breach of the rules of this House, which say that a previous debate should not be referred to. He read an extract from a speech I made some time ago, and if I had not been in the House to challenge the statement it might have gone to the country that I had endeavoured to mislead the House. I shall read from the New South Wales *Hansard*, which is quite as good an authority as the hon. gentleman himself or any of his friends, who may have forgotten the facts. The Hon. Mr. King, for whom I have the greatest respect, has been a long time away from New South Wales, and may have overlooked some things that have happened there since. I shall get the New South Wales *Hansard* when I have time, and show what happened there. It will be remembered by hon. members that there was a Land Bill brought before the Legislature of New South Wales a little before our Land Bill was introduced. It went to the Upper House, and they made some very material amendments. When it came back to the Lower House that document, which is now almost historical, the *brutum fulmen* of the Speaker of New South Wales, was brought before the House. He pointed out that the Upper House, in interfering with money clauses, had done an utterly unconstitutional thing, and so on. The House went away from the Land Bill, and the matter was debated for two days. It was the most admirable debate I have read in any Assembly in Australia, and I recommend it to hon. members. The contention was that the Upper House had gone outside its constitutional rights and privileges in interfering with a money Bill; but by a division of 56 to 17—and here I challenge contradiction—it was determined by the Lower House that the other House had not gone outside their rights and privileges, and the Bill was accepted with what they said was an alteration in a money Bill. There were a number of admirable arguments put forward—even when I was opposed to the arguments I admired the way they were put—but there is not the slightest doubt that those who took this side had far the best of the argument. I believe the Hon. Mr. King, on one occasion when he was in the Parliament of New South Wales—now I speak from hearsay—came into collision with the Upper House, and I hear he did not succeed. Perhaps that is why he has rather sore feelings on the point.

The HON. G. KING: No; I never came into collision with the Upper House.

The HON. W. FORREST: I shall not further attempt to reply to the Hon. Mr. King's arguments, neither shall I attempt to answer what the Hon. Mr. Thynne, with great kindness and courtesy, called the arguments of the Postmaster-General, because I candidly admit I was unable to catch them. I really do not know what he tried to prove. I have a sort of idea he tried to prove that the aborigines of Australia, the natives of New Zealand, and the Indians of Canada were all descended from the British Constitution, or something with just as much connection with the question before us. But there is one point that I shall refer to, and that is a quotation from "Todd." I shall quote the effect of that from memory. "Todd" says that in all the Constitutions of the British colonies it is specified that the Legislature shall have the power of making laws for the peace, welfare, and good government of the colony, but that all Bills for the appropriation of money shall be introduced by the House of Assembly, or the Lower House, whatever it might be. Then "Todd" goes on to say that the rights of the House are not further defined. Now—I have drawn attention to this before—"Todd" is utterly wrong. Their rights are further defined, and some of those arguments Mr. Todd has put forward are based on wrong premises. When we get into committee I shall show, by reading from the Constitutions of several of the colonies, that their rights are defined. In Victoria they are defined by saying that the Upper House may reject but cannot amend; but in New South Wales they have got what I believe is a verbatim copy of the Constitution of Queensland, and the Constitution of Queensland distinctly says that all Bills for the appropriation of money must be introduced by the House of Assembly, but it goes no further. It does not say that the Council can either reject or amend. I certainly think that any member of this House, whether he is a supporter of the Government or not—on a matter of this sort, I do not think he should be either a supporter or an opponent of the Government, as it is a constitutional question—I think any member of this House should try to throw light on this matter, and not throw sand in our eyes. When hon. members quote authorities they should go to our own Constitution and try to give us that light

which can best guide us. I contend that under our Constitution we have a perfect right to amend money Bills, but I am not going at this moment further into the question with regard to our constitutional privileges. When we go into committee I intend to read some authorities, but as I do not want to detain the House I shall not further press this matter at the present time.

The HON. J. TAYLOR said: Hon. gentlemen,—Before this Bill goes into committee I should like to say a few words upon it. The Hon. Mr. King says the blame will lie with this House if anything goes wrong hereafter, but on that point I entirely differ from the hon. gentleman. I maintain that should there be any disastrous results in consequence of the action which this House, I believe, intends to take, the blame will rest on the shoulders of the other House for having inserted in the Appropriation Bill an item of £7,000 for payment of members, which I consider they were very wrong in attempting to do after the Bill for that purpose was so decisively rejected by this House by a majority of 15 to 5. No doubt it is a serious matter to throw out the Appropriation Bill; still it is the duty of the Government to be very careful about what items they put into it, so that it may be made palatable to this House as well as to the Assembly. I for one am quite prepared to stand all risks hereafter. It is on record that the Hon. Mr. King strongly opposed the Payment of Members Bill when it came before us. He not only spoke and voted against it, but declared that he had never voted for payment of members and never would do so. He has now been supporting the very thing which he so recently condemned, simply because it is tacked on to an Appropriation Bill. There are a good many rumours about regarding the result of the action this House may take on this question, but I do not care anything about them. Threats seem to be held out to frighten us into passing the Bill, but I trust that hon. members will vote according to their consciences and not allow themselves to be influenced by any rumours or threats they may have heard. One rumour is that if we reject or alter this Bill the Government of the day will do all they can to make this House elective. I do not care whether they do or not, but I fancy they will have very considerable trouble in bringing that to pass. Another rumour is that we shall have a short session, and then the Government will quietly expunge the names of hon. gentlemen who have been absent two sessions from the House, and fill up the vacancies with their own supporters. I do not care much about that, either, because it often happens, when gentlemen are nominated to this House by any particular party, they forget all about party ties. That has been known in more than one instance. As to the probable distress which the Hon. Mr. King so feelingly deplored, I do not believe one word of it. He may get frightened in his old age, but I am nearly as old as he is, and I am quite prepared to face it, knowing that the blame for any distress that may happen will lie on the shoulders of the Assembly, and more especially upon those of the Premier, who makes the Assembly do just as he likes. I hope this Bill will either be thrown out or passed to-night. It has also been said that if we throw out this Appropriation Bill the Government of the day will nominate a sufficient number of members to this House, of their own way of thinking, and then they would be able to carry on as they pleased; but I do not think they will be able to do that quite so easily as they imagine. Whether they do or do not I do not care; and I trust that hon. gentlemen who believe as I do will have the firmness of mind to do as I intend to do, and vote against this item of £7,000 for payment of members, in spite of the consequences announced to take place hereafter. The Hon Mr. King, after speaking and voting against payment of members, now advocates it. That seems to me something very extraordinary. I suppose the Bill will be read a second time, and when it gets into committee we shall have an opportunity of saying something further upon it.

The HON. J. F. MCDOUGALL said: Hon. gentlemen,—Having on several occasions assisted in throwing out Bills for payment of members, it will not be surprising that I should like to say a few words on the subject. On all occasions when a Payment of Members Bill has been thrown out by this Chamber our action in so rejecting it has received the approbation of the country. In fact, I have hardly ever heard an expression of disapproval of the action taken by this Chamber, and I am fully of opinion that the course which I believe it is the intention of a large majority of the members of this House to take on this occasion will also meet with the approval of the country. There has never been a general opinion expressed in favour of payment of members. No constituency in the colony has ever been unrepresented for the want of a member, nor is it at all likely that any constituency ever will be. Perhaps all that can be said in favour of the measure has been advanced by the hon. the Postmaster-General, but his arguments have not changed my opinions in the least degree. I consider that we have a constitutional right, which is laid down in plain English, to deal with money Bills, provided they are not initiated in this Chamber. We have always possessed that undoubted right, but the necessity for insisting upon it has never arisen before, except on some questions lately. This is a question on which we are bound to insist upon that right whatever the consequences may be. I do not apprehend that any deplorable consequences will ensue if we amend the Bill now before the House. I go further, and say that the responsibility for whatever may happen in consequence of our amending the Bill rests not upon us but upon another place; and if they choose to rush the colony into this state of things then the responsibility rests with that Chamber and not with this House. Now, I do not believe anything I can say will alter the opinion of any one hon. gentleman, but I should very much like to read an article which appears in the *Australasian* of 31st. Many hon. gentlemen have, no doubt, read the article, but it may be new to others. It is as follows:—

"A Bill for the payment of members of Parliament was carried by the Legislative Assembly, but was rejected by the Legislative Council. Thereupon the Assembly has included the amount of salaries for the year in the Appropriation Bill, and proposes to send the matter in this form to the other House. On technical grounds there are very serious objections to this course. It is a well-known parliamentary rule that no question which has been finally decided can be a second time brought forward the same session. On this ground we should have thought that the Speaker, who has the special care of the Appropriation Bill, would have objected to such a proposition. Of course, in ordinary circumstances the Council would be entitled to resent such a breach of parliamentary decorum, although they would probably hesitate before they entered, upon such a point, into what must be a serious quarrel. The Speaker, too, held, in accordance with similar rulings in this country and elsewhere, that payment of members is a question of public policy, and consequently that members were entitled to vote for such a grant even though they were themselves to profit by it. We have always thought that such a ruling is sailing very close to the wind indeed. But the more certain it is that payment of members is a question of general policy, the more certain also it is that on that very account it can find no place in the Appropriation Bill. When it is included in that Bill it amounts to the mixing of two distinct questions in the same measure, and is really, if not technically, a mere tack. In the circumstances of the case, when the Bill in its ordinary

form had been rejected by the Council, the proceeding is a gross insult, and could not be tamely allowed to pass by any body of men who desired to preserve their independence. We do not suppose that the Queensland Council will hesitate to assert the rights that have been thus audaciously infringed. But the best method by which they can protect themselves is a matter for consideration. In our own Constitution Act there is a well-known provision which forbids the Legislative Council from either initiating or altering money Bills. This limitation caused great embarrassment to the constitutional party in the contest which for so many years they carried on. They were driven to the hard alternative of accepting the objectionable clauses or of rejecting the Appropriation Bill. From this difficulty the Legislative Council of Queensland is happily free. The limitation imposed by the Constitution Act of that country relates merely to initiation, not to amendment. In other words, its framers contented themselves with adopting the acknowledged rule of common law, and did not attempt to commit themselves to the comparatively modern contests of the Lords and Commons. Since all law is made by the Queen, with the advice and consent of the two Houses, and since all public revenue can be appropriated by Act of Parliament, and not otherwise, it follows that the two Houses have equal power in all respects where no contrary provision has been made. But there is in Queensland no contrary provision, except as to the initiation of money Bills. So far, therefore, as the law is concerned, the Queensland Council is free to deal as it thinks fit with any Bill, whether of appropriation or of taxation, that the Assembly sends to it for its consideration. The reply to this contention is, of course, the practice of the Imperial Parliament, and the question, therefore, arises whether that practice is binding upon a Colonial Legislature? The answer to this question depends upon the terms of the Colonial Constitution. If the rules of the Imperial Parliament have been expressly introduced, then these rules are binding; but unless they have been expressly introduced, they have no application in a colony. It has long been settled that the *lex et consuetudo Parliamenti* is purely local, and belongs to the Parliament of Westminster alone. Consequently it has been declared by the English law officers that that law does not raise even any legal analogy in respect of the law of Parliament in any colony. It is, therefore, to the Constitution Act, or other legislation of each colony, that reference in all such questions must be made and not to any other authority. If it is contended that the intention of the Constitution Act was to create a body resembling as closely as possible the Imperial Parliament, that it ought therefore to be considered with reference to the practice which governs that body, the answer is that the intention of the framers of the Act must be collected from the Act itself. No reasonable man ever interprets any document in the light of a preconceived opinion as to its contents. If he were to do so his interpretation would in all probability be wrong. If it had been intended that the Queensland Legislature was to resemble in every particular the Lords and Commons it would have been easy to say so; but no such proposition, nor anything at all resembling it, is found in the Queensland Constitution Act. On the contrary, a very much more moderate power is taken. The general rule is that the two Houses are equal; the exception is that certain classes of Bills must originate in the Assembly, whereby the powers of the Council are restricted, and that these Bills must be preceded by a message from the Crown, whereby the powers of the Assembly are restricted. In other words, a certain portion only of the powers claimed by the House of Commons has been taken in Queensland, and that portion is the part respecting which no controversy has ever existed in England. To allege, therefore, that the Council in Queensland has not the power to amend money Bills is, in effect, to insert words in the Constitution Act which its framers seem intentionally to have omitted. We do not contend that this power of amendment is one which can conveniently and as a matter of course be ordinarily exercised. Hitherto the Legislative Council in Queensland have shown a wise forbearance in such matters. They have been content to leave matters of mere finance to the Assembly. But the power of amendment exists, and is available for the protection of the second Chamber against the abuse of the power of the Assembly. It is hardly possible in the circumstances that the Appropriation Bill can be saved; but it is plain that its loss will be due to the aggression of the popular House. We trust that the Ministry will recognise in time the untenable nature of their position, and that they will adopt some such compromise as that by which in this country a dangerous struggle was averted. With all the experience of the last twenty years it must be apparent that the loss of the Appropriation Act is not a legitimate weapon in party warfare."

Those, gentlemen, are entirely my views. I may have tired hon. gentlemen in listening to them, but this article sets forth very fairly, very properly, and in very plain language, our position in this Chamber. I shall certainly support the amendment that is proposed to be made in this Bill.

The HON. A. C. GREGORY said: Hon. gentlemen,—I am glad to see that this debate, although upon a subject of so much interest to every hon. member, has been conducted with so much good temper, and without anything like personal feeling, and I trust that this will be continued to the end of the debate, as there is nothing that conduces more to our arriving at a correct conclusion than approaching any subject in a calm and deliberative manner. At no period since the first establishment of this Council has a more important question been before us, for the result will not only involve the immediate conservation of our constitutional rights, but also the question whether the Council shall in the future have existence for any purpose of practical utility; for if the Bill be passed in its present form it will be an admission that this House has no right to exercise any discretion in the amendment of Bills, except according to the will and pleasure of the Legislative Assembly. In the first place, it is convenient to review the circumstances which have led to the objection to passing the Appropriation Bill without amendment, as such a step has not hitherto been resorted to; and it may be reasonably inferred that unusual measures should only be adopted in exceptional cases. On the 29th July this House, by a vote of 15 to 5, rejected a Bill for payment of members of the Legislative Assembly, not only on the ground that it was not in accordance with the wishes of the general body of electors, but also because the vote had not been passed in accordance with the Constitution Act, as members had voted money to themselves individually. Notwithstanding that the Bill for payment of members had been negatived by this House, the Government moved votes of Supply in the Assembly for £7,000 to be applied to the payment of members of that House, and have now included the amount in the Appropriation Bill under consideration. Objection was taken in the Assembly that, as the members were directly and pecuniarily interested, their votes could not be taken, but the Speaker ruled that it was a question of "State policy" on which every member might vote. But if it be a question of "State policy" it has been improperly "tacked" to the Appropriation Bill, and is extraneous to the question of Supply. Such a proceeding as a "tack" has not occurred in Imperial Parliament for 100 years. Now, if we deal with the matter as a question of State policy it becomes a subject distinct from the question of Supply, and does not properly form a part of the Appropriation Act, and its insertion is clearly of the nature of a "tack," and as such ought to be eliminated, irrespective of the individual merits. If it be taken as a simple question of Supply and not of "tacking," then it presents still more objectionable features, as it is an attempt to force this House into a concurrence with a proceeding leading to a breach of statute law, for if the vote be acted on, both the Colonial Treasurer who pays the money, and the members who may take it, will have appropriated part of the consolidated revenue to an unlawful purpose, and directly in the face of the refusal of the Legislature to sanction it. To pass the Bill will be assentiug to an illegal appropriation of public funds, and therefore is

not to be entertained by this Council. To reject the Bill will no doubt be quite within our legal power, but it will preclude the passing of any Appropriation Act this session and involve a prorogation and another session to remedy the difficulty. Fortunately, there is a more reasonable course open to us—that is, to amend the Bill by excising the item of £7,000 for payment of the members of the Assembly, as this will admit of the Assembly reviewing the case; and though it is probable that after their message on the Local Government Bill they may not accept the amendment in its direct form, the expediency of laying the Bill aside and passing another without the objectionable item may commend itself for their consideration in order to reserve the question of the constitutional powers of the two Houses until such time as it can be discussed with less inconvenience to the public interests. The question that now arises for us to consider is our power to amend the Bill. As regards that, it is sufficient to refer to the 2nd clause of the Constitution Act of 1867, which, as the Postmaster-General complained had not been quoted by other speakers, I shall now read to the House :—

"Within the said colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever Provided that all Bills for appropriating any part of the public revenue for imposing any new rate tax or impost subject always to the limitations hereinafter provided, shall originate in the Legislative Assembly of the said colony."

Now, in order to prevent any misapprehension, I will refer to the clauses in which mention is made of the "limitations hereinafter provided." These are contained in clauses 18 and 19 of the same Act. Clause 18 provides :—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill for the appropriation of any part of the said Consolidated Revenue Fund or of any other tax or impost to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote resolution or Bill shall be passed."

Clause 19 simply provides that the Governor shall sign warrants for all public disbursements. We thus find that the 2nd clause of the Constitution Act of 1867 places the Council and Assembly upon equal grounds, except in so far as relates to the introduction of Bills for appropriating of any part of the public revenue, or imposing any new tax or impost, which must originate in the Assembly by message from the Governor. It is therefore obvious that this House possesses co-ordinate powers with the Assembly in the amendment of all Bills. The Legislative Assembly has, however, claimed the sole right of dealing with Bills relating to taxation or appropriation, as set forth in their message of 10th September. They are, however, unable to refer to any statute law in support of this claim, and only quote sundry resolutions of the House of Commons; but, however convenient it may be to follow the customs of Imperial Parliament in matters not otherwise provided for, it must be remembered that the Queensland Legislature is governed by a written Constitution, and that the Council and Assembly only have existence under statutes which define their respective powers. It would be as absurd to argue that our written Constitution is overruled by the customs of the House of Commons as to assert that the Imperial Parliament should be governed in its procedure by the Constitution Acts of Queensland. Unfortunately, the Assembly has so long flattered itself with the idea that it is equal to the House of Commons, and beyond all law but its own dictum, that, like an oft-repeated fable, the reciters at length cease to discern the difference between fiction and fact; failing to remember that the three estates of the Imperial Legislature, having a prehistoric origin, are of necessity governed by custom, while in this colony the first estate alone can claim any ancient privileges, and the second and third are only of recent statutory origin. It is therefore clear that it is our duty to amend the Bill by the omission of the item for payment of members of the Assembly, and it will then be for that House to consider whether the interests of Queensland will not be best served by its adoption, either in its direct form, or by laying it aside and passing another Bill without the objectionable item. But in any case the responsibility will rest with Ministers and the Assembly, and not with the Council. That the payment of members will be illegal, even if we pass this Bill, is clearly shown by the fact that clause 4 of the Members Expenses Bill, as sent up from the Legislative Assembly, provided that—

"Nothing in this Act shall be construed to make the office of member of the Legislative Assembly an office of profit, or otherwise to affect the capacity of any member to sit and vote in Parliament."

Now, such a clause would never have been inserted—and we know by whom it was inserted—by the Premier, who is a lawyer, and who is not likely to permit such a clause to appear in a Bill unless it was clearly intended to be there—unless it was perfectly clear that without some clause of the kind members would render themselves liable to sundry pains and penalties which are set forth, more especially the risk of vacating their seats if they accepted it. It is not necessary to produce any further evidence. The Government are perfectly well aware that even if we were to pass the Appropriation Bill as it stands, the members of the Assembly, if they accepted the payment, would be subjecting themselves to the disabilities provided by our constitutional law. I think it is scarcely necessary to say much with regard to the result which would ensue if that vote were passed in another place, but it is really surprising how singularly they interpreted the law, and the ruling which we saw upon the Parliamentary business paper in the other House, that members might vote upon a subject in which they were directly and personally interested. I think they quite omitted to discern that their arguments thoroughly cut the ground from under them, because even if they were to treat it as a question of State policy it is highly improper for the Government to have introduced the payment of members into the Appropriation Act. This, quite apart from any other consideration, is sufficient reason why this House should not permit such an irregularity to occur. Again, it has been urged—by the Postmaster-General, I think—that we have always been possessed of certain inherent rights and powers and privileges, and that our Government has always been an exact reflex of the House of Lords and House of Commons. One would imagine that the hon. gentleman had never looked over the history of the colony, or even remembered what had occurred within his own time. So far from our governments being at all like the Houses of Lords and Commons, they consisted, first of all, of an arbitrary, despotic government by an officer appointed by the Crown. Gradually they went from one step to another; Acts were passed and so on, until we arrived at the present position of our statutory law. I do not see how anybody can say that all our governments have been overridden by the customs of the House of Lords and House of Commons. Our constitutional government began when the Governor first set foot upon the shore and hoisted the British flag.

The POSTMASTER-GENERAL: The birth of colonial constitutional government took place in Canada.

The HON. A. C. GREGORY: I think the hon. gentleman must have forgotten to read the history of America. What is called constitutional government began much further south. A certain grant of land was made to an individual, and that individual took a certain number of immigrants out to it. They settled upon that land, and established a council of advice for the management of the colony. Gradually that system was expanded and further expanded, as they found the necessities of the case demanded, because all our great legislators and all our great reformers always found that they had to gradually expand that system of government into a double Chamber. And we even see that that great reformer—and I look upon him as one of the greatest—Oliver Cromwell, considered it necessary to establish an upper nominee house to enable the Government of the country to be conducted with something like reasonable certainty and to the credit of the country. Then we may go to New Zealand and cite a certain case that occurred there. But the Act under which the Government of that colony is conducted is quite distinct. The question submitted to the Home Government for settlement was also quite different. It was simply a question in connection with a Parliamentary Privileges Bill which had been passed, in which the two Houses said that their privileges should be like those of the Lords and Commons respectively. Then afterwards they claimed to override certain portions of their Constitution Act. But their Constitution Act and their contention were totally different to ours, and their case therefore cannot apply. In Victoria the constitution of the Upper House was very distinct. They were debarred from amending any money Bills by a distinct clause. They might reject but were distinctly debarred from amending them. Our Constitution Act, fortunately for the country, contains a provision by which a much less mischievous course can be adopted—that of amendment. In this we have a great advantage, because by amending a Bill it will be returned to the other House. It will then be in the power of the other House to take such action as they see fit. They may accept the amendment, which I doubt, for if I were a member of the other House, after setting forth such claims as they have done I should not concur in accepting the amendment direct, but I would accept the course that is almost in every case adopted by a House of Legislature which is guided by anything like the true principles of constitutional government, and would lay the Bill aside and bring in a fresh Bill with the item in dispute omitted. Then if the Bill comes up in that shape to this House I am perfectly satisfied that the debate on it will hardly last ten minutes, and that the Bill will be passed. The course to be afterwards adopted must, however, be left to the good sense of the other House, and especially to the Ministry by which it is led, for we well know that it is in the hands of the Ministry to decide in which direction that House should set its face. It will, of course, be open to the other House to do what most people who are in the wrong do—to fly in a rage and throw the Bill aside and dissolve Parliament forthwith. I trust and hope that we shall not see any such act on their part. Indeed, I far too highly respect the good sense of those who lead in another place to think that they would do such a thing. Of course, if the Bill is laid aside and another without the objectionable item is brought in and passed, the question will still be open to be considered at a time that will not inconvenience the public interests, or put anyone to inconvenience except, perhaps, those hon. members who want to pocket the fees they have voted to themselves. Those hon. members have thrown the die and they must accept whatever may be the result. But, under any circumstances, this House will not be responsible for anything that may arise from the other House refusing to consider our amendment in a constitutional manner or to take those steps which will in no way imperil any privileges they may have, and which at the same time will facilitate the business of the country, and which, I am satisfied, will increase the estimation the country holds them in.

Question—That the Bill be read a second time—put and passed.

On the motion of the POSTMASTER-GENERAL, the House resolved itself into a Committee of the Whole to consider the Bill.

Preamble postponed.

On clause 1—"Appropriation"—

The HON. T. L. MURRAY-PRIOR said it now became his duty to move the amendment he shadowed forth when he spoke on the second reading of the Bill. But before he did so he wished to join issue with the remarks which fell from the Postmaster-General in his second reading speech. That hon. gentleman quoted from the Victorian Parliamentary Debates, as reported in the Victorian *Hansard* of 1877-8, volume xxvii.

The POSTMASTER-GENERAL: I did not quote from that book.

The HON. T. L. MURRAY-PRIOR said that if the hon. gentleman did not quote from that book, he quoted words which were identical or similar to words contained in it. Of course he had to accept what the Postmaster-General had said, but very likely the quotations were made in the Victorian Parliament from the same work which the Postmaster-General quoted, but the hon. gentleman quoted them, of course, for his own case. There was one thing which the hon. gentleman forgot to bring forward, namely, a despatch from the Duke of Buckingham on that subject. In the latter part of his despatch, on the "Lady Darling grant," the Duke of Buckingham said:—

"But if this unhappily should not be the case it is the opinion of Her Majesty's Government that the Queen's representative ought not to be made the instrument of enabling one branch of the Legislature under the 57th section of the Constitution Act to coerce the other, and therefore you ought not again to recommend the vote to the acceptance of the Legislature under the 57th section of the Constitution Act except on a clear understanding that it will be brought before the Legislative Council in a manner which will enable them to exercise their discretion respecting it without the necessity of throwing the colony into confusion."

There was another point which was referred to in the Legislative Assembly of Victoria by Mr. Service, a well-known politician who, in discussing a similar question in the Victorian Assembly, said:—

"It has, I repeat, been attempted to be shown that our Constitution is modelled upon the Imperial Constitution, and it has been contended that this is particularly the case with respect to money Bills. The honourable and learned member for the Ovens quoted, the other evening, the preamble of the Imperial statute constituting the Canadian Dominion, and showed, by its express terms, that the Constitution of Canada is modelled after the Imperial Constitution, and yet it grants to the Senate of Canada the privilege of interfering with money Bills."

In another part of the same speech, Mr. Service said:—

"I have heard it laid down that not only are the Legislative Council not possessed of the constitutional right to reject a money Bill, but that the Assembly, while entitled to claim the sole right to deal with

money Bills, are also entitled to arrogate to themselves the sole right of declaring what is or what is not a money Bill. Now, there is no more power conferred on this House"—

That was the House of Assembly—

"than upon the Legislative Council to declare what is or what is not a money Bill. The right of the Assembly to say, 'That is a money Bill, and that is not a money Bill,' is a superiority on our part which is not justified by anything in the Constitution Act."

The Victorian Constitution was not exactly similar to the Constitution of this colony, because the Victorian Council was an elective one, and it was expressly stated in their Constitution Act that they might not either initiate or amend money Bills. The question on the present occasion was on payment of members, and many of the remarks made in the debate from which he had quoted seemed to him so appropriate in answer to what fell from the Postmaster-General on the second reading of the Bill that he had thought it as well to read those quotations to the Committee. Mr. Service, speaking on the same matter, further said :—

"Our Constitution is not identical with the Imperial Constitution. It differs from it, inasmuch as while the Imperial Constitution has never been laid down in writing ours is set forth in an Act of Parliament which is our bond. Here is our own charter; on it we take our stand; to it we must bow; it is our law and testimony, and any argument not based on it is worthless."

He thought those observations were very much to the point. He did not think he would have been likely to quote from Mr. Berry, who was certainly looked upon as what they might call a liberal of the liberals, but he would read that gentleman's opinion on the Constitution of the Council. Mr. Berry said :—

"In New South Wales there is not a representative Upper House. All our troubles here have arisen from the fact of our Upper House being a representative House. Being a partially representative Chamber, the Upper House has assumed a position which it never could or would have assumed had it been a nominee House. I do not know any part of the world where a Constitution such as ours works well"—

Mr. Berry was here speaking of an elective Upper House—

"and I do not hesitate to say that one of the first acts of the Government next session will be to bring about a reform of the Constitution."

By which he presumed Mr. Berry meant to try to do away with the representative Upper Chamber and establish a nominee Chamber, He (Hon. Mr. Murray-Prior) might quote from that volume for a very long time. He thought it was the book from which the Postmaster-General had quoted. He had himself looked into and taken notes from it, but it was some little time ago, and he had only just been able to put his hand upon the volume. He trusted the remarks he had made were a good and sufficient answer to the arguments of the Postmaster-General He should not at present say any more on that subject, but would move as an amendment that in line 19 the words "eight hundred and four" be omitted, with a view of inserting the words "seven hundred and ninety-seven." That was, in fact, to excise the vote of £7,000 from the Appropriation Bill. Instead of reading "out of the Consolidated Revenue Fund of Queensland a further sum of one million eight hundred and four thousand five hundred and seventy-five pounds towards making good the supply," etc., the clause would read: "a further sum of one million seven hundred and ninety-seven thousand five hundred and seventy-five pounds," etc. That was the original amount, less the £7,000.

Question—That the words proposed to be omitted stand part of the clause—put, and the Committee divided :—

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Question resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put.

The HON. W. FORREST said he was taken rather unawares before the previous division, when he intended to make some remarks which he would now proceed to make. He had purposely abstained, on the second reading of the Bill, from giving his opinion with regard to their constitutional right, and while under ordinary conditions it was not only usual, but perhaps convenient, when one objected to a Bill to state his reasons on the second reading, there was an exception to every rule, and the exception was before them at the present time. With regard to the Appropriation Bill in a general sense, he did not object to it; but he did object to a specific item contained in it, and that was the item now before the Committee. Before he proceeded to give his reasons for his objection to that item, he would keep a promise he had made on the second reading—namely, that he would prove from the Parliamentary records of New South Wales that what the Hon. Mr. King had said of his speech was not the case. He was now about to keep that promise and prove that what he had said on a previous occasion was true. As he pointed out before, owing to the action of the Legislative Council of New South Wales in making certain amendments on the Land Bill, when it came to the Assembly the Speaker took the matter up and laid the case before the House. He would not read the debate which then took place, because it could be found in *Hansard;* but the manifesto of the Speaker went to show that in his opinion the rights and privileges of that Chamber had been violated. He pointed out that either of two courses might be pursued—namely, to go into committee and disagree to the amendments made by the Council, or to lay the Bill aside. One of the authorities given by the Hon. Mr. King, in contradiction to what he had asserted, was Sir Henry Parkes, and he might inform the Committee that Sir Henry Parkes, who was then leader of the Opposition, proposed, as an amendment on the motion for considering the Legislative Council's amendments, the following :—

"That all the words after the word 'That' be omitted, with a view to insert in lieu thereof the words 'this House, in accordance with Mr. Speaker's exposition of parliamentary practice, feels constrained to pursue the course which is usual on such occasions, and, in vindication of its rights and privileges, to lay the Bill aside.'"

The matter was debated two days, and he (Hon. Mr. Forrest) was quite correct in what he stated before. On a division of 56 to 17 the Assembly determined that the Upper House had in no way exceeded their rights and privileges, and the Bill was not laid aside. Whenever the question had cropped up the Postmaster-General was very careful to take them to any authority under the sun but the Constitution of Queensland. He referred to New Zealand, Canada, Great Britain, Tahiti, or Timbuctoo; but he never went to the Constitution of Queensland. He (Hon. Mr. Forrest) did not care a straw for either "Todd" or "May" so far as they affected the question before the Committee. He had read those authorities, and, so far as the matter at issue was concerned, he could say that their opinions were of very little value. But since the Postmaster-General had appealed to Cæsar, unto Cæsar he would take him. With regard to introducing a matter disposed of during

the same session, May in his eighth edition, at page 305, said :—

"It is a rule, in both Houses, not to permit any question or Bill to be offered which is substantially the same as one on which their judgment has already been expressed in the current session. This is necessary in order to avoid contradictory decisions, to prevent surprises, and to afford proper opportunities for determining the several questions as they arise. If the same question could be proposed again and again a session would have no end, or only one question could be determined; and it would be resolved first in the affirmative and then in the negative, according to the accidents to which all voting is liable."

Then, on page 307, he said further, on the same subject :—

"A mere alteration of the words of a question, without any substantial change in its object, will not be sufficient to evade this rule."

Now, he would ask, what was it but an attempt at an evasion to tack on to an Appropriation Bill that which had been already rejected in another Bill during the same session? He would read what May said about "tacks." At page 600 he said :—

"The constitutional power of the Commons to grant Supplies without any interference on the part of the Lords had occasionally been abused by tacking to Bills of Supply enactments which, in another Bill, would have been rejected by the Lords, but which, being contained in a Bill that their lordships had no right to amend, must either have been suffered to pass unnoticed or have caused the rejection of a measure highly necessary for the Public Service. Such a proceeding invades the privileges of the Lords no less than the interference of their lordships in matters of Supply infringes the privileges of the Commons, and has been resisted by protest, by conference, and by the rejection of the Bills."

As he said before, he did not attach much value to those opinions so far as they affected the Constitution of Queensland, because he had never seen any reference in either "May" or "Todd" to the Constitution of Queensland; but nothing could be clearer than the language used in the Constitution Act. It had been read again and again, but he would read the clause once more :—

"Within the said colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever Provided that all Bills for appropriating any part of the public revenue for imposing any tax or impost subject always to the limitations hereinafter provided shall originate in the Legislative Assembly of the said colony."

It was pointed out by the Hon. A. C. Gregory that those limitations in no way affected the question of appropriation. Since they were quoting opinions, he would quote another opinion which he knew every hon. member valued very highly. To his mind, the gentleman who gave that opinion was not only the readiest debater but the ablest lawyer who ever sat in that Chamber—he referred to the Hon. Mr. Mein. A question arose in the year 1879 between the two Houses on the Divisional Boards Bill. The Council made some amendments, and the Bill was sent back from the Lower House. He would read what the Hon. Mr. Mein said about the rights and privileges of the Council on that occasion :—

"Mr. MEIN said he was surprised at the slight attention paid to a question of the great importance of that now before the Committee. They were not discussing whether they should give way on the question of taxation or not, but really whether they would assent to the proposition that they had no right to deal with such questions. The other House had returned their amendments 'because they interfere with the rightful control of the Legislative Assembly over taxation.' Now, if the Council did not insist on their amendment in the 58th clause they would assent to the proposition of the Legislative Assembly that that House did possess the sole right to deal with taxation, and, in other words, that the Council had no object whatever in discussing matters of the sort that had come under their notice—that Bills were sent up to them simply as a matter of form, and that they had no right to deliberate even upon them. He expected that hon. gentlemen who backed him up in 1876 when he was in a similar position to that which the Postmaster-General was in now, would be true to the principles they then enunciated and not be influenced by any sentiment or any wish not to embarrass the Government. It was not a question of embarrassing the Government that they were now to decide, but whether the Council would assent to a proposition that would be binding on all Queensland legislative bodies in time to come. To assent to the proposition of the Assembly was as much as to admit that the Council had no right ever to interfere, even in the minutest detail, with any Bill that dealt in the remotest way with taxation or revenue. He was tired of talking on the subject. Since he became a member of the Council he had been the exponent of the views of the Council on the subject. They were not like the House of Lords. They had a written Constitution, which gave them their rights clearly and distinctly. There was no power in this colony similar to that which was inherent in the House of Lords. Before the Constitution Act came into force there was no power in the colony similar to the House of Lords, and the two Houses of Legislature that came into existence under the Constitution Act were altogether the creatures of that statute. The Council derived all their powers, all their privileges, from the Constitution, and nowhere else. To talk about taxation without representation was meaningless. Before the Constitution was conferred upon Queensland it was perfectly competent for the Imperial Legislature to enforce taxation on the Australasian colonies, and the Imperial Government did impose taxation upon the colony of New South Wales, just the same as it did upon the colonies of America, although neither the New South Welshmen nor the Americans had any representative in the British Parliament. However, the Council were bound by the four corners of the Constitution Act. Whilst there was nothing in that Act which conferred on the Assembly any privileges analogous to the privileges of the House of Commons, there was nothing in it that debarred the Council from taking any part in the shaping of measures for taxation or for the appropriation of revenue, except that they could not initiate Bills for such purposes. The Council acted co-ordinately with the Legislative Assembly to make laws for the peace, welfare, and good government of the colony in all cases whatsoever. The only bar—the only exception—to their action was that they could not initiate money Bills. The Divisional Boards Bill appropriated taxation. It originated in the Legislative Assembly. The Council could approve of it or disapprove of it as they thought proper. It was necessary that the Bill should have their approval. It could not become law unless they expressed their approval of it, and give their consent to its passing. It had to do with the peace, welfare, and good government of the colony. If the Legislative Assembly had condescended to assign any other reason for their insistence upon their original provisions beyond the bald expression of opinion that they claimed the control of all taxation, he might be inclined to give way.

"HONOURABLE MEMBERS: Hear, hear!

"Mr. MEIN: He approved of the amendment of the Council that miners should not be exempt from taxation, but rather than have a disturbance between the two Houses of Parliament, rather than embarrass the Government upon a matter of that kind—he did not care a threepenny bit about it—he should be glad to give way if only a plausible excuse for so doing was afforded. But, as pointed out by the Hon. Mr. Walsh, the Council would be simply cyphers if they gave way in the face of the message sent up to them. They had been characterised elsewhere in a manner not quite becoming. They had been called——

"Mr. WALSH: Fossils.

"The POSTMASTER-GENERAL: By whom?

"Mr. WALSH: A supporter of the Government.

"Mr. MEIN: They had been described as an inert mass. Well, if the Council assented to the proposition now before them, that characterisation would be justified. They would prove that they had no vitality whatever. The life would be gone from them if they gave up their present position, and then they would be deservedly laughed at. He (Mr. Mein) would be sorry to accuse all members of the other branch of the Legislature of holding such views as had been expressed, and that he objected to. The Council had the constitutional right to amend the Bill, and as the sole objection of the Legislative Assembly to their amendment was that the Assembly claimed to have the absolute control over taxation, they were bound in honour to themselves to insist upon their amendments. If they simply did that they would be

consistent with themselves, and would follow all the precedents that had been heretofore laid down in their practice. He moved an amendment to that effect."

And that amendment was carried. He thought the Hon. Mr. Mein put the matter in a nutshell, and nothing he could say would improve on that gentleman's opinion. But before sitting down he would like to draw attention to another observation made by the Hon. Mr. King—that it was regular use and custom that made those matters law—that whenever an amendment of that sort was dissented from by the other Chamber, either the Council gave way or the Bill was laid aside—that everything went to show the Council had no such right, and that the other House was generally unanimous, or words to that effect. So far from that being the case, in 1876, on the 11th October, the Council made amendments in the Stamp Duties Bill and the Navigation Bill. Those amendments were considered in the Assembly on the 16th of October, and so far from the House being unanimous, the divisions on both Bills were—he forgot whether gained or lost—by the casting vote of the Speaker, there being fourteen on each side. That showed that the other Chamber had not always been unanimous, or nearly unanimous, in thinking that the Council had not a right to alter money Bills. He had already proved that in New South Wales—where there was a clause in the Constitution Act of which ours was a verbatim copy—it was decided in the Assembly, by a division of 56 to 17, that the Council had a right to amend money Bills.

The HON. F. T. GREGORY said he would like to add a word or two to what had fallen from the last speaker. It had been totally overlooked that not only had the Council the right and privilege of controlling money Bills, but that no measure of additional taxation had ever passed and received the sanction of the Governor on behalf of the Crown unless it had passed the Council. Every new incidence of taxation must come before them and be assented to. Now, if they had the power to reject additional taxation, then certainly, upon the same principle—without going to the Constitution Act—they had a right to reduce the expenditure of the country. Certainly, in the first instance, the levying of taxation was a very much more serious consideration than that of reducing expenditure, unless the reduction of expenditure would cripple the Government of the day and prevent executive government being carried on. Now, in the Appropriation Bill the question they had to deal with was, whether the money of the people was to be spent in accordance with the way in which the other branch of the Legislature had thought fit to distribute it. It became a very serious question whether, being custodians of the property of the people quite as much as the other branch of the Legislature, it was not the duty of the Council to watch and guard over it. If they interfered with the moneys appropriated towards the maintenance of the Civil Service, or with votes for carrying out reasonable public works such as should be constructed out of the public revenue, then they would run a very great risk of imperilling the government of the country. Their duty was, as far as they possibly could, to maintain in power the Government that had been approved of by the elective Chamber. They ought to bring up no harassing questions disapproving of this, that, or the other vote; their duty was, so long as they could conscientiously do so, to carry them through, to prevent the difficulties and troubles which might otherwise arise and make it next to impossible for the Government to carry on their functions. During the twenty-five or twenty-six years of the existence of the Chamber it had never interfered to the extent of in any way imperilling the carrying on of the public business of the country; and on the present occasion they were repelling a direct and hostile attack on their rights and privileges, not with regard to money required for the Public Service, but with regard to money to be appropriated to the private wants of members of the other House, out of the revenue of the colony. He would not occupy the time of the Committee further. He had no wish to go again over the ground covered on a former occasion, in spite of the Postmaster-General having accused them of avoiding the main question at issue. He did not wish to inflict the same speech over and over again upon hon. members.

The POSTMASTER-GENERAL said that when he spoke about hon. members having omitted all reference to the most important part of the subject he was referring to only one or two hon. members, and not to the Opposition as a whole. He would take the opportunity of referring to a point he had formerly raised, and of which very little notice had been taken—namely, that hon. members were referring to the question of payment of members, when that question was really not before them. They were not discussing the Estimates but the Appropriation Bill, and there was nothing about the payment of members in the Appropriation Bill. He was not aware by what process hon. gentlemen were debating the question of payment of members when the question was not raised in the Bill before them.

The HON. A. C. GREGORY said he would ask the Postmaster-General the formal question whether in the item of £10,585 for Legislative Assembly's establishment there was included a sum of £7,000 for payment of members' expenses?

The POSTMASTER-GENERAL said he had sent for a copy of the Estimates, and would reply to the hon. gentleman's question when he had looked into the vote for the Legislative Assembly.

The HON. P. MACPHERSON said he noticed an item of £47,000 for charitable allowances. Perhaps the £7,000 for payment of members' expenses was included in it.

The HON. W. GRAHAM said he was much inclined to the opinion of the Hon. Mr. Macpherson—that if the Postmaster-General could not trace the £7,000 to the vote for the Legislative Assembly's establishment he might find it in the vote of £47,000 for charitable allowances. That would be a very good place to bring it in. He looked upon it as nothing else than a charitable allowance, and a charitable allowance that had been brought in, in another place, in a very scrubby way. In former sessions the question had been introduced in a straightforward way, as one for the payment of members. Now it had been introduced in a shuffling way, as a question of payment of members' expenses; and when the Council rejected it in that form, an attempt was now made to pass it by a sidewind. The Government had better put the £7,000 amongst the charitable allowances, and then the Council might perhaps let it slip through.

The HON. F. T. GREGORY said the Postmaster-General had wondered how hon. gentlemen became aware that the item of £7,000 for payment of members' expenses was included in the vote under consideration. Surely the hon. gentleman was not so ignorant as not to know that what was done in one branch of the Legislature was duly communicated to the other. By rights the Appropriation Bill ought to be in the hands of hon. gentlemen twenty-four hours before it was dealt with, but on the present occasion, in order to facilitate the conduct of business,

they had allowed the Postmaster-General to take advantage of the suspension of the Standing Orders to push the Bill through with the greatest possible speed consistent with due consideration, care, and watchfulness over the interests of the colony.

The HON. T. L. MURRAY-PRIOR said he understood the hon. the Postmaster-General to say that he had not seen the Estimates, and could not, consequently, until he saw them, tell the Committee where the £7,000 came in. Well, he must say that it surprised him that an hon. gentleman should have a Bill of such importance in his possession as the Appropriation Bill—at the same time being a member of the Ministry—and not have looked at it, so that he might be able to afford the Committee any information when asked for. He did not require the information from the Postmaster-General; he had it before him, and if hon. gentlemen looked at page 9 on the Estimates they would see the whole matter. There was a sum of £3,585 for Legislative contingencies, and to that was added another amount of £7,000; making, in all, the sum of £10,585. He thought the hon. gentleman had had sufficient time to consider the matter, and he hoped he would now rise and inform hon. members that they were right.

The POSTMASTER-GENERAL said the Hon. Mr. Prior and other members of the Committee had the same information that he had, but what he wished to identify was the particular part of the Bill where the members' expenses were alleged to have been included. They knew whether the item was included in the Estimates, but he wished to identify the particular spot attacked by the amendment, because he did not recognise it in the way the amendment had been put and carried.

The HON. T. L. MURRAY-PRIOR said when he spoke of the £7,000 he thought the Postmaster-General had sufficient intelligence to detect that the omission of that sum would be from the item £10,585 in the 1st subsection.

The HON. A. C. GREGORY asked if he was to understand the Postmaster-General to admit that the sum of £7,000 was included in the item of £10,585 under the heading of Executive and Legislative? There was nothing in the House that distinctly pointed that out, but the inference was so unavoidable that, having misunderstood the Postmaster-General in the first instance, he would just ask whether the £10,585 included that amount? With reference to the remark that had been made, he would point out that the amendment already carried was a consequential amendment. He would ask the Postmaster-General once again if the £10,585 included the £7,000, or thereabouts, for the payment of members' expenses?

The POSTMASTER-GENERAL said he found, on referring to the Estimates on page 9, that what the Hon. Mr. Murray-Prior had stated was correct. On that page there was a sum of £10,585 under the head of "Legislative Assembly."

The HON. A. C. GREGORY asked if the items included in the sum of £10,585 were those items which were on page 9 of the Estimates?

The POSTMASTER-GENERAL: That is so.

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

The HON. T. L. MURRAY-PRIOR said he had another consequential amendment to propose at the end of line 8 and the beginning of line 9. He moved the omission of the words "eight hundred and four" with a view of inserting the words "seven hundred and ninety-seven."

Amendment agreed to.

The HON. T. L. MURRAY-PRIOR said he now came to the principal amendment. The Postmaster-General had informed them that the £7,000 was included in the sum of £10,585 on the 21st line.

The POSTMASTER-GENERAL: I said I believed so.

The HON. T. L. MURRAY-PRIOR said the hon. gentleman said he believed so. He thought that was a very good admission, and he would move by way of the omission of the figures "£10,585," with a view of inserting ——. But, before moving that, he noticed that another consequential amendment was necessary in line 15. He moved the omission on that line of the word "twenty-five," with a view of inserting the word "eighteen."

The HON. W. FORREST said there was another point that had not been referred to that evening, respecting which he should like to ask the Postmaster-General some information. If they admitted the contention of the hon. gentleman and those who agreed with him, that that Chamber had no right to interfere in any way with matters affecting money, what was to prevent the other Chamber, if they could vote themselves £7,000, from voting themselves £70,000 or any other sum?

The POSTMASTER-GENERAL said he was not prepared to discuss the point with the hon. gentleman. The hon. gentleman did not admit his contention, and a majority of that Chamber did not admit it.

The HON. P. MACPHERSON: I should say, in reply to the Hon. Mr. Forrest, that it is through their extreme moderation.

The HON. A. J. THYNNE said there was one very important matter that he should like to call attention to in connection with the passing of the Appropriation Bill. The hon. the Postmaster-General had only vouchsafed to them an expression of his belief that a certain item was included in the Estimates. He (Hon. Mr. Thynne) considered that that House had a right, if they chose, to have detailed information furnished of every item included in the Estimates. Although they might pass the Bill now before them in its present form, he thought it was as well on that occasion to call attention to the possibility that on other occasions information such as he had indicated might be desired. He remembered not very long since, on the discussion of an Appropriation Bill, one hon. gentleman, who was not present that evening, entered pretty largely into the different items that appeared in that Bill; and he (Hon. Mr. Thynne) thought that they should not be completely satisfied with a simple expression of belief on the part of the Postmaster-General. They were entitled to have complete and definite information of all the items in the Appropriation Bill, if any hon. member wished to get that information.

The HON. W. FORREST said he quite agreed with what had fallen from the Hon. Mr. Thynne, and he should read to the House what the Constitution Act said on that very point. To his mind the Appropriation Bill had never come before them in a proper way. Instead of being condensed into a single sheet, he contended that it should come before them in the shape of Estimates. Commencing with clause 34, there were a number of clauses in the Constitution Act providing first for the formation of a fund called "The Consolidated Revenue Fund." Then came clause 39, which said:—

"After and subject to the payments to be made under the provisions hereinbefore contained all the Consolidated Revenue Fund hereinbefore mentioned shall be subject to be appropriated to such specific purposes as by any Act of the Legislature of the colony shall be prescribed in that behalf."

He contended that the Appropriation Bill did not put before them the specific object of the appropriation to which the fund was to be devoted, and that they were entitled to get that specific information if they asked for it.

The HON. T. L. MURRAY-PRIOR said he did not agree with the hon. gentleman who had just spoken, that the Appropriation Bill should be brought in in the form of the Estimates, because it would lead to a great deal of confusion. He could only say that during the five years he had the honour to be Postmaster-General in that House, whenever an Appropriation Bill was brought forward he had always considered it part of his duty to explain to the House any portion of it which either he himself thought it desirable to give information upon, or upon which hon. members might ask for information. He did not think that that rule had been followed so much of late years as it was then ; but he thought it was very desirable that the representative of the Government in that House should be willing and able to give all the information required respecting any item contained in the Appropriation Bill.

Amendment put and passed.

The HON. T. L. MURRAY-PRIOR said he now proposed to eliminate from the clause the £7,000, which appeared on the Estimates for the expenses of members of the Legislative Assembly. He therefore moved that the words "ten thousand five hundred and eighty-five pounds for the Legislative Assembly's establishment," in line 21, be omitted, with the view of inserting the words "three thousand five hundred and eighty-five pounds."

Amendment put and passed.

On the motion of the HON. T. L. MURRAY-PRIOR, a further consequential amendment was made in the clause by omitting the figures "£25,718 " in line 23, and inserting " £18,718."

Question—That the clause, as amended, stand part of the Bill—put.

The HON. F. T. GREGORY said, before putting the clause, which he presumed was likely to pass the Committee in its amended form, he would like again to draw the attention of hon. members to what had already been alluded to—namely, the necessity for placing in the hands of hon. members, at the time when the Appropriation Bill was brought before them, the Estimates which were included in it. It would, of course, be undesirable that the whole of the Estimates in detail should be included in the Appropriation Bill—not only was it not customary, but it would be cumbersome and very inconvenient, but they ought to be supplied with such information as would enable them to see whether the items contained in the Appropriation Bill agreed with the Estimates, as issued to hon. members of both Houses of Parliament. His chief reason for particularly drawing attention to this was the great risk they would run in future, not only of mistakes being made, but of sums being put upon the Estimates, the object of which they were not cognisant of. He had already pointed out that the Council had been exceedingly careful not to interfere with what was done in another place. But the fact that that sum of £10,000 before them included £7,000 for payment of members showed that if they had not watched over it in the Estimates, irrespective of the occasion of the passing of the Appropriation Bill, it might easily have passed through, without many hon. gentlemen being aware of it ; and it was an item they very much objected to. He very strongly hoped and anticipated that the other branch of the Legislature would be slow in putting anything in the Estimates which they were sure would meet with the strong disapprobation of the Council. Still they ought to be in a position, if such a measure were admitted at any future time, to be able to say whether they would be participators in its being placed upon the Estimates. As that subject touched upon another he would briefly allude to it. It was the relative amounts of revenue that were supposed to be derived from taxation for the current year, and appropriation. Any gentleman who had taken the trouble to peruse the proceedings elsewhere, carefully, and study the papers which were placed in their hands, and read *Hansard*, would have very grave doubts, on the present occasion, as to whether they were not passing an Appropriation Bill for a sum considerably in excess of the revenue that was likely to accrue during the corresponding period. It might become a very serious question indeed ; so much so that had it not been that he was anxious to see the question dealt with upon the point that was now before them—one where there could be no doubt that it was an unnecessary impost upon the country—it might have become their duty to object to the passing of Estimates which were far in excess of the revenue of the country. He hoped, therefore, that the hon. Postmaster-General, in future dealings with that Committee, would see his way to provide Estimates along with the Appropriation Bill, so as to give hon. gentleman an opportunity of studying them side by side.

The HON. W. GRAHAM said he was not quite satisfied with the answer they had received from the Postmaster-General, who said he believed that the £7,000 was included in the item of £10,000 which appeared in the Estimates ; but he had given them no assurance that it was so. He should like to point out a matter that had been hitherto overlooked. He did not believe, as the Hon. Mr. Murray-Prior did, that the Appropriation Bill should be brought up in such a form as the Estimates. That would be too cumbersome. He thought the 39th clause of the Constitution Act, as quoted by the Hon. Mr. Forrest, was quite clear, and he would risk the charge of reiteration, and read it again :—

> "After and subject to the payments to be made under the provisions hereinbefore contained all the Consolidated Revenue Fund hereinbefore mentioned shall be subject to be appropriated to such specific purposes as by any Act of the Legislature of the colony shall be prescribed in that behalf."

It was distinctly stated there that they were for specific purposes, and he did not consider that they knew the specific purpose for which that £10,000, which appeared in the Appropriation Bill, had been appropriated, and they had had no satisfactory answer from the Postmaster-General. He should like to have more definite information before the item was passed.

The HON. A. J. THYNNE said he thought that before the clause was passed there was something more to be said upon the question. He, for one, in what he said just now, did not wish to have the Estimates before them in detail. He thought it was enough, for all practical purposes, that they should have the Estimates supplied to them as they were at present ; and that the gentleman representing the Government in that Chamber should be in a position to speak affirmatively and positively, on being asked by any hon. gentleman, as to any particular item. It would be going beyond all reasonable bounds if they claimed or wished to investigate the whole of the Estimates in detail ; and he thought they would have sufficient opportunities from day to day of knowing what items were passed. It would encumber their proceedings very much indeed, if they were obliged to have the Estimates in detail submitted to them as they were to the other branch of the Legislature, before they passed the Appropriation

Bill. All practical purposes would be served by their asking the Postmaster-General to furnish them with an affirmative answer as to any particular item upon which a question might be asked.

Clause, as amended, put and passed.

The remaining clauses of the Bill, and the preamble, were passed as printed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

The report was adopted; the Bill was read a third time and passed, and was ordered to be returned to the Assembly by message in the usual form.

ADJOURNMENT.

On the motion of the POSTMASTER-GENERAL, the House adjourned at eighteen minutes to 10 o'clock.