Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 12 NOVEMBER 1885

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LEGISLATIVE COUNCIL.

Thursday, 12 *November*, 1885.

Question.—Progress of Business.—Message from the Legislative Assembly.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

QUESTION.

The HON. W. D. BOX said: With the permission of the House, I desire to ask the Postmaster-General the question of which I gave notice a few days since, and which, through absence from the House, I have not had an opportunity of asking. The question is as follows:—

1. Are the Government aware that permission to shoot the native birds of Queensland at the Enoggera Reserve has lately been granted by the Brisbane Board of Waterworks?

2. Will the Government influence the Board of Waterworks so that the intention of Parliament, that these may be permanent reserves for the sake of protecting the native birds of Queensland, may be carried out so far as the Enoggera Reserve is concerned?

The POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson) replied—

For some years past the board have discouraged the shooting of native birds on the Enoggera Reservoir; and on the face of the cards of admission to the works is printed a prohibition against shooting. Finding, however, that the prohibition not being supported by law was not invariably obeyed, the board took early advantage of the Native Birds Protection Act Amendment Act of of 1884. The reservoir and catchment area having been proclaimed a reserve under that Act, the birds are now protected by law; offences against the Act being punishable by fine and imprisonment. Three members of the board have been appointed rangers for carrying into effect the provisions of the Act, and for preventing and punishing any breach thereof.

PROGRESS OF BUSINESS.

The PRESIDENT: As there is no probability of any business coming before the House at present, I shall resume the chair in an hour's time.

On the House resuming—

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT read the following message from the Legislative Assembly:—

"MR. PRESIDENT,

"The Legislative Assembly having had under their consideration the amendments of the Legislative Council in the Appropriation Bill No. 2—

"Disagree to the said amendments for the following reasons, to which they invite the most careful consideration of the Legislative Council:—

"It has been generally admitted that in British colonies in which there are two branches of the Legislature the legislative functions of the Upper House correspond with those of the House of Lords, while the Lower House exercises the rights and powers of the House of Commons. This analogy is recognised in the Standing Orders of both Houses of the Parliament of Queensland, and in the form of preamble adopted in Bills of Supply, and has hitherto been invariably acted upon.

"For centuries the House of Lords has not attempted to exercise its power of amending a Bill for appropriating the public revenue, it being accepted as an axiom of constitutional government that the right of taxation and of controlling the expenditure of public money rests entirely with the representative House—or, as it is sometimes expressed, that there can be no taxation without representation.

"The attention of the Legislative Council is invited to the opinion given in 1872 by the Attorney-General and Solicitor-General of England (Sir J. D. Coleridge and Sir G. Jessel) when the question of the right of the Legislative Council of New Zealand to amend a money Bill was formally submitted to them by the Legislature of that colony. The Constitution Act of New Zealand (15 and 16 Victoriæ, c. 72) provides that money Bills must be recommended by the Governor to the House of Representatives, but does not formally deny to the Legislative Council (which is nominated by the Crown) the right to amend such Bills. The law officers were nevertheless of opinion that the Council were not constitutionally justified in amending a money Bill, and they stated that this conclusion did not depend upon, and was not affected by, the circumstance that by an Act of Parliament the two Houses of the Legislature had conferred upon themselves the privileges of the House of Commons so far as they were consistent with the Constitution Act of the colony.

"The Legislative Assembly believe that no instance can be found in the history of constitutional government in which a nominated Council have attempted to amend an Appropriation Bill. Questions have often arisen whether a particular Bill which it was proposed to amend properly fell within the category of money Bills. But the very fact of such a question having arisen shows that the principle for which the Legislative Assembly are now contending has been taken as admitted.

"The Legislative Assembly maintain, and have always maintained, that (in the words of the resolution of the House of Commons of 3rd July, 1678) all aids and supplies to Her Majesty in Parliament are the sole gift of this House, and that it is their undoubted and sole right to direct, limit, and appoint, in Bills of aid and supply, the ends, purposes, considerations, conditions, limitations, and qualifications, of such grants, which ought not to be changed or altered by the Legislative Council.

"For these reasons it is manifestly impossible for the Legislative Assembly to agree to the amendments of the Legislative Council in this Bill. The ordinary course to adopt under these circumstances would be to lay the Bill aside. The Legislative Assembly have, however, refrained from taking this extreme course at present, in the belief that the Legislative Council, not having exercised their undoubted power to reject the Bill altogether, do not desire to cause the serious injury to the Public Service and to the welfare of the colony which would inevitably result from a refusal to sanction the necessary expenditure for carrying on the government of the colony, and in the confident hope that under the circumstances the Legislative Council will not insist on their amendments.

"WILLIAM H. GROOM,
"Speaker.

"Legislative Assembly Chamber,
"12th November, 1885."

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the Legislative Assembly's message.

The POSTMASTER-GENERAL said the message of the Legislative Assembly was now before hon. members, and he thought it would be admitted on all sides that it was alike temperate and sound, and that the reasons contained in it could not be gainsaid. He understood that it was not intended to raise a discussion of any great length upon the message, and therefore it was his simple duty to move that the Committee do not insist on the amendments of the Legislative Council.

The HON. T. L. MURRAY-PRIOR said he did not altogether agree with the Postmaster-General that all that was contained in the message, however temperate it might be, was

sound. He did not think the reasons given were applicable to the question at issue. He would say very little now, as he would have the opportunity of speaking hereafter, but he might state that it was his intention to move that the Committee insist on what they had determined after due consideration.

The POSTMASTER-GENERAL: I cannot hear the hon. gentleman.

The HON. T. L. MURRAY-PRIOR said he would speak a little louder. It was his intention to move that the Committee insist upon what they had already determined. They had come to that determination after mature consideration. The attack had come from another place, and on that other place the onus must be thrown. He saw the gravity of the position; and perhaps it was the gravity of the position that made his voice a little weaker than usual, on account of which the Postmaster-General did not hear him; but he thought the hon. gentleman would not have to complain of that when he spoke again. What he had just said was merely to open the question, to which other hon. gentlemen would now speak.

The HON. F. T. GREGORY said he would very much have preferred to hear the opinions of some of the members opposite, before he proceeded to comment on the message, but as anything they might say would not be likely to alter his views on the question he might as well speak now as defer his remarks till later in the evening. He intended to deal with the message seriatim, and, in the first instance, he must dissent from the following paragraph:—

"It has been generally admitted that in British colonies in which there are two branches of the Legislature, the legislative functions of the Upper House correspond with those of the House of Lords, while the Lower House exercises the rights and powers of the House of Commons. This analogy is recognised in the Standing Orders of both Houses of the Parliament of Queensland, and has hitherto been invariably acted upon."

He denied altogether that the functions of the Legislative Council or the Upper House of Queensland—which was the question before the Committee—were exactly analogous to the House of Lords; they were not a reflex of the House of Lords. They could not pretend to arrogate for one moment to themselves the position of a local House of Lords. Call them by whatever name they might, they certainly and emphatically were not a reflex of the House of Lords; nor was the Legislative Assembly a reflex of the House of Commons. They existed, as had been repeated over and over again, under a Constitution Act; and although they had certain Standing Orders which enabled them to work upon the same lines in conducting the business connected with the two Houses—there were the joint Standing Orders and the individual Standing Orders of each Chamber—they were adopted merely to follow as nearly as possible on the lines of the British Parliament. And why? Because they had been well considered in connection with general rulings on matters connected with the internal discipline arrangements by which they conducted their business; but in no case did they arrogate to themselves the possession of the same functions as the British Parliament. He thought it was very well indeed that they should adopt Standing Orders as nearly as possible similar to the Standing Orders of the British Parliament, because they had been well tested; but that had nothing to do with their Constitution. Nor was there anything in their Standing Orders outside the statutory law of the colony that would not be equally applicable if the Council possessed greater or less powers. He was not aware of any instance where they would be in any way effective—that was, within a reasonable limit. The Legislative Assembly affirmed that—

"For centuries the House of Lords has not attempted to exercise its power of amending a Bill for appropriating the public revenue."

Well, that was perfectly true. But because they had not exercised the right that was no reason why it should not be exercised. He was not aware that they had had any occasion to exercise that right. He had read a good deal of parliamentary history, but at that moment it certainly slipped his memory if any occasion had arisen in which the House of Lords had arrogated to themselves anything outside the functions of their parliamentary Constitution. The House of Lords had a Constitution which was the result of time and custom. "May" reiterated that over and over again. They had existed from a very long period back, and the practice of the present was the result of certain customs and agreements between the two Houses as to what they should interfere with and what they should not interfere with. Then again the paragraph went on to say:—

"The attention of the Legislative Council is invited to the opinion given in 1872 by the Attorney-General and Solicitor-General of England (Sir J. D. Coleridge and Sir G. Jessel) when the question of the right of the Legislative Council of New Zealand to amend a money Bill was formally submitted to them by the Legislature of that colony."

Now, there again the reason given was totally misleading. That was not an analogous case; there was no parallelism between that and the case which had now arisen between the Assembly and the Council. The Legislature of New Zealand had passed a certain measure which they designated the Parliamentary Privileges Bill, if he remembered correctly, and under that Bill they proposed to give themselves certain powers and privileges which would be similar to those possessed by the House of Commons. In so doing they passed a Bill which the Imperial Crown law officers considered was outside their Constitution. They might pass it as a local measure, but it was outside the Constitution, and the Crown law officers gave their decision against them; but that decision was not upon the provisions of the Constitution Act. Had the Constitution Act simply been submitted to them they might have given a different decision. But in any case the Constitution of New Zealand was not identical with the Constitution of Queensland, and he did not suppose hon. gentlemen wished to enter into a discussion of their powers and privileges. That he believed was outside their intention. What would be the use of such a discussion? They did not want to discuss the Constitutions of other British possessions. They were quite content to remain within their own Constitution. Unless the Constitution referred to was identical, in which case they might argue by parity of reasoning; if men of ability and legal acumen in other parts of the British Empire had come to certain resolutions their decisions should be carefully considered by the Committee in arriving at a conclusion on the question which was now under consideration—namely, as to whether they were right or wrong in insisting upon their amendment on the Bill. But that was not the case, and he thought he had shown that the paragraph to which he had referred was in no way adapted or applicable to the present contention between the two Houses. Then it went on to say that—

"The Legislative Assembly believe that no instance can be found in the history of constitutional government in which a nominated Council have attempted to amend an Appropriation Bill."

Well, no such case might have arisen. All he could say was if it had not arisen it had not

arisen, but that was no reason why it might not have arisen, or might not arise in the future, and therefore there was no argument in that reason. He did not see that it contained any tangible or logical argument that bore upon the question before the Committee. He had read it through two or three times, and endeavoured to see where it bore upon the question, and had come to the conclusion that it did not. It was merely a negative. Then, again, the message said :—

"The Legislative Assembly maintain and have always maintained that (in the words of the resolution of the House of Commons of 3rd July, 1678) all aids and supplies to Her Majesty, in Parliament, are the sole gift of this House."

And so on, but he need not read the remainder of the clause, as the reasons were in the hands of hon. gentlemen. Because A had persistently maintained that he had a certain right or possession, did that in any way deprive B of his right? He could not see that there was any logic in that reason. If it could be shown that the contention of the Legislative Assembly was sound, then it would be the soundness and validity of the argument that they would have to consider; but the reason given was simply an assertion, a mere dictum, and there was nothing in it to support the position taken up by the Assembly. If the statement was supported by any records to show that it was made on a sound foundation, then well and good; but there was nothing to prove it beyond the mere assertion of the Legislative Assembly. They commenced first on unsound premises—namely, that the Legislative Assembly bore the same relative position to the Legislative Council as the House of Commons did to the House of Lords. If they once accepted that, then there might be some ground for the reason given, as they would be following the lines of the British Parliament; but having denied, in the first instance, that the two Houses here possessed similar powers to the two Houses of the British Parliament, that contention came to nothing. They must establish the premises before they could argue. He thought hon. gentlemen—and there were a number present in that Chamber well able to argue and reason logically and soundly on all subjects—knew the meaning of a syllogism perfectly well, and that unless they based their argument upon sound premises the whole thing from beginning to end was almost sure, if not absolutely certain, to be a total fallacy. Then, finally, the message said :—

"For these reasons it is manifestly impossible for the Legislative Assembly to agree to the amendments of the Legislative Council in this Bill."

Again, he could not see that it was manifestly impossible for the Assembly to agree to the amendments. It was simply a question of their will. They had willed that they would persist in disagreeing to the amendments of the Legislative Council, but their disagreement was not based upon reason. Their only reason was that they were very much dissatisfied because the Council refused to vote money for them. They had given their reasons for that refusal before, and he would not go over them again. They were such that that House affirmed by a large majority that they were not justified in concurring with the Assembly in passing that vote of money. Outside that question they had now nothing to do, because, as he had put it in his observations on the previous paragraphs of the Assembly's message, they did not accept the Assembly's previous contention, and consequently they were prepared to view the question now in exactly the same light as when it left that House.

The HON. G. KING said he could add nothing to what he said on the previous day. He was still perfectly convinced that that House had not the constitutional power of amending money Bills. He could go further now and say that if they had that power they should be deprived of it, because it would strike at the root of all constitutional government. He had no hesitation in saying, moreover, that if that question were referred to the highest constitutional authorities in England their verdict would be against them. He was very sorry the question had arisen, but it could not be helped now, and they must make the best of the consequences.

The HON. A. C. GREGORY said he had looked over the reasons given by the Legislative Assembly as reasons why they should not insist on their amendments. They were all based upon the Premier's assertion that their two Houses were in exactly the same position as the two Houses of the Imperial Parliament; but if they examined into their Constitution they would find an extreme difference. First of all, the two Houses of the Imperial Parliament had existed from prehistoric times. They were scarcely able to fix the time when those assemblies of the nobles and the people commenced, and they had naturally been the makers of their own laws; and as they were able to make laws they were able to govern themselves. They were co-equal, and there was no other power to control the estates. There was no law whatever established to create either of those estates, and the system had been continued until the present day, so that, whenever either or all of the estates required a law to guide them, they simply provided it by some resolutions which they passed. When, however, they came to look at their colonial legislatures —that of Queensland especially, which was the one now under consideration—they found that originally the Government of this colony was purely a despotic one. An officer of the Imperial Government was appointed by Her Majesty, and was empowered to create whatever laws he saw fit, and do whatever he saw fit in the colony. It was true that there were very few people in the colony at the time who were not under his control for some other causes. Following on that they found the Governor was advised by certain persons appointed for the purpose. There were certain nominees forming a council to advise the Governor. They might as well say that those nominees were a reflex of the House of Commons. They came then to the present time by gradation, and although it was possible that they might eventually arrive at the perfection of the Imperial Government, still they had not yet arrived at that point. They could not pass laws except according to certain rules laid down for their guidance. They had a Constitution Act, and although they were permitted to modify that within certain limits, still the veto was retained by the Crown, and further than that there were limits that they could not pass. Their Constitution was distinctly and fairly given them by statute. How, then, could either that House or the Assembly arrogate to themselves any powers or rights other than those which were laid down by law? That law clearly and fairly set forth what those rights and powers should be. He was well aware that since the inauguration of their present form of constitution the Assembly had taken for its guidance to a great extent the rules, customs, and practices of the House of Commons, and in many cases the members of the Council had been also guided by what they had read or heard of the practice of the House of Lords; but all those things, though they might be matters of custom, were not forced upon them, nor could they enforce them according to law. It was true they had made certain Standing

Orders which referred to the two Houses being governed in certain cases, not otherwise provided for by the rules and practice of the Houses of the Imperial Parliament. But those Standing Orders could not in any way overrule the Constitution Act, because no Standing Order could be made which was at variance with that Act. And, should the words of the Standing Orders be attempted to be construed as at variance with the Constitution Act, they must of necessity be co-operative so far as such an interpretation could be advanced. What he himself should have wished to have seen in the present position, where the two Houses were at variance upon the question of their relative rights—one basing their claims upon the customs and practices of a legislative body in another place and under very different conditions, and when that Chamber depended for its rights upon statutory law—in such a case he should like, if it were possible, to have submitted the question under consideration to some intelligent authority, such as could give a proper opinion as to the limits to be placed upon the business of each House, so that they might work with greater harmony. He did not think the contention of the Legislative Assembly could be maintained. He believed that if the Council were to insist upon its statutory rights to the extreme it might bring the whole system of government to a deadlock. He, therefore, had always held that it was undesirable for that House to interfere with questions of appropriation, unless extreme dangers rendered it necessary for them to exercise their powers. There was a vast difference between their exercising their rights in all cases and under all conditions, and exercising them with discretion. In the present instance, he thought they had exercised them with discretion, and not only with discretion, but with great moderation. First, it was admitted, he believed, on all hands—the other House admitted it—that they had the right to negative the Appropriation Bill altogether; and he contended that they had the minor—because the lesser must be contained within the greater—the minor right to modify and reject a part of any Appropriation Bill. Instead of throwing the country into all sorts of difficulty and delay by the rejection of the Appropriation Bill—as they might have done—they had taken the far milder and easier course of simply excising the particular item to which they objected. That item they held had been inserted improperly in the Appropriation Bill, and for that reason he thought they ought to excise it. It had been placed there, not as a simple question of a vote of money, but as a question of State policy; because when the question arose in the other House whether the members could properly vote the money, as it would go to themselves, the ruling was that it was not a question of voting money to themselves, but of State policy. As such it ought not to have appeared in the Appropriation Bill; it should have been sent up as a separate and distinct measure. It became of the nature of a tack, and was distinctly a tack. Hon. members who had read "May" would see that tacks had on all occasions been denounced, and for more than a hundred years no effort had been made to do such a thing in the Imperial Parliament. Reference had been made to what had been done in other colonies. In Victoria they had a different constitution; the Council could not amend—it was distinctly stated that they could only reject—therefore any proceedings or decisions in that colony could have no application here. Then they had had recounted the opinion of the Crown law officers upon a case which arose in New Zealand; but the Constitution of New Zealand also differed from the Constitution of Queensland, and they all knew that a very small amount of verbiage could totally alter the phase and conditions of an Act of Parliament; so that case could not apply here. Then—

"The Legislative Assembly believe that no instance can be found in the history of constitutional government in which a nominated Council have attempted to amend an Appropriation Bill."

He was not prepared to state that any such occasion had arisen, but he really could not call to mind a case at all approaching the present one, in which an attempt had been made to coerce the Council into passing a vote which was contrary to their avowed views, and on which they had expressed their opinion distinctly when they rejected the Bill for payment of members' expenses. He could only wish it had been possible for the Legislative Assembly to follow some such course as this: to agree to waive the question of members' expenses until such time as the question relative to the rights and privileges of the two Houses could be referred to the Privy Council, or such officers as the Privy Council might depute, to define exactly the point to which each House should go. He was not desirous of claiming any greater privilege for the Council, or of objecting to any privilege for the other House, either greater or less than properly belonged to them; and if it could be authoritatively ruled that they had not the power to amend an Appropriation Bill he would be perfectly satisfied, because then the responsibility would be removed from them. At present they felt that the responsibility rested on them, and that they would be wrong if they passed the matter over without exercising the discretion which had been placed in their hands. If they were to adopt the contention of the Legislative Assembly in their last paragraph but one—

"That all aids and supplies to Her Majesty in Parliament are the sole gift of this House, and that it is their undoubted and sole right to direct, limit, and appoint, in Bills of Aid and Supply, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants"—

it would follow that they would have no discretionary power, even of negativing the Bill. Such a contention, if carried out, was manifestly subversive of all constitutional government, because constitutional government meant government by the three estates. If they were to adopt it they would practically place themselves under the control of the Legislative Assembly alone, and they might save themselves a great deal of trouble by not appearing in the House. The meaning of the last paragraph of the Assembly's message was, that as soon as the Bill was returned to them there would be a prorogation, and that things would be made as uncomfortable for everybody in consequence of the non-passing of the Bill. But it was because the Council knew the undesirability of such a course that they amended the Bill instead of rejecting it altogether. It was open now to the Assembly to accept the Bill, leaving out the item for payment of members. If the Assembly did that, it might be possible to get the rights and privileges of the Council with regard to money Bills clearly and authoritatively defined by next session; and then, if it was found that their rights did not extend so far as the amendment of an Appropriation Bill, the Assembly would be enabled to have its own way and carry out its own policy. So long, however, as the Council believed they had that right they could not do otherwise than insist upon their amendments.

The HON. A. J. THYNNE said he saw no material difference, as far as their action was concerned, between amending the Bill and rejecting it altogether, and he never expected to see the Assembly assent to the amendments they

had made in it. They had set themselves right with the public by expressing to the Assembly their readiness to comply with all the requirements of the Public Service, with the exception of one item. The conduct of the Government with regard to that item suggested to him the case of sailors wanting to broach cargo and threatening to run the ship ashore if they were not allowed to have their own way. Under such circumstances it was for the Council to decide what course should be adopted. For his own part he had distinctly affirmed that he would not assent to a measure which would render possible so unjust a proceeding as the payment, by the trustees of the public purse, of money into their own pockets. They must not allow the constitutional question to entirely cover up the other questions which had arisen out of it, nor forego their right of expressing an opinion in the only effective way, on an important question of State policy. With regard to the comparison that had been made between that body and the British House of Lords, it seemed to be entirely overlooked that the House of Lords was a collection of men exercising legislative rights by inheritance, while the Legislative Council of Queensland was a representative body. Although not elected periodically it was a representative House in every sense of the word. He was led to make that remark by the second paragraph of the Assembly's message, the last words of which were that "there could be no taxation without representation." That was, no doubt, a very good argument to catch the opinions of people who had not given much consideration to the question. It was not the wish of anyone that the Legislative Council should have the power of imposing taxation; it was a power which he for one would never advocate. No amendment of an Appropriation Bill, or a money Bill of any sort, would have his support if it went further than a reduction. Their endeavour in amending a money Bill was, not to impose but to lighten taxation; and in the particular amendment they had not only lightened taxation, but they had saved the Assembly from a procedure which, in his opinion, would only have the effect of lowering its moral status. If members of the Assembly were allowed to put the public money into their own pockets it could not but have a bad effect on that branch of the Legislature. The only other portion of the Assembly's message to which he would refer was the last paragraph, which, after stating that the ordinary course under the circumstances would have been to lay the Bill aside, went on to say:—

> "The Legislative Assembly have, however, refrained from taking this extreme course at present, in the belief that the Legislative Council, not having exercised their undoubted power to reject the Bill altogether, do not desire to cause the serious injury to the Public Service, and to the welfare of the colony, which would inevitably result from a refusal to sanction the necessary expenditure for carrying on the government of the colony, and in the confident hope that under the circumstances the Legislative Council will not insist on their amendments."

That was not a straightforward way of putting the matter. The Council, by sending back the Bill with only one item omitted, had shown their readiness to provide for all the branches of the Public Service excepting the payment of members; and if the Government, or the Assembly, would endeavour to run the ship ashore it would be through no fault of the Council, which had offered to supply everything that ought justly and properly to be paid. The responsibility for any such action would not rest with them; it would rest with those who, in attempting to do a wrong and unconstitutional act, were apparently prepared to run all risks, no matter who might suffer, in order that their own ends might be attained.

The HON. E. B. FORREST said he regretted very much to learn that afternoon that the party led by the Hon. Mr. Murray-Prior felt obliged to insist upon the amendments passed on the previous evening. He voted, as everyone would remember, for the amendments—firstly, because he thought that the Upper House had a right to make the amendments; and secondly, because he thought it was necessary to protest against the action of the Lower House in tacking on to the Appropriation Bill the Payment of Members Bill, which was previously disposed of in that Chamber; and, moreover, he thought that as he had voted against the Payment of Members Bill he could not consistently refuse to vote for the amendments. In his judgment a man who had voted against the payment of members previously would, to a certain extent, have stultified himself by refusing to vote in favour of the Hon. Mr. Murray-Prior's amendments. But within the last twenty-four hours a flood of light might be said to have been thrown upon the constitutional right of the Upper House to amend a money Bill. If it had not been shown that the Upper House had not that right, it might be said that a very grave doubt had been cast upon the point as to whether they had that right or not, and he was of opinion that so long as it was a matter of doubt the Upper House was not justified in holding out and insisting upon its amendments. He did not consider that he was as capable of discussing a constitutional question as many hon. gentlemen were, and therefore he was content, in matters of that kind, to follow those who were in the habit of throwing light upon such matters. He thought that the message received from the Legislative Assembly that afternoon was, as it had already been described by the Postmaster-General, a most temperate one, and it struck him as having been framed by people who really desired to avoid a serious dispute between the two Houses. He regretted very much to think that no effort had been made by the leaders on the two sides of the House to come to some understanding upon the question. He thought it would have come with very good grace from them if they had had half-an-hour's chat over the matter and endeavoured to put before the House some proposal that would have been acceptable to both Houses. As he had said before, he was not going to discuss the constitutional point, and he was not going to say much about the threatened deadlock. Everybody knew what a disastrous affair it must be, but that was a matter that was not decided yet, and he hoped before the amendment was put that hon. members would take time to think about what they were doing. Under the circumstances he felt compelled to vote against the Hon. Mr. Murray-Prior's amendments.

The HON. T. L. MURRAY-PRIOR said he had been following the remarks that had fallen from the Hon. E. B. Forrest, and with respect to his argument that any person who voted against the Payment of Members Bill would stultify himself if he voted for the Bill before them, he (Hon. Mr. Murray-Prior) thought that any members who voted for the amendments made in that Bill would stultify themselves far more by not carrying out what only a few hours before they had determined upon. The question was one that had not now come before the Council for the first time. It had been before the Council for a very long time; it had been fully discussed in that Chamber, and he believed it had been allowed by all parties that by the Constitution that Chamber had a perfect right to amend money Bills. He had no doubt that when Mr. Wentworth, a very high authority, and others with him, framed the Constitution, they had in view a case similar to the present,

when the Council would be called upon to adopt extreme measures to prevent such a thing being carried out as was happening in another Chamber. It was not a usual case. In the reasons given by the Legislative Assembly it was said :—

"The Legislative Assembly believe that no instance can be found in the history of constitutional government in which a nominated Council have attempted to amend an Appropriation Bill."

He (Hon. Mr. Murray-Prior) could not point out any instance, but could the Hon. E. B. Forrest or the Postmaster-General or any hon. gentleman on either side of the Committee point out an instance where members who had the control of the public purse—who were the trustees of the public purse—had to all intents and purposes put their hands into that public purse and helped themselves against every practice of Parliament?

The POSTMASTER-GENERAL : Yes.

The HON. T. L. MURRAY-PRIOR : The hon. the Postmaster-General said "Yes"; he hoped the hon. gentleman would prove it.

The POSTMASTER-GENERAL : New Zealand.

The HON. T. L. MURRAY-PRIOR : He would leave it to the hon. gentleman to prove. Not only was it a well-known practice of Parliament that no member should vote where he had a personal and pecuniary interest, but if any member did so he committed a breach of the laws of Parliament. He would challenge the hon. the Postmaster-General to show that members of Parliament voting money to themselves had not a personal and pecuniary interest. It was a matter that was undoubted, and, having done so, they had committed an illegality, and not only had that illegality been committed but it had been committed after a Bill to the same effect had been rejected by the Council. And further than that, in another place, against every usage of Parliament, a practice had been introduced which, if carried, would subvert all good government—by tacking on to the Appropriation Bill a measure with the view, no doubt, of coercing the Council to pass the Bill. That was what hon. members of that House complained of; that was what they could not permit. It was not the paltry question of a few pounds, shillings, and pence, but a question of principle; and if in another place money could be voted for the personal expenses of members—if that principle was once established—it did not matter whether it was 1s. or £100—it might be increased by tens up to any sum of money. Under those circumstances he contended that the Council was in duty bound, whatever might be the cost to themselves, to prevent that from happening. He was the mover of the amendment, and he had moved it because he then believed, and still believed, that the Council had a constitutional right to make that amendment. He also believed that such an amendment should not be made in that House unless under circumstances somewhat similar to the present; but there was a time when the Council, if they had any respect for themselves—if they had any love for their country, and any desire to perform their duty—must stand forward—even if they were to sacrifice their own existence in doing what they believed to be for the good of the country—to prevent those who held the purse-strings of the colony from using the people's money for their own purposes. That was the real question at issue. It was not a question whether they had or had not a constitutional right; it was a question whether that Council should in any way allow a "tack" on to the Estimates to be passed in the manner proposed. It was true that they had made an amendment, but in reality it was exactly the same thing as if they had rejected the Bill, with the exception that it allowed time for consideration in another place; and, to express his own opinion, he thought that if the gentlemen of the Legislative Assembly, knowing—as their consciences must have dictated to them—that they had committed a wrong and illegality—knowing that, it would be far more noble on their part if they had accepted the amendment of the Council, whatever it might have cost their pride to do so. That was what he, for one, should have done and hereafter let the matter in dispute between the two Chambers—one being of one opinion, honestly believing that opinion to be correct, and the other holding another opinion—be settled. He, for one, would be perfectly content to have the matter referred to some authority who was competent to give a veredict upon it, and whatever that verdict might be he would abide by it, whether he thought it right or wrong. There was no doubt that under the Queensland Constitution they had the power to amend money Bills, and it was merely a question whether it was wise and desirable to use the privileges the Constitution gave them, or not. The only similar case to the present he had known to happen in this colony was on the occasion when certain railways were wished to be passed by Ministers. Some of those railways were thought to be right, others were thought to be undesirable; and in order to please the different constituencies those railways were bunched together in an illegal and improper manner. The Council on that occasion asserted their independence, and were the means of preventing those railways passing in a bunch. There had been no case since, as far as he could remember, in which more than one railway had come before them for their approval. They sat up all night to do their duty, and next day when they divided those in favour of asserting the Council's rights had a large majority. He would refer now to the last paragraph of the message from the Assembly, in which it was said :

"For these reasons it is manifestly impossible for the Legislative Assembly to agree with the amendments of the Legislative Council in this Bill."

If it was impossible for the Legislative Assembly to agree with the amendments of the Legislative Council, how much more impossible must it be, after the discussion they had on the previous night, for the Legislative Council to withdraw their amendments? If the Council were now to withdraw their amendments after the mature consideration they had given them, they would be simply stultifying themselves, and he, for one, would not be a party to that. What they had to think of was not of parties, not of what might happen to themselves, and not of the threats which might be held out that their very existence might be in question. What mattered their existence? If they had to die, let them die nobly and with honour!

The HON. G. KING said he was at issue with his hon. friend who had last spoken. The question before them was not payment of members, but one as to whether they had the right to amend a money Bill. Upon that there could be no doubt. He had no hesitation in saying that they might refer that question to any tribunal they liked—whether to the people or to legal constitutional authorities in England for an opinion *ex cathedrâ*, the verdict would go against them. His hon. friend, Mr. Murray-Prior, said he thought that the intention of Mr. Wentworth in inserting the clause in the Constitution Act which had been referred to was to meet a case like the present; but Mr. Wentworth's intention with regard to the formation of the Upper House was totally different. Mr. Wentworth intended to have a

patrician House, consisting of hereditary legislators from certain families—a hereditary descent of legislators with titles of honour attached to their office. His intention, however, was frustrated; and Mr. Martin and some other gentlemen were in favour of an elective Upper House. There was a compromise, and it ended in a nominated Upper House of life members. In order, however, to try the experiment of how a House of nominee members would work, the first members were appointed for five years only, and at the expiration of that period they were to be made life members. In the speeches made by Mr. Wentworth on the subject of the proposed clause, he always referred to the Canadian Constitution, taking it as a model on which the Australian Constitution was to be modelled, and the Canadian Constitution had in reality been the basis on which the Constitution of New South Wales was framed. Mr. Wentworth's ideas were at first very different to what they were afterwards. He had fanned the gentle breezes of liberty by introducing responsible government, and he thought that everything would go on smoothly, but political factions arose and terminated in a democratic hurricane, and threatened, as he thought, the very stability of Government. Then, when he returned to the colony, and when the Land Bill was brought before him, he was asked if it was not a money Bill? He replied, "Yes"; but that he found, on referring to the Constitution, that they had, as it seemed to him, the power of dealing with money Bills. That Land Bill was particularly obnoxious to him, and he wanted to arrest the passing of that measure, but having surrendered everything to the people, and given them a far larger measure of liberty than even the people of England possessed, he felt himself powerless. Then, like a lawyer, he thought that the clause in the Constitution which had been referred to might be used for the purpose, but his efforts were perfectly futile to arrest the measure—as futile as was the effort of the celebrated Mrs. Partington to stop the billows of the Atlantic with her broom—and the Land Act was passed.

The HON. W. FORREST said he had not intended to address the Committee, but he desired to reply to some of the remarks of the Hon. Mr. King. Last night that hon. gentleman, contrary to the rules of the House, read an extract from a speech he (Hon. Mr. Forrest) had made to show that he was in error; and he (Hon. Mr. Forrest) was compelled to prove that he was not in error. If he had time he would like very much to now prove from records that the facts the Hon. Mr. King had stated in regard to Mr. Wentworth's opinion were not strictly accurate. The hon. gentleman had said that Mr. Wentworth, having given everything over to the democracy, was inclined to stop the tide of democracy, and failed. He (Hon. Mr. Forrest) would explain to the Committee what was really the case. In the instance the Hon. Mr. King referred to Mr. Wentworth was President of the Upper House, and ruled in the first instance that the Land Bill was a money Bill. Next day he stated in the House—"In giving this ruling I had really forgotten a clause in the Constitution which I myself framed. I have since referred to that, and I find that I was in error. I find that this House has a perfect right to do that which I ruled last night it had not the right to do." He thus gave exactly a contrary opinion to that stated by the Hon. Mr. King. On the previous night the Hon. Mr. King was troubled to find something analogous to the position of the two Houses. He gave them a case that did not bear on the subject, but he (Hon. Mr. Forrest) would give them one that would bear upon it. Let them suppose a case of a mutual friend who handed to himself and the Hon. Mr. King a house. He said, "Here is a house; I give it to you upon exactly equal terms, and the only condition is this: There is one chamber that you cannot enter — referring to him (Hon. Mr. Forrest)—unless the door is unlocked by the Hon. Mr. King, but when you get in there you have the same power as he has." Now, that case was exactly similar to the present one. They could not get through the door unless the other Chamber opened it, but once they did get there they could do exactly what the other Chamber did. They could make amendments or dissent, just as they thought proper. Since he was on his legs, he might go a little further. He should not enter into the abstract question as to whether the payment of members' expenses was a proper thing or not, but he might say this: that the present was a very inopportune time to introduce such a principle. Owing to the drought and to adverse legislation, two of the principal industries of the colony were languishing; they were all but destroyed — the wool-growing industry from the drought, and the sugar industry through adverse legislation; and owing to economical reasons the raw material of everything produced in the colony was of less value by from 30 to 50 per cent. than it was a few years ago. He would ask hon. members, and he would ask the country, whether that was the time when members of another Chamber should try to increase their burdens. He was ashamed to think that gentlemen for whom he entertained the greatest respect, and men, not one of whom he believed would be guilty of doing a dishonest action—he was ashamed to think that they would vote money for themselves in the way they were now proposing to do. If the question of payment of members came up during the next Parliament he might take a different view of the matter, much as he objected to the principle. He had seen its effects in another colony—how it destroyed the character of the House, and brought forth men as representatives of a country who were actuated by neither patriotic or honest motives, but by purely and simply self-interest. He had seen that, and he feared the consequences here. He was not prepared to say that it was not a fair thing to pay members, but "an ounce of practice was worth a pound of theory," and he had seen the results of the introduction of such a principle, and they had been most pernicious and had not tended towards the welfare of the country. They were in that Chamber, as the Constitution Act said, to pass laws for the peace, welfare, and good government of the colony, and he failed to see how they would be carrying out their engagements if they assented to the present proposition. Further, instead of the other House being indignant or angry, they ought to be thankful that that Chamber was stopping them from doing what, to his mind, was a thoroughly illegal and unconstitutional act. He had always thought that they were taking a good deal of trouble to prevent the other Chamber from falling into error, but he could not reconcile to his conscience the sanctioning of an illegal action by voting for the Appropriation Bill as it stood. He had studied the question thoroughly, and had taken the highest legal opinion that could be obtained in another colony, and he had been advised that that Chamber should let the Appropriation Bill pass by all means, but that if any member of the other House dared to take a single shilling of the money he would be liable to a penalty of £500 and the forfeiture of his seat. It was only because he could not countenance an illegal action that he objected to voting the

money, and he should certainly support the motion for the insistence of the Council upon their amendments.

The HON. J. TAYLOR said he would say a very few words, but he wished to point out a very easy way of getting out of the difficulty. If the Premier would only withdraw the sum of £7,000 for the payment of members until the question as to whether the Council had a right to amend a money Bill had been referred to the Privy Council or some other high legal authority, the trouble would be got over. Whether they had the power of preventing members paying themselves or not was a question which could be decided in a very few months, and he could not see why that course should not be adopted. If that Chamber were wrong they then could not maintain their position, but if they were right then they could assert their rights.

The HON. W. FORREST said there was one point he had intended to refer to before finishing. He had pointed out that the industries of the colony were far from flourishing; they were decidedly languishing. He was not an alarmist, but he felt it to be his duty to warn the Government that the colony was living upon borrowed money. He had taken the trouble to analyse the statistics of Queensland, and by the aid of these statistics he found, and he had no hesitation in asserting, that the whole of the profit arising from the Queensland industries at this time was not able to pay the interest on their national indebtedness. He had refrained last night from saying that. He had thought that the House which assumed the right to deal with all public income and revenues, and the paying and receiving of all moneys, would have been more careful; but he had been disappointed. He felt impelled to make the assertion he had made, but although he had a large amount of information at hand, at present he did not feel inclined to quote it, but he drew attention to the general fact; and he hoped that before pressing matters too far the other Chamber would see a way out of the difficulty without either dishonour to themselves or the Council.

The HON. W. D. BOX said he was thankful to say that there was such a publication as *Hansard* to let the people know the different views of different speakers. The subject had been approached in a manner not advisable on the part of the Government. They had tried to get the opinion of the Chamber by means of the Payment of Members Expenses Bill. That Bill was passed by the Assembly, but rejected in the Council by a large majority. The Council then found a "tack" upon the Appropriation Bill, and upon looking at the Estimates-in-Chief they found it consisted of a sum of money for payment of members. That question had already been decided during the present session, and it was contrary to the Standing Orders to bring it up again, and therefore the Council was right in the course it had decided upon. As to the question whether the Bill should have been rejected or amended, the majority acted with the best intentions after due consideration. They considered that if they rejected the Appropriation Bill the Council would be blamed for the consequences—for the deadlock which would ensue; but if they pointed out the objectionable feature, and returned the Appropriation Bill with amendments, they would show that they approved of the appropriation of every shilling wanted by the Assembly for the good government of the country. The Council did not even object to the sum of £50,000 being granted for central sugar-mills; but they distinctly objected to the sum of £7,000 for the payment of existing members of the Legislative Assembly—not for the payment of any future Parliament. In his opinion the Council had wisely decided that that item should not be permitted to pass, and he did not think the other House, when they thought over the matter, would take credit to themselves for having tried to coerce the Council to accept that "tack." He did not consider that the Parliament of Queensland had the right to consider themselves bound by the rules and history of the Parliament of Great Britain. Their existence had a date; its existence was not pre-historic, as the House of Lords was said to be by the Hon. Mr. Gregory. In England their *leges* were *non scriptæ*, and they had customs and regulations of which the Parliament of Queensland had no knowledge. Those of the Queensland Parliament were confined within its Constitution. He thought the country should plainly know the position of the matter. The Legislative Council had not refused a shilling towards the good government of the colony: they only objected to the sum of £7,000 being voted by the Assembly to be put into their own pockets. If the policemen, the police magistrates, and the whole of the Civil servants of Queensland did not get their salaries the Legislative Council had nothing to do with it; they had simply asked the Legislative Assembly to reconsider the question which they had already decided in the negative. His opinion was that they had got into a serious difficulty; there was very nearly a deadlock; the Appropriation Bill had been returned, and the Assembly had refused to accept the Council's amendments. It seemed that the Constitution Act was not plain enough for some members to read and understand. There was no doubt that, according to that Act, the powers of the Legislative Council were co-ordinate with those of the Legislative Assembly, with the simple exception that the Legislative Council could not initiate money Bills. They might, however, approve, reject, or amend them. His opinion was that a conference should be demanded; that they should let the Assembly have their own sweet will; but they should get from the Premier a promise that the question should be decided once and for ever by an appeal to the Privy Council, as to whether the Legislative Council had the right to amend a money Bill. Let the members of the Assembly have their £200 a year each; let them vote the money into their own pockets; let them do so when Queensland was suffering as it had probably never suffered before; when the revenue was trembling in the balance;—but let there be an appeal to the Privy Council. He did not believe, however, that all the members of the Assembly would take the money. Possibly the majority would do so; but there were men who would not take it—who would not vote that money for themselves. As to the amount of the vote of £7,000, it was a fleabite compared with the peril that threatened the country in the shape of a deadlock. He intended to support those members who he believed had acted in the best interests of the country; but if some middle course could be adopted he should be inclined to take that course.

The HON. T. L. MURRAY-PRIOR said that he for one should be very glad if a solution of the difficulty could be found, because he had no wish that the whole country should suffer; but were they, he would ask, because a wrong had been done in another place, to give up all their ideas of right? Perhaps his hon. friend had hardly thought that, by consenting to the Appropriation Bill going through, even with the promise to which he had alluded, they would be condoning a wrong and would become as criminal as others. He thought it would be far better for those who wished to take money to give up what they had done—for

he believed there were many members in the Assembly who would not take a shilling of that money —and then the Council need not do anything they considered wrong. That was his view of the matter.

The HON. A. J. THYNNE said it appeared to him that the question had got confused to some extent. From the remarks which fell from the Hon. Mr. Box, he could see that that hon. gentleman was confusing the question of the right of the Council to an independent judgment and consideration of questions of State policy, with the question of their constitutional right to amend money Bills. Assuming that the question of their right to amend money Bills did not arise—let that for the moment be laid completely aside—what did the hon. gentleman propose to do? Was he prepared to reject the Appropriation Bill and assert the right of the Council to have a free and independent consideration of all questions of State policy, or was he prepared to submit to the coercion attempted to be exercised by the Legislative Assembly over the Council? That was really the question. As he (Hon. Mr. Thynne) had said at an earlier part of the discussion, it made very little difference whether they amended the Appropriation Bill or rejected it, the effect would be practically the same. He thought it would be a pity to allow the question of the coercion, which had been attempted by the Assembly, to be confused by two distinct propositions being before the Committee at the same time. It was better to consider the one question and take their action upon that alone. It had been suggested that the question of their right to amend money Bills should be referred to the Privy Council. The dispute between the two Houses was one which they could not expect to have an agreement upon between the Council and Assembly. It was not likely that the Council would waive the claim that they had put forward, and which had also been made by their predecessors; nor could they reasonably expect that the Assembly would under any circumstances admit the claim of the Council, unless some superior authority decided the difference between them. He therefore thought well of the proposition to refer the matter to some superior authority upon whom they could place reliance, and in whose capacity both Houses had full confidence. In passing, he would say a word or two in reference to the opinions quoted by the Legislative Assembly. It was well known that an opinion given by any person—no matter how eminent he might be—which had been arrived at without having a strict or severe argument of both sides of the question before him, was very little regarded as a decision on the question submitted. It was simply an opinion, and nothing more; the reasons were not furnished, and unless the matter was discussed and argued properly and severely on both sides before the tribunal, they could not expect to get a decision that would be ultimately satisfactory to all parties. He would be glad to see some scheme adopted, such as that which had been suggested, if it could be carried out. But, laying that question aside, what course was the Committee going to pursue? Were they going to submit to what might possibly be physical force—the threat which had been held over them of being accused of all sorts of wrong to the country—or were they prepared to resist that threat? That was the question which they ought solely to consider that evening, and which they would have to settle one way or the other.

The HON. A. C. GREGORY said he thought that before finally closing the debate it would be well for them to consider whether it was possible to come to any conclusion which might obviate the difficulty that had arisen. If the Assembly would but agree to allow the question of payment of members to remain in abeyance until such time as the question of the relative rights of the two Houses could be submitted for the opinion of the Privy Council that would be a solution of the difficulty. If that were done he thought that the Council would be quite willing to accept it, and in the event of the decision being that they had no right to amend money Bills it was quite possible that they would, when Parliament met in six or eight months' time from the present, be prepared to vote the money. He simply mentioned that now as a suggestion of his own, because, not having consulted any other hon. members, he was only expressing his own opinion. He believed it was possible, if the Assembly would withdraw so much of the Bill as related to payment of members, that the Council would make no difficulty with regard to voting that amount subsequently should the decision of the Privy Council be that they were not entitled to amend money Bills. Of course the result of adopting that method would be the laying aside of the present Bill, and introducing another without the objectionable item. He thought that the two Houses might agree in the interval between the present time and the end of the financial year to refer the matter to the Privy Council as to whether the Council did or did not possess the right to amend money Bills, and the payment of members of the Legislative Assembly might be left over until they had received that decision. If it was adverse to the contention of the Council then they might fairly concede the allowance asked for. The adoption of the course he suggested would only defer the matter for a few months. He was simply putting forward that as a crude idea which he had not had time to think out, but he thought that if the Committee agreed to it it would meet the difficulty; and he felt satisfied that otherwise they would be necessitated to insist upon their amendment and leave the responsibility of whatever might hereafter arise from the loss of the Appropriation Bill — or rather through the Assembly laying it aside, not by the Council rejecting it—on the Legislative Assembly.

The HON. E. B. FORREST said he was very glad to hear a suggestion from the Hon. A. C. Gregory, which showed that he was coming round to a common-sense view of the question at last by asking the other House to suspend the payment of members. If he might be permitted to suggest to the hon. member he would say, "Pass this Appropriation Bill subject to the matter being referred to the Imperial authorities." The very utmost damage that could arise, if that were done, would be that the hon. members of the other House would get twelve months' pay; and supposing the reference to England was in favour of the contention of the Council there would be no more pay for private members. They should, he thought, pass the Appropriation Bill as it stood, conditionally upon the matter being referred to the Imperial authorities. He hoped the suggestion would be favourably entertained by the Hon. Mr. Murray-Prior.

The HON. A. C. GREGORY said he thought he had been somewhat misapprehended. His suggestion was that the item complained of should be withdrawn or left out of the Bill. He did not think that they could come to the conclusion that the withdrawal should be a conditional one, and that they should be prepared to pass the vote next year—so far as they could possibly pledge themselves to the future. If, on appeal to the Privy Council, it was decided that they had no right to amend a money

Bill they would have to give way, but if their contention was supported they could adhere to their decision. He was distinctly averse to passing the Bill as it stood, as the Hon. Mr. Forrest suggested; because if the money was once paid there would be very little chance of getting it back again. He wished it to be fairly understood that he did not go as far as the Hon. Mr. Forrest. That hon. gentleman said that if the decision was in favour of the contention of that House, then the Assembly could never have any more money. He did not go as far as that; because their contention had not been that there should not be payment of members under any circumstances, but that they had not had sufficient evidence to show that it was at present required by the country. They had with the evidence before them decided not to pass a Payment of Members Expenses Bill. Many of them expressed the opinion that at some future time the conditions might be different, and the evidence before them might be different, and might be such as would lead them to agree to such a Bill. They did not pledge themselves to say that they would never vote members' expenses, but that under existing conditions they would not do so; therefore, he said he did not go as far as the Hon. Mr. Forrest in saying that future payment of members should rest upon whether their contention was proved right or wrong.

The HON. E. B. FORREST: Payment in this form.

The HON. A. C. GREGORY said that what he suggested was that if it was found that they had improperly insisted upon their powers—could such a thing be possible—it would be unfair to members to deprive them of their money; but if it was found that their contention was right, there was no reason why they should not adhere to the decision they had arrived at. The effect of the course he suggested would be practically to reserve the question of payment of members until such time as they could get a decision from the Privy Council as to the relative rights of the two Houses. The question of how they could get it, he thought, would be by a proposal on the part of one or the other House—naturally, perhaps, from the other Chamber, as it was in possession of the Bill and was therefore the proper House to make the suggestion that they should have something in the shape of a conference by which the questions to be submitted for decision should be drawn up. If that were done, each party would know precisely what the views of the other party were. It could not be done by message unless they sat for an interminable time and then it would not be done well. He did not think it would take more than a couple of days for the two parties, by their joint committee, to settle the question that would be submitted for their consideration. He did not care which way the decision would go, except that he would like to see the rights of the two Houses defined so that there should be less chance of their coming into collision. If they had well marked lines defining that they had not certain powers, and that they had other powers, they would then, possibly, perform their functions within their proper limits. At present many held one opinion and many held another, and if that proved anything it proved that there was some uncertainty as to the shape in which the law was drawn. He asserted that a certain meaning attached to the law; other members in that House held the same opinion, while he believed there was an equal number, if not a greater number, who held a contrary opinion in the Assembly. There was no authority or power to whom they could refer the question in the colonies, because there was no one having sufficient knowledge and information upon parliamentary questions who had not been, or was not now, a political partisan. He did not use the word in its offensive meaning, but they had all taken prominent positions on one side or other upon pure questions of politics. He considered it was not possible to refer such a question to any person either in this or any of the other colonies of Australia, and there was but one proper course which they could take in order that they might rely upon the interpretation of the difficulty, and that was to refer the matter to the Privy Council. He thought it was quite possible the Assembly might give way, considering the gravity of the circumstances in which they were now placed; and it would be far more to their honour to forego their daily allowance for a few months than to plunge the country, as they would do by laying the Bill aside, into very great difficulty and trouble. If they were right in their contention, they would certainly get their money; if they were wrong, he thought they themselves would admit that they should not receive the pay. He hoped hon. members would carefully consider the crude suggestion he had thrown out, in order that they might not find themselves in a very awkward position. As regarded themselves—the members of the Council—a good deal had been said about what would be done. It had been said that most likely there would be a prorogation, no appropriation, financial difficulty, a short session called, additional members placed in the House—both in the regular course from a change in the number of members in the other House, and also from vacancies which by a couple of short sessions could be made—to work up a majority on the other side. But they had to look rather to their duty than to their personal convenience, or the immediate predominance of their party. They could rest assured that whatever the votes of the additional members might be, the party he and those with him now represented would always eventually be the predominant one in the House. They had taken a moderately Conservative view of the matter, and whatever attempt might be made to swamp those who held their views by adding members who held contrary views, the moderate Conservative party would always eventually be in the ascendancy. They might rest assured that so long as they performed their duties honestly and fairly, and without any view to their personal convenience, they would be eventually successful; and whatever the feeling of the country might be for a short time, raised upon special issues, still, in the end, the country would approve of their action.

The HON. T. L. MURRAY-PRIOR said he agreed with the Hon. A. C. Gregory in almost everything he had said. If they could avert a deadlock, he thought it was their duty to do so; but it was impossible for them to do other than they had done and were doing. It was no matter of pride with them, but he thought he might say it was one of conviction, and they could not do what was absolutely wrong. He thought that those in another place, without losing one iota of their self-respect or their pride, might very well accept the conditions proposed by his hon. friend. It could do no harm, and might result in a great deal of good; at all events, it would not plunge the country into disaster. He thought the proposal should come from the other Chamber—under any protest they pleased, and maintaining their privileges as much as they chose—to refer the matter in dispute to a proper tribunal. Everything could then be settled, and they would go on smoothly in the future. They had no wish to go beyond their constitutional rights; they had no wish to take the responsibility

of interfering with money matters: all they wished to do was to prevent what was wrong being done. He sincerely trusted that some solution might be arrived at, which would not prejudice either party.

The HON. F. T. GREGORY said he had not intended to speak again before the question was put, but it had struck him that the remarks of the Hon. A. C. Gregory might be taken to imply a slur upon both the Government of the day and hon. members on the other side of the House. His object in rising was to remove any such impression. The hon. gentleman had made reference to the Government adding members to the House who would be servile enough to speak exactly as they were directed, and so swamp the views now entertained by a majority of the House. He believed the Ministry had too much honesty and integrity to adopt such a plan. No doubt they would select gentlemen who, generally speaking, represented the views they themselves entertained, but that those gentlemen would be mere servile voters he did not believe, and he would be very sorry to see any such class find their way into that Chamber. He doubted if any gentleman of real independence, who took a pride in his independence, would take a seat in the House simply to follow servilely the direction of the Ministry of the day. He felt sure the hon. gentleman did not mean anything of that sort, and he rose simply to prevent any misapprehension arising in the mind of a single individual in the House.

The HON. A. C. GREGORY said that, if such an impression had arisen in the mind of anyone, he hastened to say it was not his intention to convey it. Naturally the Ministry of the day would select for seats in the Council gentlemen holding opinions closely in accord with their own, and such members must, in the first instance, be expected to vote in accordance with the views of the Government on great questions then before them. They would not give up their ndependence, but they would naturally, when they entered the House, still retain the views they held before they came in. He was satisfied that every member in every part of the House had so much independence of character that he would not vote for one side or the other unless he thought the vote he was giving was for the greatest advantage of the community.

Question—That the Committee do not insist on their amendments in the Bill—put.

The Committee divided :—

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NON-CONTENTS, 15.

The Hons. A. C. Gregory, F. T. Gregory, W. D. Box, J. F. McDougall, W. Graham, T. L. Murray-Prior, A. J. Thynne, A. H. Wilson, J. Taylor, W. F. Lambert, P. Macpherson, W. Forrest, J C. Smyth, W. G. Power, and F. H. Hart.

Question resolved in the negative.

On the motion of the HON. T. L. MURRAY-PRIOR, the CHAIRMAN left the chair, and reported to the House that the Committee insisted on their amendments in the Bill.

The report was adopted.

The HON. T. L. MURRAY-PRIOR moved that the Bill be returned to the Legislative Assembly with the following message :—

Legislative Council Chamber,
Brisbane, 12th November, 1885.

MR. SPEAKER,

The Legislative Council having had under consideration the message of the Legislative Assembly, of this day's date, relative to the amendments made by the Legislative Council in the Appropriation Bill of 1885-6, No. 2, beg now to intimate that they insist on their amendments in the said Bill—

Because the Council neither arrogate to themselves the position of being a reflex of the House of Lords, nor recognise the Legislative Assembly as holding the same relative position to the House of Commons :

The Joint Standing Orders only apply to matters of form connected with the internal management of the two Houses, and do not affect constitutional questions :

Because it does not appear that occasion has arisen to require that the House of Lords should exercise its powers of amending a Bill for appropriating the public revenue, and therefore the present case is not analogous; the right is admitted though it may not have been exercised;

Because the case of the Legislature of New Zealand is dissimilar to that now under consideration, inasmuch as the Constitution Act of New Zealand differs materially from that of Queensland, and the question submitted did not arise under the Constitution Act but on the interpretation of a Parliamentary Privileges Act. If no instance can be found in the history of constitutional government in which a nominated Council has attempted to amend an Appropriation Bill, it is because no similar case has ever arisen;

Because in the amendment of all Bills the Constitution Act of 1867 confers on the Legislative Council powers co-ordinate with those of the Legislative Assembly, and that the annexion of any clause to a Bill of Supply, the matter of which is foreign to and different from the matter of said Bill of Supply, is unparliamentary, and tends to the destruction of constitutional government; and the item which includes the payment of members' expenses is of the nature of a "tack."

For the foregoing reasons the Council insist on their amendments, leaving the matter in the hands of the Legislative Assembly.

Question put and passed.

ADJOURNMENT.

On the motion of the POSTMASTER-GENERAL, the House adjourned at twenty-five minutes to 9 o'clock.