Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 5 SEPTEMBER 1889

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LEGISLATIVE ASSEMBLY.

Thursday, 5 *September*, 1889.

Question Without Notice—The National Association and the Acclimatisation Society.—Defamation Bill—committee.—Message from His Excellency the Governor—Decentralisation Bill.—Defamation Bill—resumption of committee.—Warwick Gas, Light, Power, and Coal Company, Limited, Bill—second reading.—Messages from the Legislative Council—Rabbit Bill.—Brisbane Water Supply Bill.—Adjournment.

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

QUESTION WITHOUT NOTICE.

THE NATIONAL ASSOCIATION AND THE ACCLIMATISATION SOCIETY.

Mr. STEVENS said: Mr. Speaker,—I wish to ask the Chief Secretary, without notice—Whether anything has been done in the way of preparing a Bill to settle the difficulty that has arisen in connection with the National Association and the Acclimatisation Society?

The PREMIER (Hon. B. D. Morehead) said: Mr. Speaker,—In reply to the hon. member's question, I can inform him that a Bill dealing with the matter is now being drafted.

DEFAMATION BILL.

COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House went into committee to further consider the Bill in detail.

On subsection 6 of clause 13, as follows:—

"It is lawful to publish in good faith for the information of the public a fair report of the proceedings of any local authority, board, or body of trustees or other persons, duly constituted under the provisions of any statute for the discharge of public functions."

The HON. SIR S. W. GRIFFITH said that when the Bill was being considered in committee before, four weeks ago, some exception was taken to the paragraph. He did not know exactly whether it would be decided to be lawful under the present law; but if any person asked him whether he might safely bring an action against a newspaper that had published in good faith, for the information of the public, a fair report of such proceedings, he would advise that person not to bring the action, because he would have very small chance of success with a jury, even if the court ruled that the case could go to the jury. The same provision, in somewhat different words, was made law in England last year. The reason, of course, was that it was to the interests of the public that they should know how their officers—members of divisional boards, or bodies of trustees—performed their public functions. It must be a fair report for the information of the public, and must be published in good faith. It was not published in good faith if it was actuated by improper motives. If it was mere scurrilous matter, published wantonly, there was no protection, but if it was published in good faith there was no reason why it should not be published. The proceedings were open and were public proceedings, and it was to the interest of the public that the proceedings of public bodies should be made known.

The PREMIER said of course the whole matter hinged upon these words and their interpretation—"Good faith" and "fair report." What was a fair report? He thought the subsection would lead to more litigation than they had at present. If the words "correct report" were used instead of "fair report," it would be very much better. He did not like the subsection as it stood. In

the event of an action, of course, it would have to be considered afterwards what was a "fair report," and he would like to know from the leader of the Opposition what was intended to be conveyed by the word "fair."

The HON. SIR S. W. GRIFFITH said it was rather hard to give a definition. He should say "a fair report" was such a report as, having regard to the length of it, conveyed a correct impression of what took place. A fair report of two columns would be a different thing to a fair report of two inches. If a report of two inches confined itself to scurrilous matter, no one would say it was fair. If a detailed report were given which was accurate, it would probably be fair. He had pointed out previously that they could not use the expression "correct report," because it was impossible for it to be absolutely correct. The same form of words was used with respect to courts of justice. It was held that a fair report was such a summary of proceedings as would give the public a fairly correct idea of what took place. He did not know any other word in the English language that conveyed the same idea. It was constantly used in libel actions with respect to what was fair comment, but the exact significations of the word in that case was somewhat different, although the same principle was underlying the two cases. The law was still unsettled on that point. A newspaper might publish simply the judgment of a court without any of the surrounding facts. That might be unfair. Disparaging remarks in the judgment might not be fairly appreciated without knowing the circumstances to which they referred.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said he quite admitted that the public had a right to know what took place in meetings of local authorities and bodies of trustees, so long as those persons confined themselves to their public functions; but he did not think the public had the right to know how those gentlemen defamed themselves and their constituents outside. He was as strong in his objection as the hon. gentleman was in his. The hon. gentleman was in doubt whether it was the law at present. He did not know that the hon. gentleman doubted anything.

The HON. SIR S. W. GRIFFITH: I doubt everything in law, certainly.

The MINISTER FOR MINES AND WORKS: Did the hon. gentleman doubt himself?

The HON. SIR S. W. GRIFFITH: Yes; more than anything else.

The MINISTER FOR MINES AND WORKS said if the hon. gentleman could see his way to prevent a newspaper publishing an improper report it would be better. What did it concern the public what John Smith said about John Brown? The members of a board might during their whole sitting, to use a common expression, "slang-whang" one another, but the public only wanted to know how they did their duty as members of the board. Unfortunately most of those bits of publications were very "spicey," and generally helped to circulate the newspaper.

Mr. O'SULLIVAN: They are very partial sometimes.

The MINISTER FOR MINES AND WORKS said he had no doubt they were, but he thought the metropolitan newspapers were impartial. He knew hon. gentlemen on the other side did not think so, but he was not of the same opinion. It did not matter to him whether a newspaper differed from him in politics. It might be just as impartial as if it did not. It might not be impartial politically, but, as a rule, the reports were impartial. He certainly did object to giving that power to the little petty country newspapers all over the colony. He knew that the *Courier*, *Queenslander*, and *Telegraph*, and such like papers, would not publish unfair reports, and probably would not publish all the libels and defamations that the persons who had been mentioned might utter against each other, but that did not apply to other newspapers that had not such a high tone or good standing.

Mr. HODGKINSON said, as pointed out by the hon. gentleman, the evils to which he alluded were likely to ensue amongst the class of papers to which he referred; but a much greater evil would ensue if they attempted to restrict the reports. It was not a fair report when it was confined strictly to the business of the public body. The report to be fair should represent to the public the proceedings of a public body, without any bias or partisanship. Taking the metropolitan organs, they knew that the politics of the *Courier* differed from those of the *Telegraph*; but by reading both papers one got a correct idea of the real truth. He was not accusing either paper of misrepresentation, but it was within the legitimate province of a paper to advocate its line of politics by any fair arguments, or by the general tone of its literary policy. As soon as a person assumed a public office he was responsible to the public for the discharge of the duties of that office and his fitness to fill that office, and if a report so far departed from a correct report as to represent only the better side of that person's character, it was just as unfair as if it attributed to him expressions that he did not use. There was not the slightest doubt that one great element of unfitness for a man holding a public office, was impropriety of demeanour while in the discharge of the duties of that office; and how were the public to know of a man's unfitness in that respect, if the Press had not the right to disclose it. Of course, a paragraph in one of the metropolitan papers would carry more weight throughout the colony than the slang-whanging of petty local papers that administered to local spites and dissensions; but if they restricted those papers from publishing a fair report of proceedings at which a public man transgressed, for instance, all the rules of propriety, the report would be a false one, inasmuch as it would serve to conceal that man's unfitness for the position he occupied. They must trust the power of the law to confine those things within measurable restrictions, and he did not suppose that even a petty local paper revelled ordinarily in the publication of that slanging; and the respectability and impartiality of a paper was not always gauged by its circulation through the country. There were country journals which, so far as talent, rectitude of character, and good taste in their management were concerned, were quite in as high a position as the metropolitan organs. Hon. members wanted to fence those men in, and put them all on an equality, and the conduct of a half-drunken rowdy, who came to a meeting for the express purpose of kicking up a row, would be covered up, and his breach of trust to those who elected him was to be concealed. And why? Because a fair report would reveal that man in his true colours, and might administer, as the Minister for Mines and Works suggested, to the spitefulness of human nature. Publicity was the great lever for compelling propriety of demeanour on the part of public men, and that was shown in the case of any Parliament where the power did not exist of reporting the debates fully. The same remark applied to all constituent public bodies, and without publicity they would lose one of their greatest levers for compelling purity of action and propriety of demeanour; and any man who attempted to curtail that factor in any way

would not be doing a service to his country nor would he be elevating the position of public bodies, nor would he gradually drive back into their proper obscurity those men who, under a system of non-reporting, would seek admission to those bodies for the express purpose of venting private malice which the local paper dare not publish to the world.

On the motion of the HON. SIR S. W. GRIFFITH, the House resumed; the CHAIRMAN reported "no progress," and the Committee obtained leave to sit again forthwith.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

DECENTRALISATION BILL.

The SPEAKER announced the receipt of a message from His Excellency the Governor, transmitting the Decentralisation Bill for the consideration of the Assembly.

On the motion of the MINISTER FOR MINES AND WORKS, the message was ordered to be taken into consideration on Monday next.

DEFAMATION BILL.

RESUMPTION OF COMMITTEE.

On the Committee resuming,

Mr. HAMILTON said that if the clause which they were discussing was passed as it stood, and a person who happened to be a member of a local board, or board of trustees, made any statement respecting another, no matter how untrue or damaging to the other's character, it could be circulated broadcast throughout the land, and no action could be taken by the injured person against the papers circulating it. It was neither fair nor logical that if an individual made a similar statement regarding another, or if the person to whom the statement was made repeated it in good faith, they were liable to be punished; while a newspaper, with 10,000 tongues instead of one, might repeat the statement, whether true or not, and to the irremediable damage of a man's character, without the slightest responsibility. That was very unfair indeed. It had just been stated that if the clause was not allowed to pass public individuals could not be exposed if they did wrong; but that was not true, because clause 16 stated that it was lawful to publish defamatory matter if it was true and for the public benefit. If a newspaper published any such matter in the belief that its publication would be for the benefit of the public, and the matter published was true, it would not be liable under the 16th clause, but it was most unfair to allow the publication, by a newspaper, of any statement, no matter how untrue or defamatory, simply because it had been made without any responsibility, when an individual doing the same thing would be liable to punishment.

Mr. HYNE said the object of the clause was to define what was libellous and what was not libellous by way of reporting. He held a different opinion from that expressed by the Minister for Mines and Works, as he believed that fewer libels would be committed if the clause was allowed to pass. Nothing, in his opinion, would tend to purify the conduct of public men more than giving the Press liberty to publish everything. He agreed with the hon. member for Burke on that point, and that one man would very seldom get up at a meeting and libel another if he knew that the Press would publish all that was said. The words objected to in that subsection had been allowed to pass in a preceding subsection, and he had himself thought it would have been better to insert the words "unbiased report" instead of "fair report," but a better authority than himself had informed him that that would not be an improvement.

The PREMIER said there was another aspect in which the clause might be viewed, and it was that it might really defeat the object it was intended to carry out; they could conceive it quite possible that a reporter or reporters of a newspaper might get access on one occasion to the proceedings of a local authority or body of trustees, and might give what in the clause was called a "fair report" of the proceedings, for the information of the outside public; but it must be remembered that those bodies had the power of excluding the Press. Instead of the public getting the full information they were desirous of getting, they might be completely prevented from getting any description at all of what took place at that meeting. They could be excluded even from divisional board meetings, the same way as reporters could be excluded from Parliament if it chose to exclude them.

Mr. GROOM: Divisional boards must conduct their proceedings openly.

The PREMIER said they were open to ratepayers, but not necessarily to reporters. It was a matter for consideration whether they were not dealing in too liberal a way, and whether they might not defeat the object the hon. gentleman had in view. At present there was quite sufficient liberty given to the Press. He could not remember one instance where a newspaper had done its duty in which it had not been afterwards sustained by the jury in any action brought against it. There was such a thing as license of the Press. He did not object in the slightest to the liberty of the Press, but he distinctly objected to the license of the Press. At the present time the Press had a distinct license to libel and traduce people. He was not referring to the leading papers in this colony or in any other colony, but to those hangers-on of the Press—those social pariahs and outcasts with which the Press would rather have nothing whatever to do. They should not pass any law which would give any greater powers and license to those papers than they had at present. As far as the leading papers of the colony were concerned, from the North to the South, he had not a single word of complaint, and the Bill did not concern those papers at all. They did their duty truthfully and fearlessly, but it would be a great mistake if Parliament passed any measure which would give additional license to those blackguard papers which existed not only in their midst, but also in the other colonies—the so-called social papers; "Rags," he thought, would be a better name to apply to them. He thought there was hardly any necessity to pass such a provision. The honest, upright, and leading papers of the colony required no such protection as was contained in the Bill, and he did not think any extra protection should be extended to the low class papers to which he had alluded.

The HON. SIR S. W. GRIFFITH said that the papers the hon. gentleman had referred to never published reports of the proceedings of local authorities or of boards of trustees. That was a matter they did not concern themselves about; so that that argument did not apply. He understood the hon. gentleman's objection to be that there was a danger that in those proceedings scurrilous things might be said which would have nothing to do with public affairs. He did not think that a report which gave undue prominence to such things, or which published such things, unless it gave a verbatim report of the whole of the proceedings, would be a fair report. Certainly a report

of such proceedings, if it gave a report only of the scurrilous part, would not be a fair report; but that was a matter which would be left to the discretion of the jury. The scheme of the Bill was to lay down general rules for the guidance of juries. He quite recognised the force of what the Premier had said. A person might make use of defamatory language which was quite unjustifiable in a meeting of some local authority or board of trustees, the publication of which might be objected to on the ground that it was not of public interest; and he thought the difficulty might be met by inserting at the end of the paragraph the words, "so far as such proceedings are of public concern." He would, therefore, move that those words be added to the paragraph.

Mr. DALRYMPLE said that it was questionable whether any slander against a public man was not a matter of public concern. His difficulty in connection with the matter was that he feared that while the law would not allow one man to defame another, in case he did so, the Press might instantly circulate the defamatory matter through the length and breadth of the land. Now, a man who was punished for coining was justly punished, and the man who circulated that coin was also punished. In the same way the man who circulated defamatory matter should be punished. He fancied that the more eminent the position of any man, the more difficult it would be to say that any defamatory matter which was maliciously circulated concerning him was not matter of public concern. It would be a matter of public concern, and it might even be held to be so by a jury.

The HON. SIR S. W. GRIFFITH said that if it was a matter of public concern it was right that the public should know of it. That had always been the law, and was a matter for comment, as it was a matter of public concern.

Mr. DALRYMPLE said that if the leader of the Opposition, or the Premier, were charged maliciously with having committed murder, or any other terrible offence, that would be a matter of public concern. For instance, the leader of the Opposition had on a former occasion referred to a case of that kind with regard to defamatory statements concerning the character of the dead. He had said that some dead relative might be charged with the crime of incest; and if such a statement as that were made against a public man, it would be a very serious slander, and any man circulating any statement of that sort should be subject to punishment.

Mr. HODGKINSON said the Committee seemed to be chasing shadows. There was not a member of the Committee who had not been accused of almost every crime under the sun during the heat of political excitement attending a general election. He had heard the Vice-President of the Executive Council accused of such crimes, that if he had not that respect for him which was shared by the rest of the community, he should have put him down as one of the most atrocious scoundrels of modern times. He, himself, had wakened up in the morning wondering whether he had risen from a nightmare of horrid dreams, or whether in his sleep he had been guilty of the crimes of which he had been accused on the preceding day by his political opponents. What person in any portion of the civilised world would pay the slighest attention to any charge made against any leading man in that Committee of the nature alluded to by the hon. member for Mackay? All the harm that could be done by the virulent press—which would not certainly be protected by the Bill—would simply fade away into nothingness before the personal knowledge the public possessed of the character of the man attacked by it. The evils to be apprehended from publication were far less than those which might arise from suppression. They had papers in their midst that ought, in the interests of common decency, if the law would not touch them, to be tempered with a free use of the revolver.

The PREMIER: Or a horse-whip.

Mr. POWERS said that on the second reading of the Bill he protested against those subsections being passed in their present form, and he did not think the amendment covered what some members of the Committee wished. All the proceedings of local authorities were matters of public concern, and libels uttered at their meetings applied to matters of public concern. The subject matter of such libels might be most important to the public, and as such should be reported. He contended that if subsections 6 and 7 were omitted, the Press would have all the liberty they had at present.

The HON. SIR S. W. GRIFFITH: That is one of the obscure points of the law which we want to clear up.

Mr. POWERS said that if the report of the proceedings of a divisional board was confined to matters of public concern it would be a fair report, because the members of the board were responsible to the ratepayers. He had seen reports of divisional board meetings lately in which members had been accused of putting the ratepayers' money in their pockets, or spending it in a way not intended by the ratepayers. To report things of that kind was to report what was a matter of public concern.

The HON. SIR S. W. GRIFFITH said he had no objection to modify the amendment. He was perfectly aware that there was a strong opposition to the Bill, and he was prepared to meet any reasonable objections that might be made, rather than run the risk of losing the Bill. With the permission of the Committee, he would modify the amendment he had previously moved, by moving that the words to be added to the subsection read as follows:—

So far as the matter published relates to matters of public concern.

Mr. MELLOR said he did not see the necessity for the subsection. The Committee seemed to be too much concerned with local authorities. Taking the divisional boards throughout the colony, he believed the members behaved themselves at their meetings quite as well as the hon. members of the Legislative Assembly. If there was anything said or contemplated by divisional boards the papers got to know of it, and everything that took place at their meetings was generally reported. If all that was said in that Committee could be published to the world he did not see why the same liberty should not be given to the Press with regard to meetings with which the public were concerned. If the Press had liberty to publish all the proceedings of divisional boards and other public bodies, the members would be very careful not to say too much, not to speak too freely about their brother members. As far as he could judge, there was nothing too restrictive in the clause. Let the Press have every chance of publishing the proceedings of public bodies.

Mr. BARLOW said it might happen that one member of a divisional board called another a thief. That would not be matter of public concern, but if he said he had robbed the board, that would be a matter of public concern. It did not appear to him that the addition made any difference to the clause, or could do any harm.

Mr. SAYERS said he thought too much was being made of the proceedings of public bodies. He was a member of a divisional board, and

although they had lively discussions sometimes, he did not think anything libellous, or that could be legally objected to, was said. Each member argued from his own point of view to the best of his ability, and the matter was settled, as it was in that House, by division. When any individual became a member of a public body his actions should be open to reasonable criticism, and he did not think anyone would object to that. What was most objectionable was persons in a public capacity taking notice of private social affairs; but as regarded municipalities and divisional boards, he believed they were quite willing that the whole of their proceedings should be published.

Mr. WATSON said he thought the publication of the proceedings of public bodies, and especially divisional boards, had a very beneficial effect. During the time he was in Victoria he heard an alderman abuse the mayor of Melbourne to a great extent, but the council was appealed to and the chair was upheld. The hon. member for Ipswich, Mr. Barlow, was also present at the time, and the alderman referred to made charges against the mayor which cast the gravest stigma on his character. An action for libel could certainly have been brought against him, but the whole of the aldermen denounced the offending alderman, the case was reported in the papers next morning, and the whole matter cleared up. He had never known the Press to be too severe in cases of misconduct by public men, and thought they should have liberty to publish fair reports of all public proceedings.

Mr. BARLOW said if the remarks of the alderman referred to had been reported *verbatim et literatim*, he would not have got many votes again.

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

Subsection 6, as amended, put and passed.

On subsection 7, as follows:—

"To publish in good faith, for the information of the public, a fair report of the proceedings of any public meeting; that is to say, a meeting lawfully held for a lawful purpose, and for the *bonâ fide* furtherance or discussion of a matter of public concern, or for the advocacy of the candidature of any person for a public office, whether the admission to the meeting was open or restricted."

The HON. SIR S. W. GRIFFITH said that subsection was passed in England last year, after full discussion, and by a very conservative party. A much more liberal provision was proposed, but that was all Parliament would consent to.

Mr. POWERS said the subsection had only been passed in England lately, and he should like to see it tried a little longer there to see how it would work before adopting it. Because it had been passed in England it did not necessarily follow that it was a good clause, and he hoped the hon. the leader of the Opposition would make the same amendment in it that he had made in the previous subsection. If that were done it would remove a difficulty, and help to get the Bill through speedily. He knew some hon. members entertained strong feeling on the matter. Members of divisional boards and municipal councils were responsible to somebody, but people who attended public meetings were responsible to nobody, and sometimes made most defamatory statements. He could assure hon. members that he had seen a man get up at an election meeting and defame half a dozen of the best men of the town, because they would not agree with him. He went into their private life and concerns, which had nothing whatever to do with the meeting. He (Mr. Powers) must say that the papers of the town did not report the statements, but that subsection would give them a license to do so. The man to whom he referred became insolvent a few days after the meeting, although he had previously held a good position. He (Mr. Powers) was one of the persons defamed, and he had his say in reply, but the others had no chance of making any explanation, because the meeting became so rowdy. He thought they should endeavour to guard against cases of that kind, because, although the newspapers of the colony generally were in respectable hands, it was very easy to start a newspaper which would publish anything. He therefore hoped the hon. the leader of the Opposition would so amend the clause as to make it apply to the publication of matters of public concern.

The HON. SIR S. W. GRIFFITH said the only object of the whole clause was to deal with matters of public concern. He was sure no one would think he had any sympathy with people who defamed one another. The heading of the clause was, "Reports of matters of public interest," and he had no objection to limit that subsection in the same way as the previous one. He thought it would be a very useful limitation He therefore moved that after the word "meeting," in the 29th line, the words "so far as the matter published relates to matters of public concern" be inserted.

Mr. HAMILTON said he did not see any necessity for the subsection, even with the alteration. It would allow newspapers to publish in good faith, for the information of the public, a fair report of any public meeting, so far as it related to matters of public concern. At election times a man might be called a robber and a man of bad character, and those statements, though perfectly untrue, might be published, because they would be of public concern.

Mr. POWERS: The man would have the right to reply.

Mr. HAMILTON said the statements might be made in a man's absence and might be published broadcast throughout the colony. In fact the subsection gave the right to publish defamatory matter which was not for the public benefit, and he did not think it ought to publish. Under clause 16 a newspaper would be justified in publishing defamatory matter if it could be proved that it was true and for the public benefit; and that ought to be sufficient.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved the omission of the words "that is to say," with the view of inserting the words "the term 'public meeting' means."

Amendment agreed to.

Mr. HODGKINSON said he was aware that the words "or restricted" were in the English Act, but he thought they were at variance with the term "public meeting." The essence of a public meeting was unrestricted admission, but the provision for restricted meetings opened the door to partisan meetings being held to give vent to peculiar opinions against opponents without contradiction.

The HON. SIR S. W. GRIFFITH said that the provision was necessary in England more than in the colonies, because it frequently happened there that no building was large enough to contain all the people who might wish to attend the meeting, and it was necessary in such cases to make arrangements for the restriction of admission. He thought the words ought to be left in, especially as protection was only given to the publication of matters of public interest.

Subsection, as amended, put and passed.

The remaining paragraphs were agreed to; and the clause, as amended, put and passed.

On clause 14—"Fair comment"—

The HON. SIR S. W. GRIFFITH said he would move the subsections seriatim, if hon. members desired ; but they were all, with the exception perhaps of paragraph 7, identical with the law on the subject in the colony at present. The 7th subsection related to the publication of a fair comment respecting any public entertainment or sports, or respecting the character of any person conducting or taking part therein, so far as his character appeared from the matter of the entertainment or sports or the manner of conducting the same. He did not think that was a change in the law ; but if it was not the law at present, it certainly ought to be.

Clause passed as printed.

Clause 15—"Fairness of comment is for the jury"—passed as printed.

On clause 16, as follows :—

"It is lawful to publish defamatory matter if the matter is true, and if it is for the public benefit that the publication complained of should be made."

Mr. POWERS said he would like to ask the leader of the Opposition to explain to the Committee whether the clause altered the law as it was at present? The question had been raised elsewhere.

The HON. SIR S. W. GRIFFITH said the clause left the law as it was at present. In England publication of truth was punishable as a crime unless it could be shown to be for the public benefit, but it was not actionable. A man might be prosecuted criminally, but could not have an action brought against him, the technical reason being because no man's character could be injured by having the truth told about him. Consequently, in England, in order to bring an action for libel it was necessary to allege that the charge was false. That was not the law here.

The MINISTER FOR MINES AND WORKS said some men's characters would be injured by having the truth told about them,

Mr. POWERS said he had been asked to bring the matter forward, although he did not see his way to oppose the clause.

Clause put and passed.

On clause 17—"Qualified protection and excuse"—

The HON. SIR S. W. GRIFFITH said he would, if desired, move the subsections seriatim, but the clause did not introduce any change in the law, so far as he knew.

Question put and passed.

The MINISTER FOR MINES AND WORKS said he would like to point out to the hon. gentleman that they were taking the Bill altogether on the faith of his knowledge of the law. It was purely a question of faith.

On clause 18, as follows:—

"When any question arises whether a publication of defamatory matter was or was not made in good faith, and it appears that the publication was made under circumstances which would afford lawful excuse for the publication if it was made in good faith, the burden of proof of the absence of good faith lies upon the party alleging such absence."

The HON. SIR S. W. GRIFFITH said, of course he was aware of the responsibility any member incurred in bringing in a Bill of that sort ; but in a Bill that was in the form of a code someone must be trusted.

Mr. REES R. JONES said he did not like the shifting of the burden of proof as proposed by the clause. When any question arose whether a publication was or was not made in good faith, the burden of proof of the absence of good faith lay upon the party alleging its absence. Surely if a man was challenged as to whether he made a publication in good faith, it was for him to prove that it was so.

The HON. SIR S. W. GRIFFITH said he remembered the late Chief Justice Cockle giving an interesting instance of the way in which the burden of proof shifted. The plaintiff had first of all to prove that the matter was defamatory. That was *primâ facie* evidence of malice. Then, the burden of proof was on the defendant, who had to show the circumstances under which the matter was published, and that they were such as to show it might be justifiable, so as to rebut the doctrine of implied malice. Then the ex-Chief Justice pointed out that the burden of proof was again on the plaintiff. In that way the burden of proof shifted from the plaintiff to the defendant and back to the plaintiff.

Clause put and passed.

Clause 19 passed as printed.

On clause 20, as follows :—

"In any case other than that of words intended to be read, it is a good defence to an action or prosecution for defamation to prove that the publication was made on an occasion and under circumstances when the person defamed was not likely to be injured thereby."

The HON. SIR S. W. GRIFFITH said the clause introduced a slight change in the law. The law at present in case of oral defamation was that it was a good defence to plead that the publication was made on an occasion when the circumstances of the case showed that no injury was suffered if the words used did not impute an indictable offence. Most of the actions that arose under the heading of oral defamation were public-house rows, and when such words as "You are a swindler"; "you are a thief," or "Who stole the cow?" were used. Nobody as a rule believed the words, and although it might be a technical offence that was charged, yet if it was shown that no person was likely to be injured on the occasion, and under the circumstances under which they were used, then no action should lie. If necessary, let the party offended take out a summons against the other for using words likely to create a breach of the peace. The other change was that the clause extended to all kinds of defamation except written matter. If a caricature of a man was published and no injury done, no action would lie.

Clause put and passed.

Clauses 21 and 22 passed as printed.

On clause 23—"Consolidation of actions"—

The HON. SIR S. W. GRIFFITH said that clause was taken from the English law of last year.

Clause put and passed.

Clauses 24 to 27, inclusive, passed as printed.

On clause 28—"Summary jurisdiction in trivial cases"—

The HON. SIR S. W. GRIFFITH said that clause was taken from 44 and 45 Vic., the English Act of 1881. Some persons thought the fine of £50 was too large, but he did not think it was. It might be a gross case, and if the defendant wished to be tried by a jury he could claim to be tried in that way.

Mr. BARLOW asked if one justice would have jurisdiction.

The HON. SIR S. W. GRIFFITH: Yes; if the person pleads guilty.

Mr. BARLOW said he objected to one justice trying the case.

Clause put and passed.

Clause 29—"Defence of truth to be specially pleaded"—passed as printed.

On clause 30, as follows:—

"Any person charged before a court of criminal jurisdiction with the unlawful publication of defamatory matter, and the husband or wife of the person so charged, shall be competent but not compellable witnesses at any stage of the charge."

The HON. SIR S. W. GRIFFITH said the clause was a new one here, as it had only been passed at home last year.

Mr. REES R. JONES said the clause was a new departure in criminal procedure, and he did not approve of it. They had often heard that, with justices here, if a defendant could go into the box and give evidence, and did not do so, it was taken as an admission of guilt on his part, and such a clause might prejudice the defendant to a great extent, as it provided that he should be a competent but not compellable witness. He thought it an unfair clause, as justices always took that view—that a man was guilty if he refused to give evidence.

The HON. SIR S. W. GRIFFITH said the clause was a very necessary one, as if the defendant could not go into the box, who was to prove whether he believed a thing was true or not? No one else could prove what was in his mind, and if he was charged with the publication of a libel and pleaded his honest belief in the truth of the statement made, it was necessary he should go into the box to testify his belief in its truth.

Clause put and passed.

Clause 31—"Jury may give general verdict"—and clause 32—"Publishing or threatening to publish a libel, &c., with intent to extort money"—passed as printed.

On clause 33—"Liability of proprietor, publisher, or editor of periodical"—

On the motion of the HON. SIR S. W. GRIFFITH, the clause was amended, so as to read as follows:—

"A proprietor, publisher, or editor of a periodical is not criminally responsible for defamatory matter published therein, if he shows that the matter complained of was inserted without his knowledge, and without negligence on his part.

"General authority given to the person who actually inserted the defamatory matter to manage or conduct the periodical as editor or otherwise, and to insert therein what in his discretion he thinks fit, is not negligence within the meaning of this section, unless it is proved that the proprietor or publisher or editor when giving such general authority meant that it should extend to and authorise the unlawful publication of defamatory matter, or continued such general authority, knowing that it had been exercised by unlawfully publishing defamatory matter in any number or part of the periodical."

Clause, as amended, put and passed.

Clauses 34 and 35 passed as printed.

On clause 36—"Protection of servants"—

The HON. SIR S. W. GRIFFITH said he had pointed out, on the second reading of the Bill, that those clauses were new, and he had explained why they should be inserted. They were taken from a criminal code prepared in England a few years ago.

Clause put and passed.

On clause 37—"Prosecution of newspapers to be by sanction of a judge after notice"—

The HON. SIR S. W. GRIFFITH said he had pointed out that that clause was new. It was taken from the Act passed last year, which amended the Act of 1881.

Clause put and passed.

On clause 38—"Imprimatur to be *primâ facie* evidence of publication of book or periodical"—

The HON. SIR S. W GRIFFITH said that was also a new provision. When a man put his name at the end of a book or periodical it was very good evidence that he published it.

Clause put and passed.

Clauses 39 to 42, inclusive, passed as printed.

On clause 43, as follows:—

"Whenever any person is convicted, either in an action or prosecution, of publishing any defamatory matter by means of printing, the plaintiff or prosecutor in whose favour judgment is given may under his writ of execution levy the damages, penalty, and costs out of the whole of the types, presses, or printing materials belonging to the person whose types, presses, or printing materials, or any part thereof, were used in printing such defamatory matter, as well as out of the property of the defendant."

The HON. SIR S. W. GRIFFITH said that clause was only a transcript of the present law, but it had been found obscure and unworkable. It had been suggested to him that it might be improved, so as to remove any doubts as to its meaning. A man, when he found he was likely to be proceeded against for damages, might make away with his type, presses, and printing material before a levy could be made, and in such a case the clause was useless. They could always seize a man's property, whether it consisted of a printing press or anything else, and he proposed to amend the clause so as to prevent a man from making away with that property. In the first place he would move that the following words be inserted to follow the words "out of" in the 5th line of the clause.

Any property of the defendant, in like manner as in ordinary civil actions, and also out of.

Mr. TOZER said he would like to know why the type belonging to a person should be subject to a preferential claim by an individual who had been slandered. Why should he have a prior claim to the workmen's claim for wages, or to any person who gained any ordinary action for tort against him? It would amount to this: If a person found himself in difficulties he would get a friend—as was the case recently in Victoria—to bring an action for slander against him, and let it go by default. It was intended not only to give a preferential claim upon the property of the defendant, but he could also obtain a verdict against "the whole of the types, presses, or printing materials belonging to the person whose types, presses, or printing materials, or any part thereof, were used in printing such defamatory matter." He did not see why the remedy should be extended so as to give a man defamed a right prior to all other actions. They should give the same remedy as in other cases, and no more. There might be other creditors, and he could not see why the other creditors should have to stand out.

The HON. SIR S. W. GRIFFITH said the actual publisher of the libel might be a man of straw, who employed some other wealthy person with a printing press to print his libels, and the object of the clause was to make the person who lent the use of his press for that purpose responsible. That view had approved itself to the legislature of New South Wales, and it was his view too. He only wanted to alter the clause to make it effective.

Mr. POWERS said he agreed with the hon. member for Wide Bay that the successful plaintiff in a libel action should not have a preferential claim against a third party, as against all other claims, more particularly the wages of the men working in the printing office.

Mr. TOZER said he would put another case. A man went to a printing office, and got something printed. The printer did not probably know at the time whether it was defamatory matter or not. If the printer could prove, under the preceding clauses, that he innocently did it, he certainly would not be criminally liable. The clause not only gave a remedy to the plaintiff to levy for his damages on the property of the defendant, but it also gave him power to levy on the types, presses, and printing materials belonging to the person who printed the libel, no matter whether that person was as innocent as possible in the transaction. An action was brought by A against B, and the property of C, which happened to have been the means merely of printing the defamatory matter was to be levied upon to pay the debt due to B. What he objected to was that the types, presses, and printing materials might belong to a man who had no opportunity to share the action. Before such wholesale license to levy was given, he wanted to be satisfied, first, that the third party would be heard; secondly, that he was guilty of something that he should not be guilty of; and, thirdly, that the public were protected; and he did not see that any of those things were secured by the clause.

Mr. BARLOW said he did not profess to know anything about the question; but he was decidedly of opinion that when an action was brought to recover damages for defamation, the printer ought to be joined in the action as a co-defendant, so that he might have an opportunity of being heard.

The HON. SIR S. W. GRIFFITH said he did not see his way to leave the clause out of the Bill. There was, of course, a good deal to be said against it, but he thought there was a preponderance of argument in favour of the present law.

Mr. REES R. JONES said that the present law was in practice that a successful plaintiff could never get hold of the types, presses, and printing materials.

Mr. POWERS said he hoped the leader of the Opposition would consent to negative the clause. A successful plaintiff in a libel action ought to have just the same remedy as anybody else, and no more.

The HON. A. RUTLEDGE said the people the clause was intended to reach were those who were men of straw, and who took care to mortgage their presses and printing materials to other people, so that when their presumed property came to be levied upon for damages there would be nothing to seize. They were protected from every peril, and they snapped their fingers and went on printing slander and defamation month after month and year after year. The gain to that disreputable class of persons, if the clause was negatived, would be that their mortgages would be protected. They would not mind so long as their security was not likely to be interfered with; but if the mortgagee knew that his security was likely to be called on to answer for the misconduct of defaming on the part of the editor of the paper, he would be in duty bound, for his own protection, to exercise a wholesome restraint on the individual whose types were brought into use. He would not like to see newspaper proprietors hampered in any way, but he thought there should be some guarantee by which persons who were defamed by unprincipled writers should have the means of securing the compensation which the law was supposed to give them when damages were awarded. What was the use of giving damages if they could be evaded in that way? The men would laugh at those whom they had defamed.

Mr. REES R. JONES said a similar clause had been on the statute book for nearly forty years—11 Vic., section 13. He believed at one time an attempt was made to get hold of the types used in publishing some libel, but the judge held that the property of third persons could not be seized in that way.

The HON. SIR S. W. GRIFFITH: A mortgage was made after the printing.

Mr. REES R. JONES said he believed that was the only attempt that had been made to get hold of a third person's goods to pay for another man's damages. The third person might be perfectly innocent in the transaction; he would have no opportunity of answering the action, and yet his goods might be taken. He (Mr. Jones) thought it was an unfair and un-English sort of a clause, and he hoped it would be negatived.

Mr. TOZER: Supposing judgment went by default?

The HON. SIR S. W. GRIFFITH said he would suggest that the clause should be amended as proposed, and then let it be carried or negatived by the Committee. He did not care very much which way the division went.

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

On the motion of the HON. SIR S. W. GRIFFITH, the words, "as well as out of the property of the defendant," at the end of the clause, were omitted, and the words, "to whomsoever the same may belong at the time of the levy," inserted in their place.

The HON. SIR S. W. GRIFFITH said in moving that the clause, as amended, stand part of the Bill, he would state briefly the reasons why he thought it should be retained. In the first place, papers like the *Courier* and *Telegraph* did not publish periodicals for other people. The persons to whom the clause would apply were those who used their presses for printing periodicals and other papers which might be used as a means for circulating defamatory matter. He did not think such persons were entitled to much consideration. At anyrate the provision would make them take reasonable precautions that their types and presses were not used for circulating libels. It had been in force for forty years with very salutary effect in that respect, and for those reasons he thought it should be retained.

Mr. POWERS said he hoped the clause would not be passed, for these reasons: Leaving out the question of newspapers, he would take the case of a printing firm, say, Warwick and Sapsford. Supposing he were to ask them to print a periodical for him, in some part of which there were certain disparaging remarks about John Brown, inserted with the consent of John Brown, who was a party with him in the transaction. By that clause Brown could bring an action against him for, say, £1,000 damages; he would consent to a verdict, and having no property, the levy would be made on the types and printing presses of Warwick and Sapsford, although they had no notice of the action at all. The remarks might not be disparaging, but the plaintiff might get judgment by default for the amount claimed, and still Warwick and Sapsford would suffer, although they would have no chance of proving whether it was a libel or not. They would get no notice of the action. Supposing the action was tried at Normanton or some other distant place, the first thing they would hear of it would be the levy on their property. He would give another case. Supposing a man who was running a printing press found himself in difficulties; in order to avoid a bill of sale or paying

his men their wages, he might publish some defamatory matter, an action would be brought against him, and the whole of his plant would be swept away; his creditors would get nothing, but his friends would very likely gain something by it. Collusive actions were sometimes brought in a friendly way for the purpose of depriving creditors of their rights. He contended that the clause went a great deal too far; that each party should be responsible for his own actions; and that it was unjust to make a third person liable for a verdict obtained against another person.

The HON. SIR S. W. GRIFFITH said the effect of the clause would be to make the holders of printing presses careful as to whom they dealt with. It had done so during the last forty years.

Mr. GROOM said a great deal could be said for and against the clause. There was a newspaper—he believed the publication came within that category—printed by a very respectable firm in Brisbane, Messrs. Gordon and Gotch. It was possible that defamatory matter might be sent to them, but they might be perfectly innocent in publishing it, not thinking for a moment that it was defamatory; but still under that clause they would be liable to have the whole of their printing presses swept away to satisfy a verdict against them. On the other hand, there were newspapers which were started merely for political purposes; he could put his finger on two or three of them, and in every case they had bills of sale over them by some of the party in whose interests they were published, and they defied any person to bring an action against them. He knew of two writs against one paper in the hands of the company. That paper scattered libels broadcast over the country, and the company defied any person to touch them, because one person had a bill of sale over them. At least he said he had, but he (Mr. Groom) did not know whether it was registered or not. Under the clause, people could scatter libels broadcast and bring discord into many a home, and he did not think such a thing ought to be allowed. There was such a thing as issuing through the newspapers what were called "dodgers." A person might go to a country newspaper office, and want a "dodger" circulated through the paper. The proprietors might see no harm in it at the time, and it might be circulated.

The HON. A. RUTLEDGE: They ought to see.

Mr. GROOM said that sometimes people were not so particular as they ought to be in regard to such matters. At anyrate an innocent person might be trapped; and after the mischief was done, and it was discovered that the publication contained libellous matter, the proprietors could be deprived of their types, presses, and printing materials. He would ask whether it would be fair to make them suffer in that way for a mistake of that sort?

The HON. SIR S. W. GRIFFITH: This clause will not touch that at all.

Mr. GROOM said he was very glad to hear it. As a newspaper proprietor, he had no objection to the clause, because he thought it was a proper thing that the public should be protected. He had a horror of the practice of disseminating libels, and he was of opinion that the sooner it was stopped the better.

Mr. HODGKINSON said the clause was about the only one in the Bill framed in the interests of the men libelled, and he hoped it would not be withdrawn.

Mr. TOZER said he did not intend that the clause should go through with a rush, because he looked upon it as a very dangerous one. The effect of it in the country districts would be to prevent persons from giving assistance to struggling newspapers, because the security would be imperilled. An instance occurred recently in which a man was desirous of communicating something to an absent friend in reference to family matters; but he could not write it all, so he went to a newspaper office and got it printed. It was a fair and legitimate thing to print that communication—a matter between father and child; but suppose another party brought an action for libel, and it went against the printer, the result would be that an innocent person would be made to suffer. The clause would put a stop to a great deal of legitimate work, and would not have a beneficial effect. It might be beneficial in some instances, but those instances could be provided for in another way.

Mr. REES R. JONES said the principal reason why he objected to the clause was because the printer would not be allowed to defend himself. Another man was sued—the man who published the defamatory matter—and if the verdict went against him, the printer's types, presses, and printing materials would be levied upon; yet he had not the right to defend the action. If a man was charged with a criminal offence he was allowed to defend himself; but in the present case the man was not protected at all, though he might be perfectly innocent. He hoped the Committee would not agree to the clause.

Mr. TOZER said they all knew that a certain amount of license was allowed during elections. A printer might be asked to print certain things in connection with an election, and he might print them, believing that the statements were matters of public interest. Then a third party might bring an action against the person publishing those statements. It would probably be tried before a biased jury, and the printer would be come down upon. If he refused to do the printing he was asked to do, the people would very soon get another newspaper in the district and turn him out.

Mr. POWERS said he did not see why they should pass a clause under which a man's property might be taken away without giving him the right to be heard in his own defence.

The HON. A. RUTLEDGE: It is no novelty in the law.

The HON. SIR S. W. GRIFFITH: It has been the law for forty years.

Mr. POWERS said it was a law that had not been carried out, because people managed to get rid of their types and presses under such circumstances. If the printer's types and presses were to be seized, he should be joined in the action as one of the defendants, and have the right to say what he had to say in the matter. The right to defend his own property was a right that every man possessed.

Mr. SAYERS said that two hon. members who were proprietors of country newspapers were willing to let the clause go. They said it was fair and equitable, and he thought that any further discussion would only be a waste of time.

Question—That the clause, as amended, stand part of the Bill—put, and the Committee divided:—

AYES, 23.

Sir S. W. Griffith, Messrs. Morehead, Black, Pattison, Donaldson, Hyne, Macrossan, Hodgkinson, Rutledge, Barlow, O'Sullivan, Sayers, Salkeld, Mellor, Plunkett, Jordan, Groom, McMaster, Glassey, Isambert, Smyth, Macfarlane, and W. Stephens.

NOES, 18.

Messrs. Nelson, Dalrymple, O'Connell, Drake, Tozer, Murphy, R. R. Jones, Philp, Lissner, Powers, Gannon, Agnew, Cowley, Palmer, Corfield, Murray, Watson, and Adams.

Question resolved in the affirmative.

Mr. POWERS said he wished to add a proviso protecting the wages of workmen engaged in printing offices, and providing that their wages should be paid out of the proceeds of any sale.

The HON. SIR S. W. GRIFFITH : They are paid weekly.

Mr. POWERS: The hon. gentleman said the wages were supposed to be paid weekly, but many hon. members must know of cases where they were not, and in some cases large sums were due. In good printing offices they were paid weekly, but he had known months' wages due. If the Committee were against any amendment protecting workmen's wages, he did not want to propose it with a view of forcing the Bill out. Having raised his voice against the clause he was content to abide by the division which had been taken. If he could not carry his point by argument he did not wish to take any other course, but he thought workmen's wages should be protected. He could assure hon. members that he had known two or three months' wages to be due. The companies were limited, and there was no one to put in gaol. If the leader of the Opposition would put in such a clause as he suggested, the Committee would accept it unanimously ; but if he would not do so he (Mr. Powers) would not attempt it, because judging by the last division he should be defeated.

Mr. GROOM said that in most printing offices, wages were paid weekly. It was quite news to him that printers' wages were withheld for two or three months. There was a freemasonry among printers protecting their own interests, and it was news to him to hear of a printing office being in that condition. In all well-regulated offices the wages were paid weekly to the workmen, either on Friday, at 4 o'clock, or Saturday, at 1 o'clock. Every printer entered the printing office on Monday morning with a knowledge that he had to earn his wages and would be paid at the end of the week.

Mr. BARLOW said he would not mention names, but he knew of one paper on which some lads were employed at 4s. a week, and they went to another paper and asked for employment at 5s. a week, the reason assigned being that their wages were two or three months in arrear.

Mr. TOZER said the clause was passed in 1847 under different conditions and different circumstances. It was passed in the prison days of New South Wales, when it was necessary at that time not only to have the usual remedies but very strong remedies against printing offices. In these days of civilisation they had established a principle by the clause they had just passed that was not in any other Act of Parliament, and one of which he thoroughly disapproved. It was unjust in principle, and he was sorry the Committee had not considered more fully the effect of the clause.

Mr. POWERS said he had intimated that if the leader of the Opposition did not approve of his suggestion he did not intend to propose a proviso. He had asked the hon. gentleman to draw up a clause to protect the workmen's wages, because if he (Mr. Powers) did it he would be accused of attempting to throw out the Bill.

The HON. SIR S. W. GRIFFITH said the matter was not so simple as the hon. member seemed to think. What wages were they to protect, and for how long, a fortnight, three weeks, or three months? All that would require to be investigated, and he could not draft a clause dealing with it in a few minutes. The clause simply gave a plaintiff obtaining a judgment a kind of mortgage or preferential lien on the printing materials whether the property of the defendant or not. He wished to propose two new clauses to be inserted before clause 44. They were purely formal, but he thought they might be necessary. He would move the insertion of the following new clause to follow clause 43 :—

The rules of law declared and enacted by this Act shall be applied in all actions and prosecutions for defamation begun after the passing of this Act.

Hon. members might say that would be taken for granted, but it was just possible that a judge might say that the Act did not repeal all the old rules of law on the subject, and it was just as well to say distinctly that they should be guided by the new rules.

New clause, as read, put and passed.

The HON. SIR S. W. GRIFFITH said it had occurred to him also that it would be just as well that nothing in the Act should be construed to limit any protection now by law existing. He believed that the Bill embodied all existing privileges, but he might be mistaken. and he therefore moved the following new clause, to follow the last new clause as passed :—

Nothing in this Act shall be construed to limit or abridge any protection or privilege now by law existing.

Mr. TOZER said he supposed it was intended to repeal the 14th section of the Defamation Act.

New clause, as read, put and passed.

Clause 44—"Act not to apply to slander of title, or to blasphemous or seditious or obscene libels"—passed as printed.

Schedule and preamble passed as printed.

On the motion of the HON. SIR S. W. GRIFFITH, the House resumed, and the CHAIRMAN reported the Bill with amendments.

The report was adopted, and, on the motion of the HON. SIR S. W. GRIFFITH, the third reading of the Bill was made an Order of the Day for to-morrow.

WARWICK GAS, LIGHT, POWER, AND COAL COMPANY, LIMITED, BILL.

SECOND READING.

Mr. MORGAN said: Mr. Speaker,—In moving the second reading of this Bill I may say it contains principles which have already been affirmed on many occasions in this House. The only thing new in it is contained in two clauses, giving the gas company power to employ electricity for lighting purposes, and the principle of those two clauses has been affirmed by the House within the last week or so. I will ask hon. members to assist me in expediting the passage of the Bill by reserving any remarks they may have to make upon it until the Bill gets into Committee. I may say the rights of the local authority are amply protected. I move that the Bill be now read a second time.

Question put and passed.

On the motion of Mr. MORGAN, the committal of the Bill was made an Order of the Day for to-morrow.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

RABBIT BILL.

The SPEAKER announced the receipt of a message from the Legislative Council, returning this Bill without amendment.

BRISBANE WATER SUPPLY BILL.

The SPEAKER announced the receipt of a message from the Legislative Council returning this Bill, with amendments indicated in an accompanying schedule, in which amendments the Council invited the concurrence of the Legislative Assembly.

On the motion of the MINISTER FOR MINES AND WORKS, the Legislative Council's amendments were ordered to be taken into consideration on Monday next.

ADJOURNMENT.

Mr. TOZER said: Mr. Speaker,—I desire to make a suggestion in reference to the adjournment of the House. The chief citizen of Brisbane has invited many hon. members from the country to accept his hospitality this evening, and, I may say, I intend to do so. We have been here four months now, and I do not suppose the House will, in any case, be largely constituted this evening. I therefore suggest that we should adjourn now.

The PREMIER said: Mr. Speaker,—With regard to what has fallen from the hon. member, I think he wishes to suggest a very bad precedent, and one which I hope will not often be followed. Because the chief citizen of Brisbane asks hon. members to attend a ball, which I understand he is giving to-night, that is not a good reason why we should give up our legislative duties. There is a reason, however, which disposes me to accept the hon. member's suggestion, and it is this: We have very serious matter to deal with in the Estimates, and I know perfectly well that it would not be a proper thing to bring the Estimates on in a thin House, such as there would be, from what has fallen from the hon. member for Wide Bay and other hon. members who have spoken to me. I hope however, that if at any future time the chief magistrate of Brisbane gives a ball, either of two things will happen—that he will give it on such a night that it will not interfere with the legislative duties of hon. members, or else that hon. members of the legislature will not attend. Those are the two alternatives. However, as I know no business will be done with the Estimates, I think we had better adjourn.

The HON. SIR S. W. GRIFFITH: We might take some other business.

The PREMIER: There is no Government business on the paper which is not important. If the hon. gentleman is willing to go on with the Land Bill I am quite willing to sit after the adjournment for tea. It is quite evident, however, that hon. members do not wish to attend and go on with the business to-night, but as there is very little private business on the paper for to-morrow, it will only occupy a limited time, and we shall be able to go on with the Estimates which are postponed from to-night. I therefore move that this House do now adjourn.

Mr. GLASSEY said: Mr. Speaker,—I think that the reason which has been assigned by the hon. member for Wide Bay for the adjournment of the House—for the sake of attending the mayor's ball—is not sufficient to induce us to neglect to perform our duties. It would be a very bad precedent to set, and I for one object to the adjournment. On the other hand, the Premier has assigned some very strong reasons; and as many hon. members are likely to be absent we shall not be in a position to discuss the Estimates. I shall certainly press the matter to a division if it occurs again.

Mr. ADAMS said: Mr. Speaker,—Hon. members coming from the country wish to get home. We have now been here nearly four months, and we have done very little business, and it is our duty to see that the business of the country is performed. However, if it is the intention of the Government to go on with Government business to-morrow I have no objection to the adjournment; but I think it is too much to keep country members here so long.

Question put and passed.

The House adjourned at five minutes past 6 o'clock.