Queensland

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[Hansard]

Legislative Assembly

FRIDAY, 27 SEPTEMBER 1889

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LEGISLATIVE ASSEMBLY.

Friday, 27 *September*, 1889.

Question of Privilege—Brisbane sanitary contracts committee—refusal of witness to give evidence.—Supreme Court Bill—third reading.—Endowment of agricultural and horticultural societies.—Church of England (Diocese of Brisbane) Property Bill—resumption of committee.—Union Trustee Company of Australia, Limited, Bill—committee.—Ann Street Presbyterian Church Bill.—second reading.—Adjournment.

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

QUESTION OF PRIVILEGE.

BRISBANE SANITARY CONTRACTS COMMITTEE—REFUSAL OF WITNESS TO GIVE EVIDENCE.

The PREMIER (Hon. B. D. Morehead) said; Mr. Speaker,—In rising to the question of privilege, brought before the House yesterday, I may say that I think before any action can be taken by the House, either approving of the suggestion made by the chairman of the select committee, or disapproving, the House ought to be in possession of some more information than is contained in the evidence printed and circulated to-day. I think we should have, from the chairman of the committee, the object he had in view in asking those questions, because, without knowing his object, we cannot have any idea of what induced the witness to refuse to give the information. I think no person should be condemned without both sides being heard, and if the House is to be asked to give an order for this young man to answer the questions put to him, we should know why those questions were put. So that I should like to know from the chairman of the committee what object he had in view in asking the questions which the witness refused to answer.

Mr. BARLOW said: Mr. Speaker,—The questions were asked by the Hon. Sir S. W. Griffith, who conducted the examination of the witness.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—It may be convenient that I should state briefly—I do not wish to state them fully—the reasons why, as a member of the committee, I asked the questions which the witness refused to answer. The committee was appointed to inquire into any sanitary contracts that have been made with the municipal authorities of North and South Brisbane, during the last five years. The committee found that one contract was made with Mr. Dobbyn, and they desired to get some particulars with respect to that contract. I may state, without going into details, that it is a matter of notorious rumour—I do not know how true it is—that other persons besides Mr. Dobbyn are interested in the contract, and the committee conceived it was their business to ascertain who were the persons beneficially interested in that contract. Various complaints have been made in the public Press and otherwise as to misconduct in connection with the carrying out of this contract, and various statements of a very disagreeable character as to the persons supposed to be interested are common property. The committee conceived they were appointed for the purpose of ascertaining the truth about these matters. We had no certain information to go upon; we were appointed to inquire. It appeared to the committee that in order to ascertain who was interested in the contract it would be useful to ascertain what was done with the money received—who got the money—and the questions were put with that object. As I said before, the committee were appointed to inquire; and I will give an illustration of the manner in which such inquiries are made elsewhere, by relating something that took place in England quite lately. Various complaints were made as to misconduct in connection with the Metropolitan Board of Works and the contracts let by that corporation, and a commission was appointed to inquire into the whole matter. Lord Herschell was chairman of that commission; another member of the commission was an eminent Queen's Counsel, and the third member was formerly governor of the Bank of England. This is the way that commission went to work—I have this on the best authority. They first of all sent for a person suspected of knowing a great deal about where the money went. After examining him a little, they said, "To-morrow we are going to inquire into your private monetary transactions." The witness left for Paris that night, and did not come back. The commission then ascertained who were that person's bankers, and they examined the bankers, and obtained from them a full statement of his monetary transactions. Having got that information, they had something to go upon. They then sent for the persons with whom he had large pecuniary dealings, and elicited from them the particulars of the most stupendous system of corruption that had ever gone on in London. That is exactly how it was done. I do not know whether there is anything wrong about this contract or not; I hope there is not. But the committee were appointed to inquire, and the only means they have of finding out is to get hold of somebody who must have the information in his possession, and get the documents which will enable them to trace where the money has gone. It may all have gone into Mr. Dobbyn's private pocket for all I know. The questions which the witness refused to answer, all related to his disposal of the money he received. He said he received the money, paid it into the bank, drew cheques on the bank, and paid them away. We want to know to whom he paid them; and that would appear by the butts of the cheques, or by the receipts. If a select committee has not the power to make inquiries of that kind, then there is no tribunal in this colony that can investigate a fraud. That is a special function of a select committee. There is a very much better method in England, however, and in New South Wales, and that is a royal commission having power to send for persons, and compel the production of documents. But there is

no such power in this colony. The only power here is that conferred upon select committees of both Houses. If they find themselves baffled in this way, they are obliged to report the matter to the House, and if the House which appointed the select committee refuses to support the committee, then the committee can go no further.

Mr. GROOM said: Mr. Speaker,—There has been a case already in the history of this House in which a witness refused to answer questions put to him; and I am not aware that any action has been taken by the House to enforce that witness to answer those questions. I daresay I can recall the case to the minds of hon. members by telling them that it was in connection with the sale of the Cullin-la-ringo lands, and that the hon. gentleman who is now at the head of the Government refused to answer the question because it would have interfered with his private business. I think that before going to England to justify any action that may be taken we ought to take the precedent that we have established ourselves. How far that precedent will guide us on the present occasion it is for the House to decide; but I may point out that that case involved matters connected with the sale of lands—involving almost the policy of the country—and was of far greater importance than the Brisbane sanitary contracts. I think that that precedent, having been established, must guide us on the present occasion.

The HON. SIR S. W. GRIFFITH: It happened at the end of the session.

Mr. GROOM: I have brought that precedent under the notice of hon. members, because I think the House should not do one thing one session and another thing another session.

The HON. SIR S. W. GRIFFITH: The matter was not reported to the House.

Mr. AGNEW: Deal with the case on its merits.

Mr. GROOM: I am quite aware of all that the hon. leader of the Opposition has stated. Still this is a case absolutely in point, where the witness was summoned before the select committee and refused to give evidence. I know the matter was not reported to the House and the House was not asked to enforce its authority; nevertheless the case occurred, and I think it worthy of consideration in connection with this case. The question to consider is: How far we can compel a witness to divulge matters connected with his private business? I respectfully submit that that is a very serious question, and one that ought not to be decided hastily. There are many things connected with a man's private business, in connection with monetary affairs more particularly, that he does not wish any other persons to know anything at all about. How would members of this House like the demand to be made to examine the butts of their cheque-books, for example, in connection with their ordinary business?

The HON. SIR S. W. GRIFFITH: Why not?

Mr. GROOM: "Why not!" Why should that be done, that is the question? Suppose I am a money-lender and I carry on a large business in that way, and advance money to different persons; is the whole world to know my business? Is a select committee or any member of it to be allowed to examine the butts of my cheque-books to find out to whom I have advanced money? The whole affair must be considered in all its aspects, and, however serious the matter may appear to the select committee appointed in connection with this sanitary contract, we must not forget there is another side of the question equally to be regarded; and that is how far we are justified in compelling persons to reveal their private business to members of a select committee inquiring into certain rumours which may have reached them, and which may or may not be true.

The PREMIER said: Mr. Speaker,—In reply to the remarks of the leader of the Opposition, I may say I am quite aware this was a "fishing" committee, and based upon certain rumours which apparently reached the hon. member for Ipswich, in connection with the action of the Corporation of Brisbane. The hon. member for Ipswich felt that it was within his province to ask for a select committee for the purpose of endeavouring by a cross-examination of this sort to elicit something upon which he could base a charge. It must be borne in mind there was no charge made in the first instance, only an idle rumour that had reached the hon. member for Ipswich, and if these statements had been made when the committee was moved for, the House would never have granted the committee. What do we find now? We find that this lad—for he is only a lad under age—is brought before the committee, and his cross-examiner is the most astute lawyer in Queensland. He is cross-examined by him, and the lad to protect—I do not know that that is the proper word to use—but in the interests of his father, who is on the other side of the globe, the lad declines to answer certain questions.

Mr. O'SULLIVAN: Quite right, too.

The PREMIER: Then the lad is brought up here to be gibbetted by the House, and to be punished in some way, if he can be punished; but that is a qustion which will arise later. I put it to every member of this House whether it is a fair match? Whether this lad who was left here to look after his father's interests should be brought before a committee of members of this House and be cross-examined, not by the chairman of the committee, but by the leader of the Opposition, the most astute lawyer in Queensland, who was there to bother and badger this boy? I do not know that that redounds much to the credit of those concerned in it.

The HON. SIR S. W. GRIFFITH: He was not cross-examined. He was simply asked to produce documents.

The PREMIER: I know nothing about the merits of the case; but I understand that this lad, as he was in charge of the interests of his father, who could not be present to look after them himself, was accompanied by a member of the bar to assist him, to sit there and watch the case, and objection was taken to that gentleman, as it was said he was leading the witness to give certain answers, and he was turned out of the room.

The HON. SIR S. W. GRIFFITH: That was not said. Nobody said so.

The PREMIER: I was told that Mr. Mansfield was told to leave the room as he was assisting the witness.

The HON. SIR S. W. GRIFFITH: That is not correct.

The PREMIER: That is what I have heard, and I believe the story as I have it from a person who ought to know.

The HON. SIR S. W. GRIFFITH: Nobody could have been in a position to say anything of the kind.

The PREMIER: I got the information from a source I have no reason to disbelieve. I, of course, accept the hon. gentleman's statement; but we are asked now to make an order of this House to do what? To compel this lad, who is here without his father or friends——

Mr. BARLOW: You are asked to make no order. The matter is submittnd under the 44th section of the Constitution Act, and it is your place as leader of the House——

The PREMIER: I know what my duties are as leader of this House better than the hon. member for Ipswich can teach me; and I do not wish to be interrupted by him, when I am speaking upon a matter which he himself brought before the House, and upon which he will have an opportunity afterwards to reply, if he can, in a temperate manner. It seems to me that this House is asked, as it were, to use a sledge-hammer force to kill a flea. We are asked to bring into play all the machinery of this House to compel this lad to betray his trust to his father. I do not see that anything has been said to induce us to do so. The leader of the Opposition has said that the case has not been stated fully, but so far as it has been stated, I do not think anything has been said that would justify this House in taking the extreme measure of ordering this lad to reply to the questions put to him. I know nothing about the merits of the case; I know nothing about the occult designs of the members of the committee, and they seem to have occult designs; and I care less about them. I say it appears to me that it is a very improper thing that this House should be asked to take the action which it is asked to take by the hon. member for Ipswich as chairman of this select committee.

Mr. GROOM said: Mr. Speaker,—I may be permitted to refer the House to the progress report submitted to the House in 1882, by the select committee to which I have already referred. That report was as follows:—

"The committee appointed on the 26th October last 'to inquire into and report upon the connection, if any, of the firm of B. D. Morehead and Co. with the sales by auction in 1881 of large areas of country lands on the station of Cullin-la-ringo, and other stations in the Springsure and Peak Downs districts,' have to report to your honourable House as follows:—

"1. Your committee have, amongst others, examined the following witnesses—namely, Hon. S. W. Griffith and Hon. B. D. Morehead, and minutes of all evidence and copies of all documents produced by witnesses are appended hereto.

"2. Mr. Griffith having declined to disclose to your committee the name of the person on whose information he made the statement in your honourable House which gave rise to this inquiry, or the names of any of his informants, for the reason given in his evidence, the chairman, by request of the committee, put the following question:—

"592. By the Chairman: Mr. Griffith, the committee have decided that I shall put the following question to uou:—What is the name of the informant on whose information you made the charge against the Postmaster-General on Monday last? I object to answer that question on the ground that the question is of a private nature, and is not relevant to the subject-matter of the inquiry. I quote the words of the statute."

I think, therefore, I was correct in what I said just now, that the House was very careful and guarded indeed in asking witnesses to divulge matters connected with their private business. I think it is very reasonable that we should be so. What is the case of this lad to-day may be the case of any hon. member here or any merchant or banker to-morrow, and therefore we should be exceedingly careful as to what we are about. We may be very anxious to find out everything connected with the sanitary contracts in Brisbane, but we should take greater care not to establish what may prove to be a very dangerous precedent in the future. Then came the hon. member at present at the head of the Government, who was then Postmaster-General of the colony, with a seat in the Legislative Council, and with respect to him the report goes on to say:—

"3. Mr. Morehead attended before your committee and made the following statement:—

"937. By the Chairman: Mr. Morehead, you are a member of the Legislative Council? Mr. McLean, before I answer any questions I have a statement to make, if the committee will allow me, which may, perhaps, clear the ground to a considerable extent. I am here to-day, at the request of this committee, to give evidence on certain charges made against me and my firm in the Legislative Assembly by Mr. Griffith. I find that those charges are based upon rumours. I find also that those rumours were in Mr. Griffith's possession three weeks before he made the charge. I find also that those rumours have not been proved. Now, Mr. McLean, I think it would not be consistent with my honour, nor with my dignity, were I to be called upon to rebut charges made against me and my firm on unsubstantiated rumours. I prefer then, Mr. McLean and gentlemen, to leave my case to be judged, and the case of my firm, and the character of my firm, to be judged by this committee, on the evidence of Mr. Griffith and the other witnesses called. I therefore most respectfully decline to answer any questions.

"938. You decline to answer any questions? I decline to answer any questions. May I withdraw?"

"Certainly, Mr. Morehead.

"Your committee now beg to lay the minutes of evidence and appendices before your honourable House."

In that case, Mr. Speaker, no action was taken.

The HON. SIR S. W. GRIFFITH: It was on the last day of the session; just before prorogation.

Mr. GROOM: Whether it was the last day of the session or the first, that makes no difference. I say here is a precedent which the House established on that occasion, and it struck me when I read the minutes of evidence taken before this select committee which were circulated with the papers furnished to hon. members this morning, and which I read very carefully, that really there is a very serious point at issue in this matter. Therefore, the House should be extremely careful not to go to extreme measures before we attempt to compel a witness to give evidence as to his private business, and more particularly banking business, which, as we all know, men in business are most jealous of.

The HON. SIR S. W. GRIFFITH: How are swindles to be found out then?

Mr. GROOM: There are other ways of finding out those things besides asking a man to produce his private banking account. If there has been a swindle in connection with the Brisbane sanitary contract, there are other means of obtaining that information without going into the private banking account of those persons. As I said before, the House itself has not established any precedent to compel witnesses before select committees to answer questions of a private nature; therefore I think we should be extremely careful before we do anything which may be regarded as legislating in a panic.

Mr. O'SULLIVAN said: Mr. Speaker,—I hope——

The SPEAKER: There is no motion before the House. It is necessary that some motion should be made, so that hon. members may discuss the question in a regular way.

The HON. SIR S. W. GRIFFITH: I ask the hon. gentleman at the head of the Government whether he intends to make any motion? If he does not, I will.

The PREMIER: I intend to make no motion until I get more information than I have received yet.

The HON. SIR S. W. GRIFFITH: As it is necessary that there should be some motion before the House, I will move one. The statute provides that the matter shall be reported to the House, "who shall thereupon excuse the answering of such question, or the production of such paper, book, record, or other document, or order the answering or production thereof, as the circumstances of the case may require." I therefore move—

That the witness, George Dobbyn, be required to produce the documents required by the committee, and to answer the questions put to him.

I wish to say a few words in support of the motion. If a select committee is to be of any use at all it must have power to get information. A select committee is not a tribunal to try questions between two persons, where each party knows his own case; but it is appointed for the purpose of eliciting the truth, and it can only proceed in the way in which truth is usually elicited in all parts of the world under similar circumstances. If the House is desirous that the truth shall not be elicited, they can take that view of the matter; but if they desire that select committees of the House shall exercise the same powers that are exercised by similar tribunals in all other parts of the world, then it should make this order. This inquiry does not relate entirely to matters of a private nature. The question is: What does this gentleman do with the money he receives from the Municipal Council of Brisbane; how does he dispose of the profits? That is what we want to know. Of course, that is a matter of a private nature, in one sense, but it is not entirely of a private nature. It may be of a particularly private nature if it concerns persons who get profits that they should not get. That, no doubt, would be an extremely disagreeable thing to have found out. If a man commits an offence, it is an extremely disagreeable thing, in a private sense, that it should be found out—so far as it concerns private character. I say that if committees are to discharge their duties they must have every assistance to enable them to ascertain the truth. Of course, if the House desires to suppress the matter, to stifle it, they can do so. I should be very sorry indeed that this House should attempt to stifle inquiry into the matter; and I think I am justified in saying that it is to be regretted that the witness should have been advised by a member of the Government—by a gentleman who is also their legal adviser.

The PREMIER: His firm.

The HON. SIR S. W. GRIFFITH: I say it is unfortunate that such should be the case.

The PREMIER: That is a very unfair remark to make.

The HON. SIR S. W. GRIFFITH: I have a perfect right to make that remark, because what has fallen from the hon. gentleman indicates that he has no desire to assist the committee in doing its duty. If the excuse given by the hon. gentleman is to prevail, it will render the powers of select committees absolutely idle; they can do nothing.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan): What powers have they?

The HON. SIR S. W. GRIFFITH: They have a great deal of power if this House will back them up.

The MINISTER FOR MINES AND WORKS: They have no power. Nobody knows that better than the hon. gentleman.

The HON. SIR S. W. GRIFFITH: I say they have considerable powers, but not such complete powers as they ought to have.

The MINISTER FOR MINES AND WORKS: The hon. member wants the House to make a fool of itself.

The HON. SIR S. W. GRIFFITH: It will bring no credit to the Government if they endeavour to stifle inquiries of this sort. If there is nothing in the matter, no harm can be done—no disagreeable consequences can be caused by answering the questions. If there is nothing in the disagreeable statements that are in the air, answering the questions will prove that they are without foundation. If the House resolves not to assist any further inquiry into the matter—if the House would rather prefer any corruption of the kind referred to to exist unchecked—it will, of course, take no action. On the other hand, if it wishes full inquiry, then it will exercise its power for the purpose of enabling the committee to discover the truth. It cannot be said that the sanitary contract for the city of Brisbane is not a public matter. A great deal has been said about it many times in this House, and it cannot be contended that it is not a public matter. I beg to move the motion.

The PREMIER said: Mr. Speaker,—I do not intend to say more than a few words on the question. If the hon. gentleman will read the evidence submitted to the House he will see that the information which the committee is desirous of getting can be obtained without compelling this son to give evidence which is supposed to prejudice his father. There is evidence that Mr. Booth is manager of the company; I suppose he could be called upon to give evidence.

The HON. SIR S. W. GRIFFITH: This man signs the cheques, and has custody of the documents.

The PREMIER: Then I will go a little further. The bank manager has also been spoken of as a witness who was not called.

Mr. BARLOW: The witness refused to give us the name of the banker.

The PREMIER: That was a very stupid thing to do; but does the hon. gentleman or any other member of the committee tell me—are they so stupid, especially the late banking gentleman who now represents Ipswich—that they could not find out where this company had been banking?

Mr. BARLOW: It is not their business to find out.

The PREMIER: Isn't it? I think it is the business of the committee. What were they appointed for? That is part of the duty they were appointed for. I say any office boy in Brisbane could easily find out who the bankers of the company were.

Mr. BARLOW: It is not the duty of the committee to run after office boys and ask them questions.

The PREMIER: I say that information could have been discovered quite easily. Therefore I contend that all the information the committee desired could have been obtained from Mr. Booth, or from the manager of the bank, without subjecting this youngster to the ignominy of disclosing matters which he considers private as between himself and his father.

Mr. O'SULLIVAN said: Mr. Speaker,—I got up once before, and I was told there was no motion before the House, although three hon. members had spoken twice. I rise now simply to enter my protest against the attempt to turn this House into a star chamber—to convert it into an inquisition to dive into the private affairs of the inhabitants of this colony; above all, against a mean attempt on a child under age,

to make him swear against his own father. It is the most disgraceful attempt that has ever been made. But it is quite certain that this House has no power. I have not the slightest hesitation in telling the hon. gentleman, great lawyer as he is acknowledged to be, that this House has no power to meddle with the matter; and he himself acknowledged as much when he said that if it had been a Royal Commission the witness could have been made to answer.

The HON. SIR S. W. GRIFFITH : It could not in this colony.

Mr. O'SULLIVAN: The hon. gentleman need not be told that the House has no power over that boy, not even if he was a man. He was advised by a legal gentleman not to answer when called upon to disclose the affairs of his father. What will this House come to if every hon. member who may have some grievance gets this House to appoint a select committee to carry out his own little game? Are we to turn this Assembly into a lot of spies to search into the private affairs of other people, because some hon. member may by some possibility be personally interested, and enable him to carry out his own affairs under the guise of being a public benefactor? Such a motion as this ought not to have come before the House at all, and I am thoroughly satisfied that if it comes to a vote it will be scouted out of the House.

Mr. BARLOW said: Mr. Speaker,—In addressing myself to this motion, I desire to say at the outset that the fact of my being chairman of this committee does not imply that I take any special interest in, or have any special knowledge of, the matters connected with this very unpleasant inquiry. I may say the inquiry was only prompted on the part of those gentlemen who took part in the select committee by a strong sense of public duty. I have no knowledge of the sanitary contracts of the city of Brisbane, nor do I desire to have any, and, as far as making any inquiries into these contracts, excepting as a member of the legislature, whether they are carried out rightly or wrongly, I have no special interest in the investigation. With regard to the question raised by the Chief Secretary, who is fishing, as he always does, for a bit of cheap popularity, who is ready to decry the House and its rights and privileges, who is prepared to give away those rights and privileges in exchange for a little claptrap popularity—such a course will not be approved of hereafter when people come to reflect on the matter. At the outset I desire to say that there was no attempting to press this young man. It has been artfully represented that he was a mere child left in charge of his father's property, and that a select committee of the Legislative Assembly—which is this House exercising a certain power—attempted to put thumb-screws on this lad to cause him to disclose the affairs of his father. That is utterly absurd and ridiculous. What is the fact? This young man holds his father's power of attorney: he is actually the legal attorney, duly constituted, of his father. And how did the committee act? Did they send for this lad, shut him up in a room with themselves, and terrify him into giving answers? No. They summoned him properly in the first instance by a summons issued, as usual, by the shorthand writer in charge of select committees, and the answer the select committee got was that this gentleman, Mr. Dobbyn, declined to attend under legal advice. The committee then adjourned until the following day, and in the meantime they prepared a summons in accordance with the strict letter of the Constitution Act, and they served that upon him at his usual place of business. Mr. Dobbyn had the able assistance of the legal firm referred to and of a barrister-at-law, a gentleman well known in the profession; and before the committee attempted to examine Mr. Dobbyn, they so far departed from the usual practice that they allowed the solicitor's chief clerk and the barrister to attend in the committee room and address the committee as to this question of supposed privilege. That being done, the committee consulted, and they decided that the scope of their investigations, and the necessity of looking into this question, demanded that Mr. Dobbyn should be requested to answer these questions. Is this Parliament really the High Court of Parliament, or not? Are we to have the privileges of every court of petty sessions, or are we not? Are we to be allowed to summon witnesses and let them laugh in the faces of the elected representatives of the people? What is done in all other inquiries where there is suspicion? Did hon. members ever hear of such a thing as a search warrant? There is such a thing, and it is put into force every day. I contend that this Parliament stands above all the other courts in the colony. It is the supreme inquisition of the nation; it is the supreme court of the colony. We have heard over and over again from the Treasury benches, in connection with matters affecting the judges of the Supreme Court, denunciations of the judges, in which to a certain extent, on constitutional principles, I have joined. We have heard resentment poured out upon those judges when they wrote a letter of an improper character addressed to you, Sir, as the representative of this House; and yet we are actually told by the gentleman who is the guardian of the privileges of this House that we are not to press these questions. How is an inquiry of this kind to be conducted except by what lawyers call a fishing inquiry? If the facts were palpable on the face of them, there would be no necessity for a select committee at all. Every inquiry in a court of justice is a fishing inquiry. It is a method by which truth is elicited and discovered, and by which suspicions are made to become facts. If the House does not insist upon its privileges, I say the privileges of the House are practically gone, and the position of the legislature in an inquiry of this nature is lower than that of any court of petty sessions in the country. As to the examination not having been conducted by myself, I am not aware that it is usual for the chairman of a select committee always to conduct the examination. Indeed, I know to the contrary that every member of a select committee has a perfect right to put as many questions as he pleases, although the examination is first initiated by the chairman asking the witness what his name is, and so on. It was from no desire on my part to harass any witness that the examination was conducted by so distinguished a man as Sir S. W. Griffith. It was in the fitness of things that when he was present on that committee he should undertake the examination, and I should have considered it a piece of great presumption on my part if I had attempted to conduct the examination in his presence. Now, an hon. member talked about setting up a star chamber, but I say this Parliament has, or ought to have, privileges of inquiry far beyond those of any ordinary court. I do not think we pressed this inquiry too far. I am quite certain that if the committee had been requested by the witness to keep certain matters private, they would have done so, but instead of that the committee were met with cool defiance; and I must say the young man, Dobbyn, conducted himself with a great deal of skill, and completely baffled the inquiries of the committee. It is a question for this House to consider, and I do not approach the question in anything like a spirit of anger—I do not desire

to approach it in anything like a spirit of disappointment. I do not care one farthing whether the witness answers the questions or not. I do not care whether the sanitary contracts are steeped in corruption or whether they are not. Personally, it is a matter of perfect indifference to me, except as a member of the legislature and a member of the community. Personally, I have not the slightest desire to elicit information. I have not the slightest desire to press hardly or unfairly on the witness; but I do say this, that if the inquiries conducted by select committees of this House are not to be as searching and full as any conducted by a court of justice, then all the talk about the superiority of this legislature to the Supreme Court is nothing more nor less than trash and nonsense. It is insincere nonsense, talked for the purpose of obtaining a certain unthinking popularity, and now that the tables are turned, and this House is put in the position of their honours the judges, we are told the House has no power. We are told we are persecuting and pressing unfairly a helpless lad. This witness had the advantage of the same legal assistance which is supposed to guide the Government. I desire to draw no distinction between the advice of the legal adviser of Dobbyn and the legal adviser to the Government. It is supposed to be the highest legal advice obtainable. The witness was attended by a barrister, and every facility was given to him. Now I can tell this House and the Government that the House has no more power to enforce the attendance of Mr. Dobbyn than I have, and the sooner the House takes upon itself that power and does something to rescue itself from its present position the better. I resent any attempt on the part of the Chief Secretary to cast any reflection on me. I have only done my duty in serving upon this select committee. It does not matter whether I came from Ipswich or Barcoo or Carpentaria. I am a member of this House. I am intrusted with certain functions for the general good of the public, and if I have time at my disposal and am disposed to serve on this committee, I have as much right to serve on a committee to inquire into the sanitary contracts of Brisbane as anyone else; and I ask would it be proper that sanitary or any other committees should be composed mainly or exclusively of the representatives of this town? Such a thing would present itself to my mind as preposterous. Impartial persons, persons entirely removed from the scene and place, should act as judges. I have no desire to press unfairly on this young man. I care not whether he gives or withholds the information; but I say if the House does not vindicate its privileges, it is degrading itself below the level of the meanest court of petty sessions that is held in the back blocks, with the magistrate sitting on an inverted gin case; and in the future for the House to rant and prate about its privileges will be the most arrant nonsense.

Mr. COWLEY said: Mr. Speaker,—As a young member I should like to know what will be the result if this motion is passed, and I would also draw attention to what I see in "Votes and Proceedings" for the year 1861. The hon. member for Toowoomba has told us what happened when a certain witness refused to give evidence in another case, but here I find a witness was summoned by a committee and did not attend. The House was, therefore, asked to take some action. The late William Henry Walsh was summoned to attend before a select committee, and he flatly declined. The matter was brought before the House, and a motion was moved. This was the motion:—

"Mr. Watts moved that William Henry Walsh be ordered to attend this House on this day month."

Mr. Lilley moved that the question be amended by the omission of all the words following the word "that," with a view of inserting in their place the following:—

"The conduct of William Henry Walsh, a justice of this territory, in disobeying a summons from a committee of this honourable House, is highly reprehensible, and merits the severest condemnation of the House."

Now, I presume this is a parallel case. In fact, I think it is rather worse that a witness should flatly refuse to attend; and here we have a case in which a previous Parliament took action in the matter, and passed a vote of censure on the gentleman who refused to attend. I do not know whether this is a precedent to guide us in our action; but taking it in connection with the case quoted by the hon. member for Toowoomba, I think we might pass a resolution to the effect that the conduct of this boy is "highly reprehensible."

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—The hon. gentleman who has just sat down has asked what will be the result if this motion is carried. Well, the result will be that we shall be simply making fools of ourselves, and no one knows that better than the hon. gentleman who has moved the resolution. He knows we have no power; that we have never assumed such power; and that before we can use it we must assume it by statute.

The HON. SIR S. W. GRIFFITH: Have you read the Constitution Act?

The MINISTER FOR MINES AND WORKS: I have read the Constitution Act, and I will tell the hon. gentleman what is contained in it. The whole power we have is contained in clauses 44 and 45, and they are framed in such a way that we have no power to punish this boy if we brought him to the bar of the House and he refused to answer our questions,

The HON. SIR S. W. GRIFFITH: Parliament has exercised the power.

The MINISTER FOR MINES AND WORKS: Parliament can exercise no power except that power which is conferred upon it by statute. The legislature of Victoria has such power, because they acquired it by statute, but we have none. I will give hon. gentlemen an instance of the helplessness of Parliament. In 1875 the hon. gentleman was adviser to the Government of the day, and a returning officer for a certain electorate in Queensland refused to certify to the return of a member after an election. That returning officer—I do not know whether it was on the advice of the hon. gentleman at the head of the Opposition or not—I hope it was not, because the advice was wrong—but that returning officer was summoned to the bar of this House. I saw him come up to this table. The hon. member for Burke was a member at the time, I think. I saw that returning officer badgered, brow-beaten, and beseeched by the members of the Ministry. He would not sign the return, and he went out of the House in the same way that he came in. Again, the Hon. John Douglas committed what was considered a breach of privilege, and the hon. gentleman spent a whole night trying to prove that Parliament was utterly helpless, and could not punish him. Then, again, the leader of the Opposition himself has refused to answer questions put to him by a select committee, because they were of a private nature. Now, I think this House will not do what the hon. gentleman asks. If we choose to assume that power, we can do so by passing an Act of Parliament or a Standing Order, but until we do assume that power to ourselves we have no power to deal with this matter, and must simply allow this boy to act as

he is pleased to act. I would sooner see the hon. gentleman withdraw his motion than put it to a division, as it is a foolish thing for the House to assume the position it is asked to take up. As the hon. member for Ipswich said, a court of petty sessions has more power than Parliament. That power is imposed upon the court by statute.

Mr. BARLOW: I know that.

The MINISTER FOR MINES AND WORKS: Why, then, did the hon. gentleman talk in such a high tone about the privileges of Parliament? We have no privileges of that kind.

Mr. BARLOW: I wish to direct the attention of the public to the fact that Parliament has not got the power of a court of petty sessions, if it cannot compel a witness to give evidence.

The MINISTER FOR MINES AND WORKS: It was not necessary to direct the attention of the public to the fact. I must say something to correct the leader of the Opposition, who, in moving this motion, took a very unfair advantage of the position he occupies in this House. The Government have received no advice from the Minister of Justice in this matter. The Government are quite prepared to act upon their own knowledge without the advice of the Minister of Justice on the question; and if the Minister of Justice is a member of the firm who gave the boy advice, the Government are in no way responsible for that. I hope that this little storm in a teapot will blow over, and that we shall get on with the business of the House.

Mr. McMASTER said: Mr. Speaker,—I think it is very much to be regretted that Dobbyn, senior, is absent from the colony, as I should be glad if this select committee had been able to prosecute their inquiry, and remove what I consider is the opprobrium that appears to attach to the Municipal Council of Brisbane. The leader of the Opposition stated that certain rumours are abroad to the effect that some swindling has been going on, and that it was necessary to make inquiry into the matter by a select committee, with the view of ascertaining who were connected with that swindle. If such a thing has occurred in connection with the municipal council, I should like very much to assist the select committee in discovering it. I have been a member of the council about nineteen years, and I have been very careful in dealing with the sanitary contracts. If anything were wrong in the matter, I should like to have an opportunity of finding it out, and I am not afraid to express my opinions. I am rather disappointed with the action of the select committee. The chairman of the committee told us when he was speaking that they have been frustrated from beginning to end in their efforts to elicit the information they desire. I say they have not been frustrated from beginning to end.

Mr. BARLOW: I said in Dobbyn's examination.

Mr. McMASTER: The hon. member did not say in Dobbyn's examination; he used the words "from beginning to end of the inquiry." I want to know, and I think the House ought to know, why the evidence of the town clerk of Brisbane has not been submitted to us by the committee?

The SPEAKER said: I would point out to the hon. member that the question before the House is a question of privilege, arising out of the refusal of a witness to give evidence, and the hon. member cannot discuss matters relating to other witnesses who were called and were not reported to the House. The evidence taken before the select committee on this subject is unknown until it has been reported, and the hon. member can only discuss the question before the House.

Mr. McMASTER: Then I should like to refer to the progress report of the committee, which insinuates that there is something wrong in connection with the Municipal Council of Brisbane.

Mr. BARLOW said: Mr. Speaker,—I ask whether the hon. member is in order in stating that the committee of which I am chairman has insinuated anything? The committee in their progress report stated certain facts, but made no insinuations.

The SPEAKER said: The hon. member for Fortitude Valley is not strictly in order in making that statement. Such statements are unfortunately made somewhat too often, but the hon. member is not strictly in order in attributing to the chairman of the committee that he made insinuations in a report which was submitted to the House. With regard to the progress report the hon. member is out of order in referring to that as it cannot be discussed.

Mr. McMASTER: Will it be in order, Sir, to refer to the report now before the House?

The SPEAKER said: The report before the House to-day is the question of privilege. The chairman of the committee has reported the refusal of a witness to give evidence. According to the Constitution Act if a witness refuses to answer questions put to him by a select committee it is the duty of the chairman to report his refusal to the House, and the hon. member is quite in order in referring to the report which has been published in the "Votes and Proceedings" to-day.

Mr. McMASTER: I shall not refer then to the progress report previously laid on the table of the House. This select committee, according to the report submitted by the chairman yesterday, was appointed on the 8th of August last "to inquire into any sanitary contracts that have been made with the municipal authorities of North and South Brisbane during the last five years." They found, I believe, that this did not include the last contract made by the Municipal Council of North Brisbane, and on the 28th of August they asked for, and obtained, enlarged powers, so as to include that contract. That is what I was going to allude to. Any hon. member reading the progress report that was laid on the table at that time, would infer that there was a certain reflection cast upon the Municipal Council of North Brisbane. I did not say that the chairman of the committee had cast any reflection on the council, and I have not a word to say against him. I only regret that the committee have been unable to get answers to the questions they put to young Mr. Dobbyn. But it is very hard for that young man, in the absence of his father who is in England, to have to answer the questions put to him by the select committee. That report has been circulated amongst hon. members, and I am sorry I cannot refer to it. I only wish to say this: That I hope the committee will persevere in their inquiries, and that they will endeavour to find out where the swindle is, although the leader of the Opposition said the committee could not do so unless they receive the support of this House. I am very anxious to find out the truth. I do not believe there is anything in it; but the piecemeal way in which the committee have brought up their reports, would lead the public to imagine that there is something very seriously wrong with the manner in which the business of the corporation is carried on. If I can give any assistance I shall be happy to do so, but I do not know how I can. We have heard a great many cases quoted this

afternoon, and I have the one in my mind that the hon. member for Toowoomba referred to, where a witness refused to give evidence before a committee. I think it is very hard to call upon any individual to disclose his private affairs to this House, and I regret very much that Mr. Dobbyn was not able to answer the questions put to him. I do not think the committee will have much difficulty in finding out who Messrs. Dobbyn and Co.'s bankers are, and I am quite satisfied that the committee will make all the inquiries they possibly can. I think if they follow up their inquiries they will find that they have discovered a mare's nest. If there is anything in the matter at all, I hope the committee will find it out, and I may say that there will not be a member of the municipal council, or of this House, more pleased than I shall be if there is anything that is not known behind the matter, to have it made known. If the question goes to a division as to whether the House shall support the select committee, I shall certainly support it, although I believe it is a very great hardship upon this young man, who is only twenty years of age, to force him to disclose his father's private business to this House. I think the chairman of the committee does not believe all the rumours that he has seen in the newspapers, and I do not think the leader of the Opposition believes them either. If he believed everything he saw in the newspapers about himself, he would be the greatest scoundrel in the colony. It is desirable that this inquiry should be followed up, so that the municipal council will be relieved of the stigma thrown upon them.

Mr. GROOM said: Mr. Speaker,—I think we had better confine ourselves to the question of privilege. The municipal council has been brought into this matter; but we are not here to discuss contracts, and should confine ourselves to the question referred to the House by the select committee, as to whether they have the right or otherwise to demand the inquisitorial examination of a youth, who, in the meantime, represents his father, and who, with a jealous regard for his father's interests, refuses to disclose his father's affairs. That is the point for us to determine. The contention of the Minister for Mines and Works is perfectly true—that this House has been up to the present very jealous indeed in regard to exercising its authority, if it possess it, and there is very great doubt as to whether it does or not. In the case referred to by the hon. member for Herbert, that of Mr. Walsh—who was not then a member of the House, Mr. Walsh was then living in the Wide Bay district; he was summoned to give evidence before a select committee appointed to inquire into the native police. He refused to give evidence before that committee, and a resolution was proposed ordering him to attend, but Mr. Lilley, now Sir Charles, the present Chief Justice, pointed out that the House really had no power, and he moved the amendment which was carried, that, as a punishment for not attending the select committee, Mr. Walsh should be struck off the commission of the peace. That is a fact very well known. Then in regard to the case referred to by the Minister for Mines and Works, that of Mr. Angus Gibson, who refused to certify to the return of Mr. Black for the electorate of Logan. On account of certain irregularities he refused to sign the writ for that gentleman's return, and as the hon. gentleman said, very correctly, the returning officer was begged, implored, and besought, but he refused. They did not know how to get over the difficulty; but it was solved by the leader of the House proposing that the House itself, by resolution, should seat Mr. Black as member for the Logan. That was carried, and Mr. Black was introduced, and took his seat by a resolution of the House. I think the House really was not authorised to compel the returning officer to sign the writ, although the majority of the votes were in favour of Mr. Black.

The PREMIER: I suggested that he should not sign it.

Mr. GROOM: In regard to the other case referred to, the Premier himself and the leader of the Opposition refused to disclose the names of persons who had supplied them with private information, and I think that is a parallel case to that we are asked to discuss. Under the circumstances I think we should leave things as they are, and, with that view, I move, as an amendment, the previous question.

Question—That the question be now put—put.

Mr. SALKELD said: Mr. Speaker,—As a member of the select committee, I should like to say a few words upon it. It is an unfortunate thing that there appears to be a great deal of angry feeling, and I cannot understand why there should be. Statements have been made as to the way in which the committee have conducted the inquiry into the case, and the hon. member for Fortitude Valley made insinuations against the committee; and there was no reason for doing that at all. I do not believe the committee have taken notice of all the gossip they heard, and they have heard a lot. Previous to my appointment to the committee I was not aware of anything except what I saw in the papers—that there had been a meeting in the Town Hall in connection with the matter. I was not aware then of what was the object of the committee, or of what was the idea in appointing it. I attended all the meetings and endeavoured to find out all the particulars in regard to the sanitary contract made by the corporation with Mr. Dobbyn. Mr. Dobbyn was summoned in the usual way, or requested to attend by a letter from the shorthand writer in charge of select committees, and a reply was sent back to the effect that he declined to attend. Then a statutory notice was sent by the Clerk of the Legislative Assembly, and Mr. Dobbyn then attended, accompanied by a solicitor and a barrister-at-law. I was not here when this discussion began, but from the remarks I have heard it has been stated that the committee tried to squeeze some private information regarding his father's affairs out of this young lad. Now the committee allowed the witness's counsel to state his case for him, and to repeat it afterwards. The committee deliberated, and then called in the witness, and examined him in the usual way. He at once declined to answer the questions put to him, or to produce any books or documents. If any suspicion has been aroused that something is wrong in connection with the books and documents, that suspicion has been aroused by the action of the witness himself. As far as I am personally concerned, I do not feel very strongly upon this question. As to the statement about his being a young lad, all I can say is that he is very well able to hold his own, and that he is not in the ordinary sense a lad.

The PREMIER: Look at the committee he had to deal with.

Mr. SALKELD: The committee acted very kindly and considerately towards him, and no attempt was made to take any advantage of his youth. In fact, the committee departed from the usual course adopted by select committees in allowing his counsel to appear and state the case for the witness. After deliberation the committee decided to go on with the examination. I do not know what the age of this lad may be. I only know that he has been left in charge of his father's business, with power to sign cheques, and to receive from the corpora-

tion of Brisbane, on account of the sanitary contract, the sum of £1,080 a month. There is a feeling—I have it myself—that a young lad left in charge of his father's business should not be asked to disclose the private business of his father. In a case of that kind I would make every allowance. The Minister for Mines and Works has told us that the House has no authority to deal with the matter. I do not know what the hon. gentleman means; but if I understand plain English—I certainly do not profess to be versed in the intricacies of law, or in the sophistries of logic—according to my reading of the Constitution Act, it is provided that in case a person is summoned by the Clerk of the House to attend and give evidence before a select committee, or to produce any documents, and he declines to do so, either House of Parliament has power to bring him up for contempt. I find that one of the matters upon which the House can take action is when any person obstructs, assaults, or insults any member going to or from this House. Now, if the contention of the Minister for Mines and Works is correct, any person can insult a member of this House in going to or from the House, and we can do nothing in the matter—in fact we are powerless. If that is so, then the sooner it is remedied the better. The hon. gentleman has not told us whether there is any other law which overrides the Constitution Act, by which we have no power to deal with such cases as this. If the House decides to go on with the case, and insists upon the compliance of the witness with the request of the select committee, the matter must go on. If it does not, on the ground that the witness is a minor, then all that will be necessary for anyone to do, who may be called before a select committee to answer certain questions or to produce certain documents, and is unwilling to do so, will be to place his business in the hands of his son, or someone under the age of twenty-one, and go away himself.

Mr. O'SULLIVAN: That is not the ground taken.

Mr. SALKELD: So far as I understand the arguments which have been used against the motion, it has been contended that because this witness is not twenty years of age it is unfair to make him give that evidence. If the House has not the power to compel him to give the information asked for, I am quite content, as I am not specially interested any more than any other hon. member about having this power. I do not want to know anything about the matter except to see that, if anything is wrong in connection with the sanitary contract, it should be brought to light and put right. If the House does not want to secure that end, then they should not have appointed this select committee. If there has been any lack of good faith it has not been on the part of the select committee. It rests entirely with this House to decide whether any action shall be taken. What course could the committee have taken but that which they have taken. Any hon. member who reads the evidence will see that no unfair questions were asked. So that there should be no mistake, after the witness declined to answer the questions put by the Hon. Sir Samuel Griffith, I took the precaution, after a pause of a few minutes, to repeat the question. In question 65 I asked:—

"You still decline to answer the questions or produce the books? Yes."

That was all that was said. We wished to understand clearly and distinctly if this young man refused to answer the questions put and to produce the books asked for. What course could we take under such circumstances but the one we have adopted? The hon. member for Fortitude Valley says he hopes the committee will still persevere in the matter. Why should they persevere? If a witness can decline to answer any questions the whole thing is a farce. I do not wish to be disrespectful to this House by refusing to act, but I would certainly think that I had no business going on with this committee or sitting upon any select committee if that is to be the state of affairs. In regard to the hardship of having to answer the questions put by the select committee, the hon. member for Stanley says that no fault was found with the committee. The committee was composed of the Minister for Lands, the Hon. Sir S. W. Griffith, the hon. member for South Brisbane, Mr. Jordan, the hon. member for Nundah, Mr. Agnew, the hon. member for Burrum, the Hon. C. Powers, now a member of the Government, the hon. member for Ipswich, Mr. Barlow, and myself. I do not know that any member of that committee would act unfairly in any matter, and I do not think any one of them wanted to serve his own ends. They wished to find out whether there was anything wrong, and that was all. I believe their sole object was to see if these contracts were properly carried out, and if everything about them was right and proper. Since the committee was appointed, I have heard it stated that there was something wrong in connection with some of those contracts. That was rumoured, but I took no notice of the rumours. I saw a report of a meeting held in the Town Hall, and of very strong statements made at that meeting, and in the Press, to the effect that something was not right in connection with the sanitary contracts. I was not responsible for those rumours, and they did not influence me in any way. I want to point out that if objection is taken to compelling Mr. Dobbyn to answer the questions put to him by the select committee, because it would be a star chamber business or something equally terrible, that there is nothing in that contention. Would he not have to answer any questions if he was subpœnaed before the Supreme Court? There is no doubt he would be compelled to answer questions there, and unless a power of that kind was held by some authority we should have no protection against things being improperly done. If hon. members deliberately believe that a committee of their own appointment is not fit to be trusted with a power given to judges of the Supreme and district courts, and to other officials, let them say so. I will not be a party to it, and I shall be sorry, in one sense, if the House arrives at such a conclusion. I intend to vote for the motion of the hon. leader of the Opposition. I am quite satisfied that the committee has no desire to find out anything which should not be found out. The members of it do not desire to obtain any information that would damage Mr. Dobbyn in any way whatever. They do not want information about his purely private affairs in order to expose him in any way, but in the interests of Mr. Dobbyn himself it is highly desirable that the matter should not be left in its present state. If it is thought that the committee should wait until Mr. Dobbyn, senior, can be present, there may be something in that; but if you once admit the principle that you will not compel anyone in charge of a business to produce documents considered necessary in an inquiry, you do away with the utility of select committees.

Mr. HAMILTON said: Mr. Speaker,—It appears to me that this is a mere storm in a teapot, and the hon. member for Ipswich appears to be labouring under a strong feeling of irritation because this boy would not submit to a cross-examination by him.

Mr. BARLOW: That is not true.

Mr. HAMILTON: It appears to me that the hon. gentleman desires to press upon this boy to answer certain questions, and the hon. member's conduct is unprecedented. He seems to desire to force this boy to give information regarding his father's business in that gentleman's absence, and to do so illegally when there is no law compelling him to do so. It has been stated that we should confine ourselves to this question of privilege; but I must say something about the way in which this contract has been carried out for several years. We have been undergoing slow poisoning for a long time, and a number of diseases have been brought about by the way in which the contract has been carried out. I am only one of thousands who would like to see the persons responsible for this state of affairs exposed; but I do not wish to see a star chamber made of this House. In spite of the high-falutin and spread-eagleism of the hon. member for Ipswich, who states that if this House fails to force this boy to give evidence it will occupy a lower position than any magistrate who deals with a case in a court of petty sessions, I do not agree with him. I was in the House when the Hon. John Douglas was guilty of a far worse offence. This boy is simply passive, but in the instance to which I refer the Hon. John Douglas actually broke one of the Standing Orders. He was a member of a select committee, and against an express order of that committee he actually published a summary evidence in the newspapers which the committee had ordered should not be published. That was a far greater offence, committed by a person who was in a far better position to understand what was right than this boy, and he simply laughed at us when we wished to take action against him. The leader of the Opposition on that occasion spent some time in citing cases where similar things had been done in Demerara, Kamschatka, Jericho, and various other places, and justified the action of the Hon. John Douglas.

Mr. BARLOW said: Mr. Speaker,—Speaking to the motion for the previous question, I desire to disabuse the minds of the hon. member for Cook, and any other members who may hold with him, that I am actuated by the slightest feeling of irritation against young Dobbyn. If the hon. member for Cook had been present in committee room No. 1, he would have seen the kind, and I might almost say soothing, way in which young Dobbyn was treated by the committee. He was treated with extreme consideration. There was not the slightest attempt at that form of cross-examination which goes on in our courts of justice, and which is so much to be deprecated. The witness was not worried in any way; the leader of the Opposition put his questions quietly and civilly, and the young man, I must say, held his own. I have no feeling of irritation against young Dobbyn, and I care not whether he answers the questions put to him or not; but I do confess to a feeling of irritation against the Premier for not having risen more to the dignity of the position he occupies as leader of this House and guardian of its privileges. I have a great respect for that gentleman on many grounds. In some things I agree with him, and in a great many I do not agree with him, but I certainly do think the hon. gentleman should treat this matter very much more seriously, and as one affecting the privileges of Parliament. If this House of Assembly, elected by the people of Queensland, is not to be supreme over everything in Queensland, except the Supreme Being Himself, we have no real democratic Government at all. I have always contended, long before I came here, or had any opportunity of coming here, that the foundation of our Constitution is the supremacy of the House of Commons, and its representative in Queensland, the Legislative Assembly. The Minister for Mines and Works made a remark to the effect that he thought I had confused the legal advice given to the Government, with the advice given to young Dobbyn. I never said, and never insinuated, that the Government advised in the matter at all. I simply said, and I say again, that the fact that young Dobbyn had the advantage of legal advice, which was accepted by the Government, showed that he had the very best legal advice to be obtained in Queensland, or we are justified in assuming that. We have been charged with raising a storm in a teapot, but we have simply carried out the directions of the 44th section of the Constitution Act, which says:—

"If any person ordered to attend or produce any paper, book, record, or other document to either House or to any committee of either House shall object to answer any question that may be put to him, or to produce any such paper, book, record, or other document on the ground that the same is of a private nature, and does not affect the subject of inquiry, the President or Speaker, or the chairman of the committee, as the case may be, shall report such refusal with the reason thereof to the House, who shall thereupon excuse the answering of such question or the production of such paper, book, record, or other document, or order the answering or production thereof as the circumstances of the case may require."

Now when the witness was before the select committee appointed by this House, and refused to give an answer, and persistently refused to give an answer to certain questions put to him, that was the only course open to the committee. I am not saying that young Dobbyn did not act with great fidelity, and a great deal of filial duty. I think he put himself in a very disagreeable position. But I think he had been fully advised by his lawyers that all the powers of the select committees of this Assembly, and all our supposed privileges of Parliament amount to mere *brutum fulmen*; that we might threaten, but could do nothing. At any rate, Mr. Dobbyn conducted himself when before the committee with a great deal of ability and a great deal of fortitude, and I was far from feeling any irritation. I feel none; but when that young gentleman persisted through a series of nearly fifty questions in absolutely defying the authority of a select committee of this House, I think we had no alternative but to report his conduct to the House, under the provisions of the 44th section of the Constitution Act. We have done so without any aggravation of the circumstances, and without any invective whatever. The report I presented to the House yesterday stated the dry facts of the case, and on those facts the House is asked to take action. If the House does not choose to take action, of course select committees will be a mere farce, and all the threats of the House against the Supreme Court and everybody else in this colony will also be a mere farce. I suppose hon. members are aware of the sheriffs of Middlesex case, where the sheriffs of Middlesex executed a process of law in defiance of the authority of the House of Commons; and that House took those officers, locked them up in the Tower of London, and kept them there. I believe that case is on record. I can be corrected if I am wrong. I know the House of Commons has exercised those powers on many occasions. Those powers are inherent and necessary in every Legislative Assembly; therefore I respectfully ask the Hon. the Chief Secretary, the guardian of the privileges of this House, to take some early opportunity of remedying the unfortunate position of affairs in which we find ourselves. The defect, or difficulty, as explained to me, is this—and as the House has declined to interfere when apparently its rights and privileges are set at defiance and treated with ridicule, it is just as well that the whole country

should know what the powers of the Legislative Assembly really are. The 45th clause of the Constitution Act says:—

"Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House and in the event of such fine not being immediately paid by imprisonment—"

and so on. Hon. members will observe that imprisonment is not a direct process. It is in default of the payment of the fine. Now we are told that nowhere in the Standing Orders is there any power to inflict a fine. There is simply power to order the arrest of a person by the Sergeant-at-Arms, and he has to pay £20 to get out, and two guineas a day while he is detained. Therefore, all these threats held out against everybody amount to nothing whatever. If that is a correct exposition of the law—I am not a lawyer, but I am told it is—then the sooner the House vindicates its privileges, and puts itself into a proper position, by passing such a Standing Order, the better. If, on the other hand, the House does not take the necessary steps to vindicate and assert its rights and privileges, the sooner we cease talking about those things the better. The position the House is put in is this: I shall vote against the putting of this question; that is, I shall vote for retreating from the position the House has taken up. The committee have simply done their duty in bringing the matter before the House, and the House has not, through its executive head—the Premier—treated it with that importance that I supposed would be assigned to it. I suppose I shall never occupy that high position, but if I did I should consider it one of my first duties to define and guard in every way the privileges of the House. I do not charge the Hon. the Premier with any past neglect or default in this matter. He takes one view of the matter; I take another. I think, under the circumstances, the House should retreat from the position it has taken up, by passing "the previous question"—by not putting the motion moved by the hon. the leader of the Opposition. If we do that there will be an end of the matter. For my part I do not desire to sit on select committees when there is no power to give those committees any effect.

The PREMIER said: Mr. Speaker,—I think if the House is at all likely—which I do not think it is—to degenerate into a vestry, the conduct of the hon. member for Ipswich is the way which is likely to lead it to fall into that low position. I consider this a mere vestry affair that he has brought before the House. I do not think it is a case in which the House should be called upon to make such an order as that proposed by the hon. the leader of the Opposition. It has been pointed out clearly enough that the evidence asked for can be extracted from other people besides this lad, if it is wanted. My main objection is this—that the House was not taken into the full confidence of the committee. They never told us what their object was in desiring this information, and we do not know it now. The leader of the Opposition declined to explain the matter fully. He said there was something behind. Now, knowing as the hon. member for Ipswich does, that even if the House passed an order which was resisted by this youth, we could do nothing, I think he has adopted a very wise course in saying that he will vote for "the previous question." But I think it would have been better still if having that desire—which I know he has, to educate himself up to the powers and Constitution of this House—he had ascertained the weakness of his position before he took up the one which he has had to abandon in the way he is doing now.

Mr. BARLOW: I knew it months, years ago.

The PREMIER: That makes the hon. gentleman's conduct all the worse. Did he think he would catch the House tripping in that way—that he would have got a matter of this kind through by a side wind?

Mr. BARLOW: I did my duty in reporting the matter.

The PREMIER: I am speaking not in regard to the hon. gentleman reporting the matter, but in regard to the knowledge which he says he possessed years ago. If he knew it before, he cannot twit the Government with not having altered the present position of affairs. If he knew it, why did he not call attention to it? I was not aware of it myself until this question arose. The cases in which the question has arisen have been on such inconsiderable points, and they have been so rare, that the attention of members has not been directed to it, or they have forgotten it. If the hon. gentleman wanted really to get this evidence, he should have gone more cleverly to work; he should, first of all, have endeavoured to get the law amended. Then, having got his sledge-hammer ready, he could have proceeded to kill the flea; but he unfortunately has shown that he was lamentably weak in first preparing a charge, and then firing it off without any cartridge in it at all. I think, as many other hon. members also think, that this is "a storm in a teapot." It would be absurd to make an order of the House when there is no power to enforce it when it comes to the crucial test; and to attempt to compel this boy to "round" upon his father is a thing that would be unworthy a private individual, and much more unworthy the Legislative Assembly of Queensland.

The HON. A. RUTLEDGE said: Mr. Speaker,—I have only been in the Chamber during the last quarter of an hour, and have not had an opportunity of hearing the whole of the discussion on the motion which I understand has been submitted by the hon. the leader of the Opposition—that this House should order the production of the documents which the witness declined to produce to the select committee. I am also informed it has been contended by some hon. members that the House has no power to enforce such an order. If hon. members who raise that contention do so on the ground that the Legislative Assembly of Queensland has not the same kind of power possessed by the House of Commons, then I agree with them to that extent. There is no doubt the English House of Commons has inherent power to punish for contempt, and does not require the existence of the statutory provision that we have in our Constitution Act authorising the House to punish for contempt. But in the absence of any inherent power to punish for contempt I think, if we look at the Constitution Act, we shall find that provision has been made there, in as clear and explicit terms as it is possible to make it, for dealing with a case of this kind. With the merits of this particular case I have nothing whatever to do. I do not know whether the question which was put to the witness, and which he refused to answer, was one that he ought to be excused from answering. It is quite possible it may have been of a private character that he ought not to be called upon to answer. But there can be no question that when a witness has refused to answer a question, and the chairman of the select committee has reported such refusal to the House, it becomes the duty of the House—it is not a matter of discretion—on the report being made, either to excuse the answering or to order the answering. I do not

see how the previous question can be put in a case like this. The provisions of section 44, which I will read, are very plain :—

"If any person ordered to attend or produce any paper, book, record, or other document to either House or to any committee of either House, shall object to answer any question that may be put to him, or to produce any such paper, book, record, or other document, on the ground that the same is of a private nature, and does not affect the subject of inquiry, the President, or Speaker, or the chairman of the committee, as the case may be, shall report such refusal, with the reason thereof, to the House, who shall thereupon excuse the answering of such question, or the production of such paper, book, record, or other document, or order the answering or production thereof, as the circumstances of the case may require."

It seems to me that if we interpret this section on the principles governing the interpretation of Acts of Parliament, when the report is made it becomes an imperative duty on the part of the House to do one thing or the other. It has been said, I understand, that supposing the House were to order a witness to answer a question, the Standing Orders of the House provide no means for enforcing the order or punishing the contempt. There can be no doubt that disobedience to an order of this House is contempt, and the punishment for it is set out in the 45th section of the Constitution Act, as follows :—

"Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine, according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment, in the custody of its own officer, in such place within the colony as the House may direct, or in Her Majesty's gaol at Brisbane, until such fine shall have been paid, or until the end of the then existing session, or any portion thereof, any of the offences hereinafter enumerated, whether committed by a member of the House, or by any other person."

It is true we have no Standing Order making provision for the imposition of a fine, but Standing Order No. 287 provides that—

"In all cases not herein provided for, resort shall be had to the rules, forms, usages, and practice of the Commons House of Parliament of Great Britain and Ireland, which shall be followed so far as the same may be applicable to this Assembly, and not inconsistent with the foregoing rules."

I think it would not be a stretch of the interpretation of that Standing Order to hold that as we have the statutory authority to inflict a fine, while the extent of the fine is not declared, and the usage of the House of Commons provides for the infliction of a certain fine for contempt of this sort, that that is a usage which we have a right to adopt. The Standing Order seems to me to provide, although not set out in so plain words, that if there is a usage of the House of Commons that a witness guilty of this kind of contempt is subjected to a penalty of a certain kind, we have a right under this rule to follow it. It is absurd to hold that a law has been made empowering the House to inflict a fine, and simply because the exact figure of the fine has not been fixed by Standing Order the House is powerless, when we have a broad general rule of this kind to guide us and to prevent any such provision from being inoperative. I do not know what the merits of the question are. I should have been glad to have heard the discussion on the legal aspect of the question. But when hon. gentlemen get up and say the House is in the puerile condition of having a statute authorising it to do certain things, and that notwithstanding the provisions of the statute so authorising it, it has no power whatever to proceed under that statute, I must take leave to dissent from such a conclusion.

The HON. C. POWERS said : Mr. Speaker,—The hon. member, the late Attorney-General, has raised the question of the right of this House to follow the usage of the House of Commons in a matter of this kind, where there is no specific fine provided by our own Standing Orders, as is required under that section. I would call the attention of the House to a question of privilege that was brought up in New South Wales in 1875, with reference to the offer of a bribe to a member of Parliament within the precincts of the House. The committee to which the question was referred brought up their report on the 16th July, 1875, as follows :—

"The Standing Orders Committee, for whose consideration was referred, on the 16th July, 1875, a.m., a matter brought under the notice of the House by Mr. Scholey, in reference to the offer to him of a bribe, within the precincts of this House, have agreed to the following report—

"The committee have searched for precedents and consulted all available authorities upon the matter referred for their consideration and report.

"The first Standing Order of this House provides that 'In all cases not specially provided for hereinafter, or by Sessional or other Orders, resort shall be had to the rules, forms, and usages of the Imperial Parliament, which shall be followed so far as the same can be applied to the proceedings of this House.'

"Under the 419th Standing Order of the House of Commons it is provided that 'the offer of any money or other advantage to any member of Parliament, for the promoting of any matter whatsoever depending or to be transacted in Parliament, is a high crime and misdemeanour, and tends to the subversion of the English Constitution.'

"The Committee are of opinion that the Legislative Assembly have no power to punish for the breach of its privileges, alleged to have been committed by the person charged therewith, in the matter referred for their consideration, nor to enforce any order or summons to him to attend and appear at the bar of the House in respect of any such charge.

"The Committee recommend that a Bill be introduced into the Legislative Assembly to define its privileges and powers, and to affix penalties or punishments for the breach of any of such privileges."

Attached to this report, and dated a month before, is an opinion by the late Mr. W. B. Dalley, the then Attorney-General, as follows :—

"Colonial legislatures have the undoubted right of protection from all impediments to the due course of their proceeding. They possess none of the extraordinary powers and peculiar privileges of the Imperial Parliament, which are founded on precedents and immemorial usage, and which are decided *secundum legem et consuetudinem Parliamenti*; they could not, for example, exercise the power of commitment possessed by the House of Lords, or the right of impeachment, but they have all the powers necessary to secure the free exercise of their legislative functions."

The hon. the ex-Attorney-General says they have the power conferred by statute. I think that every member, legal and lay, knows that. So does the Constitution Act of New South Wales. But what is the use of the House saying to a man that he must attend, if they cannot make him attend or punish him for not attending. It is an absurd position that we are asked to place ourselves in by pressing this motion. I am perfectly satisfied that the leader of the Opposition could never have intended to press such a motion upon the House. He knows too much of constitutional law to do that; and also, what a great pity it would be to ask this House to pass an order that it could not enforce. I know he moved the motion more with a view of placing the critical position before us, and not with a view of asking the House to agree to the motion. There are two questions that have been discussed this evening. One is the question of the committee reporting to the House. Of course, the committee could do nothing less than report to the House. That was one thing they had to do under section 44 of the Constitution Act. That was not wrong, but the question for the House to consider is really whether we shall excuse this witness from answering the questions, or order him to attend here. The

motion asks us to say that we will summon the witness to attend at the bar of the House. That is the motion we are discussing now, and the previous question has been moved. I am not at all certain that we would not be justified, under the circumstances, and having so little information before us, in excusing the witness from answering these questions. Such a position is put before us by the report of the committee. There is so little information before us that I do not think we should be justified in passing such a motion as this. I think the witness did right, as far as I can see, considering the questions that were put to him. There was no question put to him that could have induced him reasonably to commit the breach of confidence reposed in him by his father.

Mr. TOZER: Then let us excuse him.

The HON. C. POWERS: I am satisfied that that is what the House will do. The question is whether we could enforce this order. I think we would be wrong in attempting to enforce it. I think we would be wrong in passing the motion of the leader of the Opposition to enforce a man to attend when we have no power to punish him if he does not attend, and I think, therefore, the question might very well be left where it is. I am perfectly satisfied that we have no power to enforce the attendance of the witness, nor, do I think, in a case like this, would the House do it. The House of Commons has power to enforce the attendance of witnesses, and I hope some authority will be taken to give us a similar right that we can exercise.

Mr. HODGKINSON said: Mr. Speaker,—I have listened for the last two hours to a discussion on certain powers that we do not possess. This House would put itself in a ridiculous position if it adopted the motion before it. The leader of the Opposition, whose opinion on such topics is certainly not to be equalled by any man in the colony, has left the Chamber without giving us an example of the manner in which he would enforce the attendance of this person. We should be in a curious position if the Speaker were to issue his mandate, and Dobbyn refused to come here. It would be unfortunate, even provided we had the power, if we were to exercise it in the case of this youth, when three instances have been given in which Parliament has been defied. The gentleman who now fills the position of Chief Secretary has defied the powers of a select committee. In fact, the whole thing seems to me someth ng like a storm in a teapot. History has repeated itself. As Don Quixote destroyed chivalry by charging the windmills and devoting his gallantry to the Dulcineas of Spanish pothouses, so this Dobbyn has mounted his night-soil mare, and using as a *guidon* an earth-closet pan, pointed his lance at the bar of this House and defied all the power of a select committee. We may conquer in this inglorious fight; but if we do, our laurels will be tainted with filth, and the perfume of victory be anything but sweet. I think the sooner we retreat from this unworthy position the better, because no good can come out of passing this motion. I shall therefore vote in accord with the motion submitted by the hon. member for Toowoomba. There is no man in this House who has had greater experience of Parliamentary practice than that hon. gentleman, and I know I shall not go very far wrong in following his guidance.

Mr. MORGAN said: Mr. Speaker,—I think it is clear by the discussion that has taken place that the House has not any power to compel this young man, Dobbyn, to answer the questions submitted to him by the chairman and other members of the select committee. Cases have been cited, and one by the member for Toowoomba in which the present Premier was guilty of exactly the same offence as that charged against this young man.

An HONOURABLE MEMBER: What offence?

Mr. MORGAN: It is not an offence. I use that phraseology on the assumption of some hon. members that it is an offence. I do not hold that it is an offence. I say we have had the Premier charged with this alleged offence, and the leader of the Opposition also guilty of the same alleged offence. We know also that a former Speaker was guilty of it, and we know that the Hon. John Douglas, who was at one time Premier of the colony, was guilty of the offence; and I can tell the House of another precedent, in which the late Speaker, Mr. Groom, was guilty of the same alleged offence. In the year 1874 he made certain statements in this House. A committee was then appointed on the motion of the then Premier, Sir Arthur Palmer, to inquire into the truth of those statements. He was called as a witness and asked to give his evidence. He was asked to state the authority on which those statements were made, and he positively declined to give the committee that information. The committee reported to Parliament on July 2nd, and they pointed out that Mr. Groom had positively refused to give the name of the person who was alleged to have offered him a bribe. We have therefore a Premier, two ex-Premiers, and two ex-Speakers who have been guilty of the alleged offence charged against this young man, Dobbyn, and not one of those gentlemen was punished. They were not fined; they were not sent to the blackhole even; they were not punished, for the simple reason that the House had no power to inflict any punishment. I was a listener to a whole night's proceedings in which hon. gentlemen sitting now on the other side endeavoured to show that the Hon. John Douglas had been guilty of a high crime and misdemeanour, for supplying the daily Press with the *precis* of the evidence given before a select committee on the celebrated steel rails question. They endeavoured to have him arrested. The leader of the Opposition endeavoured to show that the hon. gentleman had been guilty of no offence and that the House had no power whatever to punish him. I hold entirely with that view, that the House has no power whatever either to compel this young man to give evidence, or, if he refuses, to punish him for that refusal. If it is desirable that the House should have the power, then the proper way is for the House to take to itself that power; but in the absence of it I really do not see what good will be achieved by carrying the motion submitted by the leader of the Opposition. The hon. member for Burrum stated a few moments ago that we should either pass the motion or pass a motion excusing the witness from giving evidence. If we pass a motion excusing the witness that will imply that we have the power to punish him, and as we have not that power I do not think we should pass such a motion. For our own credit we should allow the matter to pass peacefully away.

Mr. TOZER said: Mr. Speaker,—I have not risen before to speak on this matter, as I am a very young member of the House, and I think the question is one which should be decided by the fathers of the House, to whom we look for guidance. I certainly should not have been inclined to have risen at all but for the observations of the hon. member for Burke, who stated that the matter is a storm in a teapot. The hon. member must have forgotten in doing so that he was reflecting upon two members who have had more experience in this House than he has had, and who sit on the front Opposition bench. This

select committee was appointed by the House, presumably to investigate a matter which the House thought should be inquired into, and they had the confidence of the House. The matter now under consideration was brought under the notice of the House in the most proper way, and had the committee done otherwise than they have done, they would have been guilty of an infringement of the law. There was a simple, plain, duty cast upon the committee to do what the legislature by their enactment told them to do. The 44th section of the Constitution Act provides that—

"If any person ordered to attend, or produce any paper, book, record, or other document to either House, or to any committee of either House, shall object to answer any question that may be put to him, or to produce any such paper, book, record, or other document, on the ground that the same is of a private nature, and does not affect the subject of inquiry, the President, or Speaker, or the chairman of the committee, as the case may be, shall report such refusal, with the reason thereof to the House."

That is the duty cast upon the committee, and had they done otherwise than they have done, there is no doubt whatever but that we should have blamed them. So far, therefore, as regards the storm in a teapot, if there is any, it arises from the legislature passing that statute. The committee having reported in accordance with the law and our Standing Orders—as the Speaker very properly said—that the witness had refused to give evidence, the question arises, what duty is cast upon this House by the Act. I must compliment the hon. member for Burrum on having delivered the only intelligible speech we have heard on this question from the front Government bench. The whole of his argument and that of the hon. member for Toowoomba was that, because the question which the witness refused to answer was of a private nature, the House should take no action in the matter, and the hon. member for Toowoomba brought forward a case to show that witnesses had refused on a previous occasion to answer questions put to them by a select committee, and no action was taken by the House. If some member had moved that this House should, under the circumstances, excuse the witness from answering the question because it is of a private nature, that would have been in accordance with the statute, and would, I believe, have received the support of a great many members. I think the House has not approached the question with becoming dignity. I came here knowing nothing at all about the subject, but I fully expected that the hon. gentleman at the head of the Government would at once have taken action upon the facts reported by the committee, and adopted one of the two courses prescribed by the statute. If there was anything cast upon him by the law which this House could not perform, he would have done his duty in doing what the statute enacted, and that would probably have led to the statute being repealed. I contend that the House will be failing in its duty, and will deliberately violate one of the provisions of the law if it does not follow one of the courses laid down. The word in the 44th section of the Act is mandatory. The section states, that upon the chairman reporting, as has been done in this case, the refusal of the witness to give evidence, with the reason thereof, to the House, the House "shall thereupon excuse the answering of such question, or the production of such paper, book, record, or other document, or order the answering or production thereof, as the circumstances of the case may require."

Mr. O'SULLIVAN: What is the alternative?

Mr. TOZER: There is no necessity for any alternative. If we follow the statute, we do our duty, and if the witness does not give the evidence required of him, then it will be time enough to consider the alternative. If the statute imposes a duty upon this House, the enforcement of which will bring the House into ridicule, then we should follow the other alternative, and say that under the circumstances it is advisable to excuse the answering of the question. Am I to assume that the legislature, when they deliberately passed this law, made nonsense of the law? I take it that that law carries with it some power. But even if it does not carry with it executive power, are we to assume that the young man in this case will refuse to answer the question when called to the bar of the House? Is it not time enough when he is brought there to consider the question whether we shall stultify ourselves or not? We cannot stultify ourselves by obeying the law, but we shall do so if we do not obey the law. If the law is inoperative, then the legislature which passed that law has stultified itself. The question has not been considered in a dignified manner. It seems as if the discussion that has taken place was an attack on the members of the select committee who were present when this witness refused to give evidence, and who sit on this side of the House. The members present were—Messrs. Barlow, Salkeld, Jordan, and Sir S. W. Griffith.

The HON. C. POWERS: The hon. member for Toowoomba who spoke against the motion, sits on the same side of the House.

Mr. TOZER: The hon. member for Toowoomba argued simply against adopting the first of the two courses mentioned in the Act—namely, that the witness should be ordered to answer the questions and produce the documents required; but that has not been the case with members on the other side of the House. Is it right to say that this is a storm in a teapot? To do so is necessarily to infer that the committee have done something improper in bringing the matter before the House. You must go back to the very initiation when you talk about a storm in a teapot. No storm in a teapot has arisen that I can see, and if it has, it has arisen out of the tin-pot legislation which was passed in years gone by, when people were not careful to make laws that people could understand, and that could be enforced. I have too much respect for the two hon. members who sit upon the front Opposition bench—the leader of the Opposition and the hon. member for South Brisbane—to suppose for one moment that they would ask any question at an inquiry that they did not think was quite proper. But if they made a mistake, they certainly did not enforce that question by any impertinence or any anxiety whatever to make the witness tell them any more than was neccessary for the purposes of the inquiry. I should be guilty of casting a slur upon two gentlemen who have been very long in this House, if I did not endorse their conduct in bringing the matter before the House. They have had a duty to perform, and they have done it, and I do not think the House has been dignified in the stand it has taken. What will be the result? Do hon. members on the Government side think that members upon this side, unless they receive the kindest sympathy of the House, will sit upon these select committees, and take the trouble they have taken during this session? I can assure hon. members opposite, that if four members from that side of the House, as members of a select committee, brought up a statement that any question, although of the most private nature, was refused to be answered, I would go into the matter most thoroughly, and ascertain for them and with them whether the question was of such a private nature? If I thought it was of a private nature, I would say "You had not any right to ask that question, and

I think the witness should be excused from answering it." I think that course would have been the best to have adopted. If any hon. member believes that this question ought not to be answered, why does he not get up and move a resolution that under the circumstances, the witness ought to be excused from answering? I believe that he would receive the unanimous support of the House, and would have taken the course recommended by statute. But instead of that, acrimony and personalities have been brought into the discussion. I can see between the lines. I have heard it even stated that it seems as if this was a personal attack upon the hon. member for Ipswich. It is no use disguising that. So much acrimony has not been infused into any other debate in hours or days, as has been infused into this one, in which all members of this House should have been combined together to consider the position, and solve the problem according to the Constitution and high privileges of this House.

Mr. MURPHY said: Mr. Speaker,—The most acrimonious speech made during this debate has been the one made by the hon. gentleman who has just sat down. It was the most acrimonious speech I have heard during the afternoon. The hon. member actually accused this side of the House of making this a party question, because the committee is composed of a number of leading members of the other side of the House. That is as gross a charge as any man can possibly make in Parliament against a body of men. The hon. gentleman forgets that there are many members upon this side of the House who are going to vote for the amendment. It is rather a complex question, and I am not quite clear as to the effect of the motion now before the House. However, there are some hon. members on the Opposition side, who are going to vote for the amendment proposed by the hon. member for Toowoomba, and the reason why most hon. members will vote in that direction is that by ordering the Sergeant-at-Arms to arrest this young man, and bring him up to the bar of the House, for contempt of privilege of this House, we should be attempting to do something which we have no power to do, and make the House the laughing-stock of the colony. We have no power to imprison anybody for infringing any of the privileges of this House because we have not the same Standing Orders here that they have in Victoria, under which the Parliament of that colony can imprison. The Parliament of Victoria has power to imprison a person for contempt, and has done it over and over again. I have no doubt our late Speaker will remember the case of Murphy *v.* Dill, in which the Speaker of the House in Victoria, under his warrant, had the publisher of the *Argus* arrested and brought up to the bar of the House, and committed to the dungeons of Parliament House, or to the nearest gaol. But we have no power of that kind, we have no power to punish this man because he will not obey the commands of this House, and is it not a farce for us to issue a mandate which we have not the power to enforce? We might summon a man to the bar of the House, and he could stand in Queen street or George street and laugh at us. We have not the power to bring him here; but if it is the wish of the House that we should have this power, well and good; let us make an enactment to that effect. As we have not done that up to the present time, we do not possess the power, and therefore hon. members upon this side are trying to save the House from being brought into contempt. We do not wish an edict to be issued from this House which we have not the power to enforce. Look at the conduct of the leader of the Opposition, conduct which has been so much belauded by the hon. member for Wide Bay this afternoon. In the case of the Hon. J. Douglas, who was charged with contempt, why did not that hon. gentleman then take up the position he has taken up this afternoon? Lawyer-like, he turns round now, and takes up exactly the opposite position because it suits him.

Mr. STEVENSON: He ran away from it.

Mr. MURPHY: An hon. member sitting near me suggests that he ran away from it because he was afraid; but I do not think he would do anything of the kind. I believe the leader of the Opposition always has the courage of his opinions; and if he finds the argument going against him, he has the nerve to stop and fight it out to the end. But the hon. member for Wide Bay, when he accused this side of acting from party motives, and out of pure opposition to the members of the select committee, was making a charge which cannot be sustained. The course of action we are taking was advised by the leader of the Opposition himself in a similar case. So far as acrimony is concerned, it was the hon. member for Ipswich, Mr. Barlow, who introduced acrimony into the debate, when he accused the leader of the Government of opposing the motion for the purpose of courting clap-trap popularity.

Mr. BARLOW: I say it again.

Mr. MURPHY: I always like to get to the root of the matter when anything is wrong, and I have traced the acrimony of the debate back to its original source—namely, the speech of the hon. member for Ipswich, who accused the leader of the Government of courting clap-trap popularity.

Mr. BARLOW: He was.

Mr. MURPHY: I give that statement a flat denial. I am satisfied that the leader of the Government is doing nothing of the kind, but is acting from the purest motives. Members on this side are animated by the same desire as that by which the leader of the Opposition was animated when he opposed a similar motion. What we desire is to preserve the honour of the House, and to prevent it from being brought into contempt.

Mr. SAYERS said: Mr. Speaker,—I have not the slightest doubt that, after the speeches that have been made here to-day, this House will be held up to contempt. If we appoint select committees that have no power to carry out what they are appointed to do, then we are assuming powers which we have no right to assume. I have been on a select committee once, but I shall never go on another.

The POSTMASTER-GENERAL (Hon. J. Donaldson): You were ashamed of the last.

Mr. SAYERS: I am ashamed of the conduct of this House over this question. I say that if we appoint a select committee to do a certain thing, we are bound to support that select committee. If not, we have no right to appoint one at all. If we appoint a select committee to make inquiries without giving the committee power to make those inquiries, I say that we do wrong. The only thing I blame the witness for was appearing before the committee at all—he should have treated the whole thing with contempt. According to the law, the committee were bound to report to the House the refusal of the witness to give evidence. They have done so, and they have simply become the laughing-stock of the House and the laughing-stock of the country; so that as a Parliament we shall be held up to

the contempt of the country, because we have things on the statute book that ought not to be there. I will give the reason for the acrimony of the debate. The leader of the Government stated that the witness was a young man; in fact, anyone listening to him would have thought that the witness was a mere infant. In the eye of the law he is an infant if he is not twenty-one; but he is such a clever infant that his father can go away and leave him with a power of attorney to transact a large business; and I think that his actions, though he says he is only twenty, are equal to the actions of a good many people of forty. As I said before, the only fault I find with the witness is that he attended at all, because he could ignore the select committee appointed by this House, according to the interpretation put on the law by hon. gentlemen opposite. I have heard it stated—but I hope it will never be put to the test—that if a member chooses to ignore the rules of this House the hon. gentleman who occupies the chair has no power whatever over that member. I hope that whoever is in the chair will be respected by every hon. member; but I say it is a very bad example to appoint a select committee to do a certain thing and afterwards to ignore the action of that committee and say that Parliament has no power in the matter. The best way would be to sweep away the system and appoint no select committees; and I hope that no hon. member will ever consent to act on a select committee again.

Mr. WATSON said: Mr. Speaker,—I would like to see more power given to local authorities—divisional boards and municipal councils—than they have now.

The SPEAKER: The hon. member must confine himself to the question before the House.

Mr. WATSON: The question is in reference to the inquiry into sanitary contracts.

The SPEAKER: The hon. member is in error. The question is the report of the chairman of the select committee in connection with the refusal of a witness to give evidence; and the hon. member can only refer to the report made by the chairman and the minutes of evidence laid on the table.

Mr. LUYA said: Mr. Speaker,—After the debate which has taken place to-day, if the municipal council has any sense of honour left they will sift this matter to the very bottom, and expose everything to broad daylight. Almost everybody in Brisbane knows that there is something to be brought to light, and I trust that the municipal council will insist on every thing being brought to light.

The SPEAKER: The question is—That the question be now put.

Mr. SMYTH said: What does that mean, Mr. Speaker? Is that putting on the clôture?

The SPEAKER: The previous question has been moved. It is a form of the House usually adopted when it is desired to put an end to the debate without deciding the question one way or the other.

Question—That the question be now put—put and negatived.

SUPREME COURT BILL.

THIRD READING.

On the motion of the MINISTER FOR MINES AND WORKS, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council, for their concurrence, by message in the usual form.

ENDOWMENT OF AGRICULTURAL AND HORTICULTURAL SOCIETIES.

The CHAIRMAN OF COMMITTEES presented the report from the Committee of the Whole, on this question.

The resolution adopted by the Committee of the Whole was read by the Clerk, as follows:—

"That an address be presented to the Governor, praying that His Excellency will be pleased to cause provision to be made on the Supplementary Estimates for 1888-9 for increasing the endowment of agricultural and horticultural societies to one pound for every pound subscribed, provided that no society receives more than two hundred pounds in any one year from the public revenue, and subject to such regulations as may be framed for the proper expenditure of the endowment."

Mr. GROOM said: Mr. Speaker,—I beg to move that the resolution be now adopted by the House.

Question put and passed.

CHURCH OF ENGLAND (DIOCESE OF BRISBANE) PROPERTY BILL.

RESUMPTION OF COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House went into committee for the further consideration of this Bill.

On clause 10, as follows:—

"The second section of the Fortitude Valley Parsonage Land Sale Act of 1877 is hereby repealed."

The PREMIER said he did not intend to offer any further opposition to the passage of the Bill. Since the Bill was last before the Committee he had altered his views in regard to it, and was now prepared to confer the powers proposed to be given by the Bill. He had taken considerable trouble to inquire into the whole matter, and would not further oppose the Bill.

Clause passed as printed.

On clause 11, as follows:—

"The trustees for the time being of suburban allotment 249, in the parish of North Brisbane and county of Stanley, being the allotment referred to in the said last-mentioned Act, shall apply the moneys to arise from any sale made in pursuance of the powers in that Act contained in the following order so far as the same shall extend, that is to say, in payment of—

(1) The reasonable expenses of and attending such sale;
(2) Any debt charged upon or due and owing in respect of the said lands;
(3) The cost of the erection of a parsonage on some part of the land comprised in the Government portions 197, 198, and 199, in the county of Stanley, parish of North Brisbane, and colony of Queensland;
(4) The cost of the erection of a school-house on some part of the said portions;
(5) The cost of all necessary fittings and furniture for the said school-house;
(6) The cost of preservation and repair of the said parsonage and school-house, and the said fittings and furniture; and
(7) If there shall thereafter be any surplus, the said trustees shall apply the same for such uses and purposes and in such manner as the Bishop in Council shall direct."

Mr. GROOM said he desired to amend the clause in accordance with the recommendations of the select committee. He moved the omission of subsection (2).

Amendment agreed to.

On the motion of Mr. GROOM, the clause was further amended by the omission of subsections (6) and (7), and the insertion of the following new subsection:—

If there shall thereafter be any surplus, the said trustees shall transfer the same to the corporation, and such surplus shall be applied by the said corporation to

such uses and purposes, and in such manner for promoting the work of the church within the area at present comprised in the parish of Fortitude Valley as the Bishop in Council shall direct.

Clause, as amended, put and passed.

Clause 12—"Short title"—put and passed; and preamble put and passed with a verbal amendment.

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

On the motion of Mr. GROOM, the report was adopted, and the third reading of the Bill made an Order of the Day for Monday next.

UNION TRUSTEE COMPANY OF AUSTRALIA, LIMITED, BILL.

COMMITTEE.

On the motion of Mr. TOZER, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

Preamble postponed.

On clause 1, as follows:—

"This Act shall be called and may be cited as the Union Trustee Company of Australia, Limited, Act."

The HON. SIR S. W. GRIFFITH said two Bills had already passed that House dealing with the question of trustee companies, one last year and one this year. In both cases the House had insisted upon certain precautions being taken to prevent the very obvious dangers to which widows, orphans, and beneficiaries generally would be exposed, by entrusting property to companies of that kind. The last company that came before the committee endeavoured by its Bill to evade the restrictions placed upon the previous company, whose Bill was passed last year. That attempt, however, was unsuccessful, and the Bill as it passed that Committee, was substantially in the same form as the previous one. The Committee imposed certain very stringent provisions; amongst others, that the company should have a paid up capital of £25,000, of which £20,000 was to be invested in Government debentures in Queensland in the name of the Colonial Treasurer. Another was that the subscribed capital should not be less than £200,000, not more than one-half of which should be called up while the company was a going concern, leaving the rest as a reserve fund in the event of the company being wound-up. Those two companies, moreover, were under the jurisdiction of the court here; they were registered in Queensland; the shareholders were amenable to the jurisdiction of the Supreme Court; it was provided further that shares should not be transferred to married women or minors. By that means certain safeguards, whether sufficient or not, were established. Now, here was a company coming before them asking for the same privileges without a single one of the safeguards. The Committee might desire to insist upon the company having a paid up capital of £20,000. They might put it in the Bill, but they could not insist upon the company having a paid up capital of that amount. There was certainly this provision:—

"The company shall, before obtaining any grant of probate of any will or letters of administration, possess a paid up capital of not less than seventy-three thousand pounds, and shall either invest the sum of twenty thousand pounds in the purchase of debentures or inscribed stock of the public funds of the colony in the name of the Treasurer in trust for the company, or shall deposit in some bank in Queensland, approved by the Treasurer, and in the name of the Treasurer, a sum of twenty thousand pounds, which shall be transferable only upon the joint consent of the Treasurer and the company, or upon the order of the court or a judge."

But what did that amount to? The company was not within that jurisdiction; it was not amenable to the process of the Supreme Court. What was the use of saying the company shall have a capital of £73,000? They might just as well say it should have a capital of £1,000,000. Those words were simply idle wind. How could they legislate for people outside the colony? The powers of the legislature related only to the people within the colony. What jurisdiction had they over a company formed in Victoria? The legislature of Victoria might say the company should not have any paid up capital, or might authorise its winding-up. They had no more power to legislate for the internal constitution of that company than they had for a company formed in Russia; and in the event of anything going wrong, or any proceedings being taken, the unfortunate people would have to go down to Victoria to enforce their rights. It had always been the principle with courts of justice to regard persons entitled to trust moneys as their special care, and they had always made it a rule that trustees should be under their hands, so that if anything went wrong they could get at them. It was now proposed by legislation to enable persons coming from abroad, over whom they had no control, to take estates out of the colony; there was nothing to compel them to keep them in Queensland; and they could not be reached by the Queensland Courts. Even if they were to provide all the safeguards that were embodied in the other Bills there would be no power to enforce them. They were asked to pass an Act of Parliament empowering a foreign company, over whom they had no authority, to take possession of property belonging to Queenslanders, and do what they liked with it; and if they did anything wrong they could only be reached in Victoria. He was not suggesting that the people concerned in that company were not the most respectable persons in the world. But they would not live for ever; and who would be their successors? He should like to know what the company did with a paid up capital of £73,000. Did they speculate?

Mr. TOZER: No.

The HON. SIR S. W. GRIFFITH said their intentions, he admitted, were admirable. He knew some of the gentlemen concerned in the company, and he admitted they were as respectable a lot of people as could be got in Australia. But if the company was not a prosperous concern they would sell out; and who would their successors be? He did not believe such a proposal had ever been made in any legislature in the world. He should like to see the Victorian legislature asked to legislate to enable companies in Western Australia, or Queensland, or Fiji, or Russia, to carry on such a business in Victoria. He did not believe they would listen to it for a moment. The objections to the Bill were insuperable, and he trusted the hon. member would withdraw it.

Mr. TOZER said he had not the slightest intention to withdraw the Bill. The more he examined into it the more he was satisfied with it. He had made the most complete inquiries, not only into the details of the Bill, but into the surroundings of the company, and he hoped to be able to satisfy the Committee that it would be perfectly safe to pass the Bill, notwithstanding all the objections that had been made to it. Most of the powers the company was asking the legislature for were powers which they could already exercise without the intervention of the legislature at all. Last year no less than four of those companies went through the legislature of Victoria, and the Parliament deemed it necessary to make provision that they should be conducted not on speculative lines but on certain lines laid down by Parliament itself. Ample provision was made for the protection of the

public. One of those companies fell through, and practically the other three were incorporated in one, called the Union Trustee Company of Australia. They were not only pledged by their articles to the most stringent rules, preventing them from speculating with money, but they were also prevented by law, so that there was no possibility of any harm arising; and he intended to incorporate in that Bill all the salutary provisions contained in the general law of Victora.

The HON. SIR S. W. GRIFFITH: You may put them in, but they will not be of any legal effect.

Mr. TOZER said the company could only carry on on the statutory powers given to it. As to the company itself, its nominal capital was £250,000, its subscribed capital was £183,665, and its paid-up capital was £73,466. There was uncalled £110,199. That could be called up at any time; and there remained over as security, 66,335 shares. By the Act of Parliament certain shares had to remain uncalled up, but there were sufficient shares subscribed for any deficiency that might arise. The only objection seemed to be that the company was a foreign one; but it might as well be said that the Australian Mutual Provident Society was a foreign company. The number of shareholders in this colony was ninety-six. The subscribed shares in Queensland alone were 20,550, and there was paid up on those £6,855, the uncalled capital being £13,700. Now that was the financial position of a company, which, in comparison with others that had received legislative sanction, was far and away better. He understood that only one of the companies to which Parliament had given legislative authority was carrying on operations here, and surely Parliament did not intend that it should have a monopoly of all the business. One would imagine from what had been said that the funds of widows and children were at stake; but were they not at stake in banks that were carried on in Victoria and New South Wales? Were they not at stake, also, in the hands of private individuals? The object of the company was to remove the difficulties that now existed through persons being compelled to trust others who would not give one shilling of guarantee for the safe management of estates. Executors had not to find a bond to the extent of sixpence, and that company was called into existence with a view, first of protecting the public, and at the same time getting a fair amount of profit out of the public for the security offered. Now, what did they ask? They simply came to the legislature and said, "We are not allowed to get probate of wills or letters of administration from the court, unless we have statutory powers." They asked for statutory powers to enable them to act as executors and administrators.

The HON. SIR S. W. GRIFFITH: A great deal more than that they ask.

Mr. TOZER said they had got all other powers, and that was all they now asked from the legislature. They were registered under the Companies Act in this colony, and all the land they might possess in this colony was liable for all the debts of the company here, in preference to all the debts in other places. They were also amenable to the process of the court, so far as the service of proceedings was concerned. They asked simply to be allowed to act as executors and administrators, which, in other colonies, had been considered a most prudent thing to allow. In Victoria the company was only called upon to deposit £10,000, the same as other companies that had received legislative sanction, and the legislature considered that that was sufficient to secure persons who, of their own free will, trusted the company. It was not as if persons were bound to trust the company. They could not prevent the exercise of a man's free will, but of course they must protect fools against themselves. They were doing that by making the company deposit a large sum of money. The Union Company deposited £20,000 in Queensland Government debentures. He should withdraw all questions of placing it in a bank, and there was a provision that the Supreme Court need not intrust them with one estate the money in which amounted to more than £20,000. He could not possibly see what other protection could be given. The other companies, to which legislative authority had been given, had got speculative powers. They might pledge their assets, and, as one of the members of the committee who sat in the other cases, he might say that they considered that the sole security they were taking in the interests of the persons by whom money might be intrusted to the company was the deposit made. The previous companies dealt with, did not ask for very large powers, and they deposited £20,000. The Union Company proposed to do the same, but, in addition to the £20,000, he would show what greater protection would be made, so that the shareholders should be secure. There was, first of all, the credit of the company itself, which possessed a quarter of a million of capital, and which was at the present moment in thoroughly good hands. It had £20,000 lodged in Victoria, and £20,000 lodged here. But as further security for the protection of the public in this colony, the company would be under the protection of the Supreme Court, which would not allow it to act in any case, unless it was satisfied that it had sufficient to cover any loans that might be incurred. Were they to assume that all people were fools? The judges of the Supreme Court would not be fools, and he thought, therefore, that the £20,000 deposit, the protection of the Supreme Court, and the fact that people who trusted the company were the best judges of their own position were quite enough security. Then he proposed to add to the Bill similar provisions to those contained in the Victorian Act—namely, that all moneys belonging to the public, and coming into the hands of the company, should be deposited by those persons who had the management of the company in proper banks, banks of which the capital should not be less than £300,000 subscribed capital, £150,000 paid up, and £50,000 reserve fund, and that no amount over £20,000 should be paid into the bank in relation to more than one estate. That was the general law in Victoria, and there was no difficulty in incorporating that provision in the Bill. Then he proposed to put in a penal clause, the same as in the Victorian Act, providing that every person connected with the company, if he did not obey the provisions of the law, should be liable as for a misdemeanour. Of course, that was far better than the present provision, whereby a trustee need not find any security at all. He proposed to throw around the company a halo of protection, like that which was around any other company. The only possible objection made against the company was that it was a foreign company, that was to say, that its head office was outside the jurisdiction of the court; but the £20,000 was here, the Supreme Court was here to protect persons, and he thought those who intrusted money to the company ought to be the best judges of what they did. The public were protected by the machinery for keeping the accounts, and by the company being restricted in its operations in Queensland, so that it could not possibly get outside the statute. All those provisions were in the general law in Victoria, and the company, by its articles of association, was prohibited from entering into

any transactions of a speculative character. If those provisions were not sufficient protection in comparison with the conditions imposed on local companies, they would exclude from this colony all companies which had their head offices in other colonies, and for the same reason they might exclude banks. In depositing money in the bank he did not consider whether the Bank of New South Wales had its headquarters in Queensland or not; he considered the general credit of the company. And if he was making his will, he would consider the solvency of the trustee company, its general credit, and the protection provided by the legislature for those who might intrust their estates to the company. In view of the fact that the company were only asking for limited powers, and of the protection he proposed to provide for the public, he hoped the Committee would pass the Bill.

The PREMIER said, in days gone by, when he raised his voice against Bills of that sort, it was like the voice of one crying in the wilderness, and he was very glad to see that some members were beginning to seriously consider the position that those companies wished to occupy in the colony. He quite agreed with every word that had fallen from the leader of the Opposition. The hon. member for Wide Bay had told them that by the articles of association it was provided among other things that that company should not enter into transactions of a speculative nature. Did they lend money?

Mr. TOZER: No.

The PREMIER said he would like to know, if they neither speculated nor lent money, how it was that those companies paid such large dividends?

The POSTMASTER-GENERAL: Out of commissions.

The PREMIER: And those commissions come out of dead men's pockets?

The POSTMASTER-GENERAL: Out of the pockets of living men for whom they act as trustees.

The PREMIER said he thought they should consider the matter very carefully before allowing a measure of that kind to pass. There were already two companies in Queensland, and that was enough, without granting powers to another company whose headquarters were in another colony. They had some knowledge of what was going on in a local company, but they did not know what was done by a company which had its head offices in another colony, and branches in other portions of Australia. A comparison had been made between trustee companies and banks, but the former were more important. He looked upon those companies with grave suspicion; they had to deal with trust moneys and moneys belonging to widows and orphans, and he could conceive of cases where the moneys of orphans might be the objects of pilfering by the companies, though probably not by the men who now controlled those companies; and they would have nobody to look after their interests. It might be said that trustees could do the same, but they were much easier got at than a corporation. The company now under consideration was a foreign company, which the courts in this colony had not the control over that they had over purely local companies. They had a certain control over companies whose headquarters were in Brisbane, and which were practically Queensland companies, but they had no knowledge, or at any rate not sufficient knowledge, of a company whose headquarters were in another colony, with branches in other parts of Australia. He did not believe in that measure. He did not believe in those companies. If they had a continuity of good men as directors who would live for ever that would be a different matter; but as the trust which was imposed on such companies was the most solemn of all trusts—that was, the disposition of money left by people who had died—they should seriously consider before intrusting it to companies which were formed simply for the purpose of making money for the shareholders. It was no use to say that they were established for philanthropic purposes; they were formed on purely business principles, to get 20 or 30 per cent. for the shareholders, and not with any desire to benefit the community. They were simply started as a commercial speculation. As he said the other night, it was a hydra-headed monster. How many of such companies had they in the colony now?

Mr. TOZER: One working.

The PREMIER: Is the other wound-up?

The HON. SIR S. W. GRIFFITH: They do not like the conditions.

The PREMIER said that one was working, and the other did not work because the conditions imposed by the legislature were considered too stringent. He was very glad to see that the legislature had imposed such stringent conditions, and the fact that one company was not working because of those conditions showed that it was simply the desire of the companies to make large profits for the shareholders, and that they were not formed with any philanthropic desire to benefit those for whom they might act as trustees. The Committee should be very careful and cautious in passing such a measure as that before them, and he did hope that they would not precipitately increase the number of such companies in the colony. He had always opposed those companies; he did not believe in them; he had no faith in them, unless they were endorsed by the State. He could quite understand that at some future period in the history of a colony the Government might step in and make such a provision as joint stock companies were now proposing to make, and he believed that such a thing had been suggested in the other colonies. But, in the meantime, having regard to the great interests which were involved in passing such a Bill as that—that was to say, the interests of widows and orphans, those whom they ought to be the most careful to protect—they should be cautious in allowing those companies to rapidly increase and enter into competition—advertising like the proprietor of Pears' soap, one company running against another—in order to get the business of administering estates. That was what would happen. He could only anticipate ruin and disaster, unless the greatest care were taken by the legislature in passing such measures.

Mr. FOXTON said the information that they had in connection with the company was very meagre. Only one witness was examined, and the whole of his evidence was contained in a page and a-half of the report. They had no information at all as to the constitution of the company. He found among the minutes of the proceedings of the committee, that the following papers were put in:—

"Certificate of registration of the company (having changed its name) in Victoria [*see Appendix A*]; certificate of registration of the company in Queensland [*see Appendix B*]; the 'articles of association of the Union Trustee Company of Australia, Limited' [*marked as Exhibit C*]; *Queensland Government Gazette* of Saturday, 10th August, 1889, vol. xlvii., No 84 [*marked as Exhibit D*]; the Act for the Amalgamation of Certain Trustee Companies, 1885, Victoria, No. 999 [*marked as Exhibit E*]."

The articles of association were not there, and they had no knowledge of the objects of the company. It might be of a highly speculative nature, and go in for the purchase and sale of land, and discounting bills, and all sorts of other things, as to which the Committee were altogether in the dark. He was very curious to see those articles of association and the objects of the company as they were laid down, and thought they ought to be in the hands of hon. members. No doubt the hon. member in charge of the Bill had all those things in his pocket, and might be prepared to give them all the information; but those documents ought to have been submitted with the report. The hon. member for Wide Bay had endeavoured to meet the objections which had been raised against such a company being allowed to trade in the colony by saying that the Bank of New South Wales was a foreign institution, and that he might deposit his money in that bank, or have dealings with it, because he was aware of the general stability of the bank, and its well-known solvency, and that that knowledge was quite sufficient for his purpose. But that was a very different thing. The company to which it was now proposed to give statutory powers would deal with the property of those who were not in the position that hon. member was in when he deposited money in the Bank of New South Wales. People could be involuntarily brought under the sway of that company, such as the beneficiaries under the trusts of wills. Not only did that company, and all such companies, seek those exceptional privileges, but also that of being entitled to be nominated as executor by the other executors who might be appointed by the testator —a power which he submitted ought never to be given to any company, unless it was given by the law of the land to all trustees, whether companies or private persons. The question of the profits of such companies had cropped up, and there was no doubt that they could afford to work on very small capital, because if they simply pursued an agency or executor business their outlay was not large, and, as had been pointed out, their commissions were large. Their commissions could only come out of the estates which they managed, and he had very grave doubts as to the advisability of allowing trustees any commissions at all. There was a great deal to be said both for and against the contention that trustees should be allowed commissions. He could give several reasons against it. One was that it had come under his notice that estates had been managed by trustees who were in receipt of commissions in such a way as to bring them commissions, and without due regard to the welfare of the beneficiaries of the estate which they were administering. It was impossible that he would disclose the particulars, which were private matters; but what he said was a fact, nevertheless. At the same time he was quite prepared to admit that, by giving commissions to trustees, they might induce men to accept positions as trustees who would not be bothered with them unless there was some remuneration to cover their loss of time. He could add nothing to what had been said by the leader of the Opposition and by the Premier in regard to the inexpediency of granting those powers to a foreign company. Should the company under notice be wound-up, should it ever come to that, it would not be wound-up by a Queensland court, but by a court which had its jurisdiction outside the colony.

Mr. TOZER said the articles of association had been tendered to the select committee, and that committee stated in their report that that and many other documents had been put in as exhibits. There were a great number of documents which he presumed the Printing Committee did not think it was necessary to print. He had the articles of association with him, but did not know whether they had ever been printed, and hon. members were quite welcome to see them. All the arguments used by the hon. gentleman who had just sat down really meant whether it would not be advisable to increase the deposit. He supposed it would be taken for granted, if the company had a million of money in the colony, that it would be a good thing to have a company with such security. He contended that the sum of £20,000 was ample; but in order to remove any doubt he proposed to insert a clause providing that the company should not engage or be concerned in any venture or undertaking other than was expressly authorised by the Bill. That was a provision contained in the general law in Victoria, and if that were inserted in the Bill there would only remain the difficulty that the company was a Victorian company, and that was amply met by the deposit and other circumstances.

The HON. SIR S. W. GRIFFITH said the hon. member for Wide Bay had handed to him what purported to be the memorandum and articles of association of the Union Trustee Company of Australia, Limited, but it was dated 1885, so that it must be the wrong one.

Mr. TOZER: It is the right one.

The HON. SIR S. W. GRIFFITH said it showed the capital of the company to be £100,000

Mr. TOZER: It is altered at the end. The capital is £250,000, as I pointed out.

The HON. SIR S. W. GRIFFITH said that according to the book handed to him, some of the functions of the company were to negotiate loans of all descriptions upon any terms at a profitable rate of remuneration—that might be anything between 5 and 50 per cent—and lend money on security of any description of property, real or personal, including stock, shares, bonds, or any other kind of personal security, or without taking any security. That was what anyone might expect to find in the memorandum and articles of association of a bill-discounting company; but it was a remarkable thing to find in connection with a trustee company. Apart from any other objection to the Bill, it appeared that the company had not such a capital as that Chamber had already decided to require from companies which desired to carry on that business in the colony.

Mr. TOZER said that the leader of the Opposition had referred to what appeared at the beginning of the book; but he would find that there was an alteration made at the end. There were originally three companies, one of which was the Union Trustees, Executors, and Administrators Company; and the Union Trustee Company of Australia was the outcome of the amalgamation of those three companies under a special statute. The hon. member read from the memorandum and articles of association of the Union Trustees, Executors, and Administrators Company.

The HON. SIR S. W. GRIFFITH: I would like to see the right book.

Mr. TOZER said the book the hon. gentleman had seen was the right one. When the amalgamation took place an arrangement was made that the capital of the new company should consist of £250,000. That was shown by the evidence of the Hon. Mr. Box, as follows:—

"What is the present financial position of the company, Mr. Box? The authorised capital is £250,000, in 100,000 shares of £2 10s. each. The uncalled capital is £110,199. The paid up capital is £73,466. The subscribed capital is £183,665."

And the original memorandum and articles of association were amended in such a way as to provide for the amalgamation of the three companies to which he had alluded, and the increase of the amount of the capital of the new company to £250,000. The three companies in Victoria were amalgamated into one company, with a capital of £250,000. The Committee had had abundant evidence to find that out.

The PREMIER said there were various matters in the Bill which he did not like. For instance, he would take the 26th clause, dealing with moneys remaining unclaimed for five years, which were to be paid to the Colonial Treasurer with a statement. How was that going to be checked? Was the Auditor-General to have the right of entry to investigate the books of the company?

Mr. TOZER: Yes. The 19th clause—"Filing and passing accounts by company"—provides for that.

The PREMIER said that did not give the right of the Auditor-General to investigate the books of the company. He held very strong views with regard to the moneys which were held by those companies, belonging to the beneficiaries, which had been intrusted to those companies by deceased persons. Many years ago he had spoken in that Committee as to the necessity for legislating in that direction, and with regard to the unclaimed balances held by banks. The Auditor-General should have the right of entry to inspect the books of all those companies. While on that subject he would refer to the unclaimed balances held by banks. The various banks in the colonies held hundreds of thousands of pounds as unclaimed balances. He could tell of one bank which, many years ago, had transferred the whole of the unclaimed balances to the credit of profit and loss—money which no more belonged to the bank than it belonged to any hon. member of that Committee. At the same time he knew if a man died and left an overdraft of 30s., the bank would take very good care to find where the estate was. All institutions of that sort should be compelled to publish in the *Gazette*, after a certain period of years, all the amounts to the credit of the unclaimed balances' account. The hon. member for Ipswich would bear him out in what he had stated as to the large sums the banks held in that way.

Mr. TOZER: They cannot do that in this case.

The PREMIER said they could, because the Auditor-General had not the right of entry to their books; and that power to investigate the accounts of all such companies by a Government officer should be given.

The HON. SIR S. W. GRIFFITH: That cannot be done in this case, because the accounts are kept in Victoria.

Mr. TOZER: There is a clause to guard against that.

The PREMIER said if the hon. gentleman took his advice he would withdraw the Bill, because there was no chance of his getting it through. They might have made a mistake in passing a previous Bill, but because they had made a mistake in the one instance that was no reason why they should repeat it. In the case of the other company, there was some protection, as they could supervise it through its being a local company; but they could not supervise a company belonging to another colony.

Mr. TOZER said they had exactly the same power in the case of the present company as in the other company. The Premier forgot that before those companies could charge one farthing of commission, under the Trustees Act which they had passed a few weeks back, the account had to be rendered and sworn to before a judge of the Supreme Court, and had to be passed by him. The judge had to certify whether a company was entitled to any commission, and, if so, how much. What better protection did they want than that? Then there was a special clause to be inserted which would make that company exactly the same as the one already in existence, except with regard to the capital. The difference there was that the Union Company would have a large capital, while the other had a small one. In both cases the deposit was the same. The Bill distinctly specified that all moneys remaining unclaimed for five years were to be paid into the Treasury with a statement of the unclaimed moneys which, during the preceding six months, had been in the hands of the company. Then, in addition to providing for the passing of all accounts by a judge of the Supreme Court, he had a clause to propose which laid down the way in which the company should keep its accounts in the colony.

The PREMIER said he would ask the hon. gentleman whether, if he offered his watch as security to that company, they could advance money on it legally?

Mr. TOZER said they most certainly could not. He had already informed the hon. member that the memorandum of association he had produced was that of the Union Trustees, Executors, and Administrators Company in Victoria, but a general law had been since passed, restricting those companies from dealing in any such way.

The HON. SIR S. W. GRIFFITH: That is not a law passed here.

Mr. TOZER said he had drawn up a clause which was worded in the same way as the restricting clause he had referred to, so as to make the company exactly the same as it was in Victoria. That clause would prevent the company from engaging in any business other than that expressly authorised by the Bill, notwithstanding anything in the articles of association.

The PREMIER: Do the articles of association prevail in Victoria?

Mr. TOZER said they did not. The general statute dealing with those companies in Victoria limited their operations to the provisions contained in the Act, and he proposed to insert a similar clause in that Bill. The company at present in existence had much greater powers than was asked for in regard to the proposed company; they could buy stock and shares and everything. Surely they were not going to prevent another company from entering into competition with the local company, and that merely because they had made a mistake in the one case—assuming that it was a mistake, although he contended no mistake had been made. £20,000 was ample security; but if it were not, and the Committee required more, they should insist upon having more money paid down, and the company would have to accept the situation.

The HON. SIR S. W. GRIFFITH said the hon. gentleman did not seem to understand the objection to the Bill. The main objection to the Bill was because the words of the Bill were merely idle wind, as they had no effect upon a company not within their own jurisdiction. They could only legislate upon matters within their own limits, and they might as well proceed to legislate for the administration of the Empire of China, as to legislate for a Victorian company. Their legislation would have as much effect in the one case as in the other. They could restrain the operations of the company within the colony

of Queensland; but they wanted to protect the people of Queensland whose property was in the hands of the company, and which would be taken away out of the colony, where they would have no power over it. He thought the best thing to do was to take a division on that clause.

The HON. C. POWERS said he would like to say a word before the division was taken. He did not intend to argue upon the principle of those Bills, because it had already been twice affirmed by the House, and he had already expressed his strong belief that they would do good. One of the objections raised to the Bill was that they should not appoint the company as an executor, because the present directors would die. The same thing might happen to an individual appointed as an executor in the usual way; he might die and his successor might not be as good or as responsible a man as himself, so that that argument clearly had no force. Then, again, the shareholders of a company with £185,000 subscribed capital were more likely to be careful to appoint persons of good repute and financial standing as directors controlling the operations of the company, than a man selecting an executor in the ordinary way as at present. The paid up capital was £75,000, and the subscribed capital £185,000, and it was not at all likely the shareholders would appoint any persons as directors to look after that capital but persons of known repute and in responsible positions. All that, however, depended largely upon the principles of allowing companies to act as executors, and as he said before, that principle had already been affirmed by the House. The only real argument against the Bill was that they should not give such powers to a foreign company. The answer to that argument was that the present directors or any one of them could carry on the business if they were appointed in the usual way as trustees or executors under a will. Any one of them could do that, and then there would not only be only one person responsible instead of many, but the £20,000 deposit would not be required. Hon. members should remember that each and all of the directors were responsible personally under the Bill, and there was a deposit of £20,000 required as an additional security.

The HON. SIR S. W. GRIFFITH: No.

The HON. C. POWERS said they could make the local directors personally responsible. The question was whether they should provide for the appointment of one man without any deposit being required, or appoint many and require a deposit of £20,000 as well? Then, as to allowing a foreign company to trade in that way, if they were going to say that because that was a foreign company it should not be allowed to carry on business here, he would ask: Why did they allow the Australian Mutual Provident Society to carry on business here? The only thing left to the widows and children in their case was the insurance money, and was it an answer to say they would have to go to Sydney to get it? It was no answer.

Mr. BUCKLAND: Their payments are made in Brisbane.

The HON. C. POWERS: And so would the proposed company make payments in Brisbane. They would have a local board in Brisbane, and the argument was exactly applicable. The Colonial Mutual Society was not registered here, and it was allowed to go into business here. The same could be said of most of the banks and other large societies, many of which commenced here with a smaller capital than the company referred to in the Bill. If they were to be consistent in objecting to foreign companies being allowed to trade, they should only deal with the Queensland National Bank and the North Queensland Bank. It was a question as to whether they were safe, and he thought they were quite safe, and he had no hesitation in supporting the Bill. If they made the local directors personally responsible, and required a deposit of £20,000, he thought they were quite safe.

Mr. FOXTON said the hon. gentleman's argument with respect to other foreign companies was quite beside the mark. Persons dealing with those companies simply took the risk if there was any, but the company in whose favour the Bill was introduced proposed to enter into business which individuals entering into were compelled by the Supreme Court to find bonds and heavy sureties. The proposed company proposed to make certain deposits and sureties which, as it was a foreign company, would not be of the same value as if they were a company trading here, and in the case of which, if it was wound-up, the whole of the assets could be brought under the thumb, as it were, of the Supreme Court of this colony. The hon. gentleman said they could provide for the personal liability of the local directors; but they did not know who they were. They required to know who they were, and how they would be appointed. He presumed they would be merely agents of the company, chosen by the board of directors in Victoria. They might be absolutely men of straw, and not elected by the body of shareholders.

Mr. WATSON said he could not see the force of the Bill at all. A man might take up 100 shares and join the directorate, and they might then change the articles of association and leave the directorate, and where then would be the protection to the widows and orphans who had left their money in the hands of the society. He had gone into one of those societies some years ago, and paid in a certain amount of money, and what return had he received for it? He had received a quarter per cent. of the money he had put in. They had upset the articles of association, and then went into liquidation, and the result was, the directors were not responsible, and they could get nothing out of them. 250 farmers had gone into that society, and they had received nothing for the money they had invested. They were legislating in a nice way now. They were legislating for the rich, but he was certain they were not legislating for the poor. They were not showing a very warm interest in the persons who deposited moneys with those societies. He was really surprised to see the way they had been going on. Day after day, and week after week, lawyers were bringing in those Trustee Bills, and trying to make heads and tails of them; but they could not do it, and so long as he had legs to stand on he would vote against the whole lot of them.

Mr. DRAKE said it had been stated that the House had affirmed the desirability of passing Bills of that kind by adopting the second reading, but he would remind the Committee that the division on the second reading of that Bill was taken under rather exceptional circumstances. There was a very thin House, there being no other business to go on with, and members were anxious to get away. The division was seventeen to twelve, and was rendered somewhat weaker than it would have been in consequence of two Ministers of the Crown having to retire because they were interested in the matter. Therefore it could hardly be said that the House had affirmed the desirability of passing Bills of that kind. He understood that the Australasian Natives Trustee and Agency Bill, which passed the second reading last session was not

proceeded with because the shareholders were not satisfied with the stringent provisions of the measure. It now appeared that the present was really the same company under a new name. He would read Mr. Box's evidence on that point. He was asked :—

"I believe you gave evidence last session when the Australasian Natives Trustees, Executors, and Agency Company Bill was before the committee? I did.

"Are you of the same mind in regard to the necessity of such a company as this being formed in the colony as you were then? I am.

"Is your opinion stronger than it was then with regard to the necessity of this company being established? It is certainly stronger."

Further on he was asked :—

"By the Chairman: Do you know how many shareholders are resident in the colony of Queensland? Ninety-six shareholders.

"And how many shares in the company do they hold? 6,850 paid up to £1 per share. Every shareholder of the Australasian Natives Company which endeavoured to get a Bill last session is a shareholder in the Union Company; but the value of the shares when I attended the committee before was 4s. paid up. The number of shares has diminished by twenty-five, and the number of shareholders remains the same. The shares are now paid up to £1 in consequence of the amalgamation."

He was, therefore, correct in stating that that was the same company that got a Bill through its second reading last session, but did not proceed with it because the provisions were too stringent.

HONOURABLE MEMBERS: No, no!

Mr. DRAKE said so many of those Bills had come before the House that it was very confusing to hon. members not interested in them to follow them. There were three before the House last session, and he thought too much time was taken up with Bills for the benefit of private companies, and when it came to introducing Bills for the benefit of foreign companies it was going a bit too far. They had been in session a long time, and the sooner the Bill was got rid of the better.

Mr. TOZER said he wished to explain that the Union Trustee Company was an amalgamation of three companies registered in Victoria, of which the Australasian Natives Trustee and Agency Company was one. That company, prior to the alteration of the law in Victoria, applied to that House last session to pass a Bill, but after the law was altered in Victoria it became necessary for those three companies to amalgamate and form one strong company, and the Australasian Natives Company now applied, practically in conjunction with the two other companies, for the Bill before the Committee. They did not withdraw anything, being themselves a strong company, but when the Victorian Parliament clipped their operations they amalgamated with the other companies, and their operations now extended only to acting as executors, trustees, and so forth. He would ask hon. members to look at the whole question. In England at the present time there was no enactment enabling a company like that to get bonds for administration, and the idea of having an incorporated company, instead of no-liability individuals, was becoming so popular that companies not regulated by any statutory enactment were able to carry on there with success, because people made a director or the manager of the company their trustee. The proposed company would, no doubt, do the same. Any person in Queensland desirous of making his will could make the manager or the managing directors of the company his trustee or trustees, and they could act as trustees without giving any security whatever; but the Bill was introduced for the purpose of giving security for the property placed in their hands. It might be objected that the company were asking to act as administrators; but it was provided in clause 8 :—

"When and so long as the said sum of twenty thousand pounds shall remain invested or deposited as aforesaid, the court may grant letters of administration to the company without the bond required by law when administration is applied for by private persons."

There was no compulsion on the Supreme Court to grant administration when the £20,000 was deposited. The court might refuse to grant administration, or after it had granted it in four or five cases, it might say "deposit another £20,000." In fact, the court could grant or refuse to grant administration at its discretion. What further remedy could be required? He had done his best, and if the Bill was defeated on division it would be owing to a desire to keep those companies in Queensland alone. But he would point out that the very fact of those companies being in other places had its advantages. Men resident in Victoria might have large properties in Queensland—as many of them had—and it would be very desirable indeed that they should be able to carry on operations in the two places. He had gone deeply into the question, and having been a member of select committees on similar Bills, he thought hon. members might regard him as something in the light of a juror, and he was satisfied that the proposed company was as stable as any of the others.

Mr. AGNEW said he should oppose the Bill. He believed that that was a very good company, and that there was a great necessity for companies of that description. Its registered directors in Queensland, at all events, were exceptionally high-class gentlemen; but he opposed the Bill entirely on the grounds set forth by the leader of the Opposition. They could not have the slightest control over the company, and it was by no means impossible that the safeguards provided by the Victorian legislature might at any time be removed or altered. It would be a very dangerous thing to grant such powers as were asked for to a company with its head quarters in Melbourne, subject at all times to the interference of the legislature of that colony, and leaving Queensland without anything like that complete control which it had over its own similar institutions. They had all, no doubt, had personal experience of the insecurity of executors, and of the two risks he thought it far preferable to leave one's affairs to be managed by a limited company than by a personal friend, whom misfortune might overtake, and render him unable to carry out a trust which he had undertaken in all good faith. As he had said before, his sole reason for opposing the Bill was that, being a foreign company, they could not have that complete control over it which was essential to the safety of the public.

Mr. PAUL said that when the Bill was brought before the House last year, in the division on the second reading there were thirty-two for it and seventeen against; and amongst those who voted for it was the hon. member for Nundah. It would be interesting to know what circumstances had occurred since to induce the hon. member to change his opinions so completely. Owing to an unfortunate mistake that company's Bill, which had a prior position on the notice paper to either of the other two whose Bills were passed, came on last. But for that mistake on the part of the hon. member in charge of it, it would have gone through first.

The HON. SIR S. W. GRIFFITH: No; it would never have gone through.

Mr. PAUL said it would have gone through, because the Australasian Natives Company was a Queensland company.

The HON. SIR S. W. GRIFFITH: It was a purely Melbourne company.

Mr. PAUL said he was under the impression that it was a Queensland company, so that argument fell through. In a place like Australia people were constantly migrating from one colony to another. If a man appointed a friend to act as his trustee while he went to England, circumstances might arise necessitating the removal of the trustee to Western Australia, or the Northern Territory, or some other place equally distant. Hence arose the necessity for companies of that kind which were perpetual and always on the spot. It was very difficult to get persons to accept the responsibilities of trusteeship. A family generally got a friend to accept the position, and he, influenced by personal feelings towards them, was perhaps induced to make an investment which would bring in a larger income. If the investment turned out badly, and if one of the girls of the family got married, her husband could bring an action against the trustee. Things of that kind rendered men chary of accepting such a responsibility. Hence the necessity for companies of that kind was greater in the colonies than in the old country.

Mr. COWLEY said he should support the Bill, because he believed companies of that kind would be a great benefit; and as to the danger of allowing a foreign company to carry on business in the colony, the hon. member for Burrum had conclusively shown that it had no existence. The main thing was to have sufficient safeguards, and clauses 8, 9, 24, and 25 seemed to be ample safeguards, especially if clause 24 were so amended as to make the local directors also responsible. Clause 24 provided that—

"In the event of the company being wound-up, every person who has been a director of the company at any time within the period of two years preceding the commencement of the winding-up shall be liable for the sum of one pound per share on every share which he may have held and transferred during such two years, in addition to his liability upon any shares held by him at the commencement of the winding-up."

He saw no difficulty whatever in adding the local directors as an additional safeguard. Therefore he should certainly support the Bill, because he believed there was only one such company in existence, and it would be much better if there were another.

Mr. BUCKLAND: There are two.

Mr. COWLEY said there was only one doing business. And if it had not a sufficient capital and the other had, then it should be allowed to do business under the supervision of the court. Taking everything into consideration, he thought that company was quite as safe as the others.

Question—That clause 1, as read, stand part of the Bill—put, and the Committee divided:—

AYES, 10.

Messrs. Powers, Macrossan, Lissner, Tozer, Wimble, Little, O'Connell, Hamilton, Callan, and Cowley.

NOES, 26.

Sir S. W. Griffith, Messrs. Morehead, Pattison, Glassey, Hunter, Drake, Salkeld, Grimes, Sayers, Watson, Mellor, Smyth, Buckland, G. H. Jones, Crombie, Dunsmure, Groom, Perkins, McMaster, Agnew, Foxton, Macfarlane, Adams, Barlow, Isambert, and Rutledge.

Question resolved in the negative.

Mr. TOZER said after that division, and the fact that one of the members of the select committee, who reported on the Bill satisfactorily, had voted against his own report, he had nothing to do but move that the Chairman leave the chair.

Question put and passed.

ANN STREET PRESBYTERIAN CHURCH BILL.

SECOND READING.

Mr. TOZER said: Mr. Speaker,—I do not know what may be the feelings of hon. members in reference to proceeding with the second read-reading of this Bill. If it were not late in the session I should not deem it wise at 9 o'clock at night to move the second reading of it, but as the Bill is one of considerable importance to the persons who are connected with the Ann street Presbyterian Church, and the matter was very well discussed before when the second reading came before the House on a previous occasion, and the Bill was referred back to the committee for further report, I need not go very much into the details of the Bill.

The PREMIER: The debate will have to be adjourned.

Mr. TOZER: If members have made up their minds to adjourn the debate, probably they will allow me shortly to explain what the Ann street Presbyterian Church people desire. I think that much of the difficulty that arose on the last occasion when the Bill was before the House has been removed by the evidence since taken by the select committee. Of course their great desire was to elicit all the facts, and the facts are these: Many years ago the first, practically the first, Presbyterian denomination worshipping in Brisbane was the Ann street Presbyterian Church. I say practically, because, although there might have been another body for a short time, the Ann street Church was really the only Presbyterian Church in Brisbane before separation. I may mention, for the information of hon. members who are not acquainted with the Presbyterian Church organisation, that there was a disruption in the Established Church in Scotland. The Established Church remained under the rules which governed it before the disruption, and the other Presbyterian Church separated from it and formed what was called the Free Church. In Australia the same thing happened in a slightly different way. The Established Church existed, and continued for some time to exist, in these colonies under the name of the Synod of Australia in connection with the Established Church of Scotland. The Free Church—that is, the Free Kirk—existed under the name of the Synod of Eastern Australasia. The congregation worshipping in Ann street at the time was practically what I will call, for the sake of brevity, a Free Church. They desired to acquire a piece of land from the Government of New South Wales, and sent down a written application for the same. A promise of the land was given to them, and although that promise was not fulfilled when separation took place, it was afterwards fulfilled by the Government of Queensland, and the land was vested in trustees named by the Ann street Presbyterian Free Church. Practically it was not a grant, because the Government exacted the sum of £45 from the persons representing the congregation for the removal of the old pound, so that it was really a sale to the trustees of the Ann street Presbyterian Church for £45. When the deeds came to be made out, one of those accidents which often happen in Government departments occurred. It arose from the fact that it was very difficult for a man not connected with the church to know what was the proper definition of the church, and if one looked at the statute book for guidance, he would only find there the Church of England and the Synod of the Established Church of Scotland. There is no doubt that the draftsman, finding no other definition, made out the grant to the trustees of the Free Church, but mentioned in the grant "in trust for the Synod of Australia in connection with the Established Church of Scotland." Now the

Synod of Eastern Australia and the Synod of Australia ceased to exist twenty-three years ago. The Ann street congregation have been in possession of this land ever since 1860. They did not use it for the purposes for which they bought it at the time, because before they could get their grant, they had to utilise another piece of land, so that they did not erect upon the land, as was at first intended, a church, manse, and school. Several applications were afterwards made to the Government, Mr. Macalister then being Premier, to rectify the mistake, which was always considered a mistake; but the matter was treated lightly by Mr. Macalister, who simply said, "You are in possession." The result was that the congregation being poor, nothing was done; but the Government recognised the fact that those people were the owners of the land, for they themselves leased it for a long time for a national school, and paid a rental for it to the trustees. The Ann street people had the deeds in the names of their trustees, and they have had the use and enjoyment of the land up to the present time; but difficulties have arisen now in utilising it for the purposes for which the grant was made. We had those difficulties mentioned by the Premier recently, in connection with the Normal School. The land has not been used for a church, manse, and school, and the consequence is that the trustees have utilised it to bring in a revenue for the purposes of the grant. Some time ago, certain persons connected with other branches of the church, taking advantage of the technical mistake in the grant being made out in trust for the Established Church of Scotland, brought the matter before the General Assembly. I may here mention that the General Assembly originated many years ago, when the Free Church and the Established Church, finding that no State aid was given in Australia, amalgamated, and all the Presbyterian Churches in this colony became known as the Presbyterian Church of Queensland. The General Assembly took into consideration the question connected with this church property, and it was stated that one of the fundamental provisions of their constitution was that they should not interfere with any piece of land held by any particular congregation upon special trust. Recently some persons brought the matter under the notice of the General Assembly, and stated that they considered this piece of land, in consequence of the error in the deed, ought to belong to the Presbyterians generally, or, at any rate, to those whose names were mentioned in the grant, that is the Established Church of Scotland; but the General Assembly, with justice, and probably with that wisdom which actuates their deliberations, decided that the Ann street Presbyterian Church were the people who were entitled to the land, and they directed them to go and get the deeds rectified. That is the voice of the whole Presbyterian body, speaking through their General Assembly. Now, they have come to this House to carry out the only possible method there is of getting deeds rectified, by the will of the General Assembly. These are the facts, and I hardly think this House will refuse them what they ask. In all religious bodies people have differences, and these differences have been fully ventilated by the select committee which dealt with this matter. I was not a member of that committee, but I have gone through all the evidence that has been taken, and I am submitting the opinion I have formed from that evidence. I am perfectly neutral in the matter, as I am a member of the Church of England, and not associated with the Presbyterian Church. I can conscientiously state that the evidence bears out the fact that no other persons but the Ann street Presbyterian Church paid for this land. No other congregation ever was in possession of it, and no other congregation has enjoyed any of the benefits arising from it. Therefore, I think they can make out a very good case for the second reading of the Bill. The question is, if they are the owners, why not extend to them the privileges which have been granted in half-a-dozen other cases, and particularly to the Church of England? Will the House extend to them the privilege of allowing them to sell the land, with the object of buying another piece upon which to erect a church, manse, and school? I may add that in committee I shall be able to accept one or two amendments which will have the tendency of meeting the objections of disunited Presbyterians—for, of course, I must call them "disunited," because the Presbyterian Church, speaking unitedly in General Assembly, have, by the evidence of Mr. McSwaine, approved of the Bill. A petition was presented to this House, which I have read, and I have tried to discover whether it is in favour of or against the Bill. The wording is clearly in favour of it; but the prayer is against it. So far as I can understand, all those gentlemen who represent the Presbytery—which is a smaller body than the General Assembly, and more local—ask, is that the present land should be sold, and the money invested in other land. That new land is to be vested in the Ann street congregation, under the rules of the General Assembly of the Presbyterian Church of Queensland. That congregation has no desire whatever to secede, or become a congregational body, or anything of that kind, and the land shall be subject to all the rules as to alienation provided by the General Assembly, and belong exclusively to that congregation which owns it and uses it at present. I think I have fairly explained what is the nature of the Bill, and I trust the House will pass it, and have the matter settled for ever. It is unsettled at present. No one else claims the land, as if there had been any other claimant he could have come forward to the committee in the manner provided by the Standing Orders of the House. Twice the committee has been called upon to do their duty, and no other claimant has come forward. The Ann street congregation only wish for power to realise upon the land, with the view of promoting the interests of the church more effectually. Owing to the development of Brisbane, and the nearness of the land to the railway station, they find it very difficult to teach the children as they should be taught, and, under the circumstances, I do not think the House will refuse to allow the Bill to be read a second time. I have come prepared to meet every objection that can possibly arise out of the evidence. I beg to move that the Bill be now read a second time.

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) said: I beg to move the adjournment of the debate.

Mr. TOZER said: Mr. Speaker,—That means practically that the Bill is to be negatived. I will ask the hon. gentleman, if there is no reasonable objection, to allow the Bill to be read a second time, so that it can go into committee on Thursday. If the second reading is postponed I do not see that there is any possibility of getting the Bill through this session. I hope the hon. gentleman will withdraw his motion, and then if there is any reasonable objection I may be able to meet it in committee.

The PREMIER said: Mr. Speaker,—I do not think the hon. gentleman is likely to carry the second reading of the Bill to-night, or possibly any other night. There is very strong opposition to it on the part of many hon. members, and I intend to oppose it strongly, even on the second

reading. It would be much better to adjourn the debate, as hon. members are all tired—I know I am—and the Bill can take its chance later on.

Question—That the debate be now adjourned—put and passed.

On the motion of Mr. TOZER, the resumption of the debate was made an Order of the Day for Thursday next.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I beg to move that this House do now adjourn. The Government business on Monday will be the Estimates.

Question put and passed.

The House adjourned at half-past 9 o'clock.