

counsel the Government to withdraw the item. Although I have no sympathy with the personal phase this debate has assumed, I shall be prepared to resist to the utmost the taking of any division. I am quite willing to block any vote on the question. The issue has been so falsified that we should be doing a positive wrong in recording our votes on the question. I think I am taking the correct course, because I feel that hon. members cannot vote as they would vote without doing a wrong.

Question resolved in the affirmative.

House adjourned at 1:40 a.m. (Thursday).

Legislative Council.

Thursday, 3 October, 1889.

First Readings—Railway Debt Reduction Bill.

The PRESIDENT took the chair.

FIRST READINGS.

The following bills were presented by Sir Alfred Stephen, and read the first time :—
Legislative Council Quorum Bill.
Lapsing of Bills by Prorogation Bill.

RAILWAY DEBT REDUCTION BILL.

Resolved (motion by Mr. W. H. SUTTOR):

That so much of the standing orders be suspended as would preclude the passing of a bill "to provide for the payment from the consolidated revenue fund of an annual sum in reduction of the public debt for railways, and to authorise the application thereof," through all its stages in one sitting of the Council.

House adjourned at 4 p.m.

Legislative Assembly.

Thursday, 3 October, 1889.

Vacant Seat—Prorogation—Salaries of Civil Servants—
Liquor Traffic—Parish Maps—Reserves in the Inverell District—Suspension of Standing Orders—Supply (Additional Estimates)—Arrest of Mr. Crick—Appropriation Bill—Release from Custody of Mr. Crick.

Mr. SPEAKER took the chair.

[Mr. Harold Stephen.

VACANT SEAT.

Mr. SPEAKER: I have to inform the House that I have received a letter from William Grahame, Esquire, resigning his seat for the electoral district of Newcastle.

Resolved (on motion by Sir HENRY PARKES):

That the seat of William Grahame, Esquire, a member for the electoral district of Newcastle, hath become, and is now vacant, by reason of the resignation thereof by the said William Grahame, Esquire.

PROROGATION.

Mr. CRICK: I would like to ask the head of the Government whether it is the intention of the Government to have the prorogation before Christmas, or whether, as is rumoured in town, they do not intend to prorogue at all this year?

Sir HENRY PARKES: The question is so unusual and so unwarranted that I must decline to reply to it.

SALARIES OF CIVIL SERVANTS.

Mr. FRANK FARNELL: I would like to ask the Colonial Secretary, without notice, whether provision could not be made for paying the civil servants their salaries, which are overdue? A lot of inconvenience is being experienced at the present time, owing to the civil servants not having received their salaries. In view of the fact that Parliament will probably sit some time yet, could not the difficulty be got over by passing a bill through all its stages in one day?

Sir HENRY PARKES: There is no difficulty which could not be got over in forty-eight hours in the regular constitutional manner.

LIQUOR TRAFFIC.

Mr. HUTCHISON (*Canterbury*) asked the COLONIAL SECRETARY (*without notice*),—Is he prepared to say whether the Government will introduce a liquor traffic local veto bill?

Sir HENRY PARKES: I am not in a position to give any answer to the hon. gentleman's question.

PARISH MAPS.

Mr. CRUICKSHANK asked the SECRETARY FOR LANDS (*without notice*),—Will he, with a view to throwing open fresh land for settlement, take immediate steps

to have all the parish maps closely charted up, so that those who desire to take up land may have the fullest information?

Mr. BRUNKER: The maps are already charted in every district, and the fullest information is obtainable on application to the district surveyor, or the land office, in each district.

RESERVES IN THE INVERELL DISTRICT.

Mr. CRUICKSHANK: Some months ago I moved that there be laid on the table a return of all reserves on the resumed areas in the Inverell district. I wish to ask the Secretary for Lands when I may expect that return?

Mr. BRUNKER: I will make inquiry, and ascertain the cause of the delay.

SUSPENSION OF STANDING ORDERS.

Mr. McMILLAN rose to move:

That so much of the standing orders be suspended as would preclude the passing of a bill, intituled "A Bill to provide for the payment from the Consolidated Revenue Fund of an annual sum in reduction of the Public Debt for Railways, and to authorise the application thereof," through all its stages in one day, and would also preclude the resolution of the Committee of the Whole, whereon the bill is proposed to be founded, being received on the same day on which it is come to by the said Committee.

He said: As hon. members probably heard when the resolutions were called on to place the business of the House, I placed No. 2 of these motions to stand after the orders of the day, so that I do not intend to bring on this matter in any tangible form until after the debate in Supply has been finished. I simply desire to be put in the position which I think the House will put me in by suspending the standing orders. This would not be asked if it were not for the peculiar circumstances —

Mr. CRICK: I rise to order. There is already on the loan estimates a sum to cover this very amount.

Mr. McMILLAN: That shows the hon. member knows nothing about it.

Mr. CRICK: I shall stand here till I have fuller information on the matter. On the loan estimates there is an item of a million for the reconstruction and improvement of rolling stock and permanent way; and I say that that is the same item that is now under discussion by the Colonial Treasurer. I ask your ruling whether that is in order?

Mr. SPEAKER: There is nothing whatever to prevent this House passing a resolution to rescind the standing orders, even though the item on the loan estimates is identical with this item, of which, of course, I have no proof.

Mr. McMILLAN: I think hon. members who are accustomed to financial debates will clearly see that the time for debating any proposal of this kind is when we go into Committee on the bill. I now simply ask the House to suspend the standing orders so that this may be reached at the most convenient time compatible with the business of the House.

Mr. GARVAN: Before the hon. member sits down I wish to point out to him that he is asking the House to do something which may restrict debate at the proper time. This is a most extraordinary proposal, and it is certainly a novelty in finance. It is a very dangerous thing for the House to suspend the standing orders upon a matter of dealing with large sums of money, and I think the hon. member should give us sufficient information to warrant us in assenting to it.

Mr. McMILLAN: I do not think it would be judicious on my part to open up the debate now. The Government have a very difficult task to perform in bringing the session to a close as soon as possible. It does not follow that if the standing orders were suspended there would be any rushing of this debate through the House; it will have the fullest consideration. It must go through the several stages. We must go into Committee for the introduction of the bill; it must then be read a first time and a second time in the House, and we must then go into Committee again on it.

Mr. GARVAN: Tell us something about it; we know nothing at all about it!

Mr. McMILLAN: I do not think that this is the right time to do it. I think I must ask the House to allow the standing orders to be suspended. They have done it in another matter connected with finances at the end of the session; and I do not see why I should be called upon to explain the matter at the present time. It would only open up debate; because, if I declare the subject-matter of this bill, and any hon. member replies, then there is no reason why every member should not discuss the principles of the bill, and I think

it is entirely against constitutional usage to do so. If hon. members like to negative the resolution of course they can do so.

Question proposed.

Mr. GARVAN: I do not feel inclined to quarrel with the Government for the manner in which they see fit to conduct their business; but when the Colonial Treasurer asks us to suspend the forms of the House in order that he may suddenly introduce a novel proposal in finance, and declines to give any information to the House about it, he certainly presumes a great deal upon the pliancy of this House. Even were greater power vested in the ministers than the House is prepared to vest in any minister, he should certainly give at least an outline of what he intended to accomplish. Instead of that, we are asked to suspend the standing orders—to do what? I am under the impression that the bill does relate to the item on the loan estimates; and it certainly does seem to me to be a most outrageous proceeding that we should be asked to take this step, and no information vouchsafed to us on such an important subject. It has been deemed one of the essential privileges of the House that before any vote is assented to, the fullest information should be given. I do not know to what extent I am in order in discussing what I think this motion of the Colonial Treasurer probably relates to. The subject to my mind is the most important and extraordinary one connected with finance ever submitted to the Parliament of any Australian colony. If it bears upon the subject that I think it does bear on, it appears to me to be the most unwarrantable proposal I ever heard of.

Mr. GARRETT: I submit that the hon. member is not in order in debating any other question than whether or not it is expedient to deal with the business of the House in this way. We are asked to suspend the standing orders to facilitate the passing of a certain bill; we are not asked to discuss the bill. Supposing this motion is negative, it would not in any way negative the principle of the bill, of which I know nothing.

Mr. TOOHEY: The hon. member is clearly in order. We are asked to suspend the standing orders for the purpose of debating something. Unless it can be shown

[*Mr. McMillan.*

that that something is a reasonable thing, for which we should suspend the standing orders, the standing orders should not be suspended. The hon. member is showing that the standing orders should not be suspended for the reason that the principles presumably to be embodied in the bill are not good principles.

Mr. GARVAN: On the point of order, I hardly think it would be possible to rule me out of order. I am only referring to what I presume, from the terms of the resolution submitted to us, is the nature of the bill the Colonial Treasurer intends to submit to us. I say it was the duty of the Colonial Treasurer to state as clearly as possible the provisions of the bill. In the absence of his doing his duty, I am endeavouring to do mine by stating what I suppose he intends to introduce in this bill. I claim that I have the fullest liberty of debate.

Mr. SPEAKER: I think the hon. member is quite in order. The suspension of the standing orders is really an important matter, and should be so dealt with. The resolution before the House might have the effect of limiting the discussion on the bill, and I think the hon. member is entitled to quite as much latitude as he has already taken.

Mr. GARVAN: Any question in connection with the railway debt of the country, which is virtually the national debt, certainly claims the most attentive consideration of every member of this House. It has been generally asserted that we have no national debt whatever—that whatever there is of national debt is represented by that valuable asset, the railways. Now, I think that when the Colonial Treasurer asked us for the first time to deal with this matter, he ought to have stated as fully as possible the state of our public finances with regard to this railway debt. I find, on referring to the return issued from the office of the Government Statist, on the 20th of August of this year, that the debt of the colony at the end of last year was £44,100,000. Since that time there has been an additional loan of £3,500,000, and taking the deficit on the consolidated revenue at the amount the hon. the Colonial Treasurer acknowledges, £2,600,000, the amount of the national indebtedness at the present moment is £50,200,000. As against that we have a great asset which

the government of England has not—the railways. Now, we have been under the impression that every shilling of our national debt was represented by that valuable asset, our railways; so that in the light in which the national debt was viewed in England, we really had no national debt at all. This is one of the delusions which people often labour under, and it will be my task this evening, before we assent to this proposal, to show that it is a delusion which it is dangerous any longer to live under. On turning to another portion of this document, I find that the capital expended on Government railways in New South Wales up to 31st December, 1888, was £26,630,000. There is a difficulty in dealing with these figures, because they do not correspond when they are quoted in different parts of the return apparently under the same heading. However, it will be near enough for the argument which I intend to advance. Now, it would be most unwise and unbusiness-like to value the railways at this amount. Portions of this asset do not remain at its original value to-day. The iron rails originally laid down cost as much as from £13 to £15, £16, and even, I believe, £18 a ton, and that amount remains on the books, notwithstanding that infinitely better rails can now be placed here at £6 a ton. If the railways had been dealt with in a business-like way, a large proportion of the capital would have been written off for depreciation from time to time. Now, according to this document, there were at that time 55 miles under construction. I will credit the railways with £10,000 for each mile of that, making it £550,000. I will also give credit for the full amount expended on telegraphs, which, according to this official document, is £704,000, making altogether £27,884,000. Then in view of the fact that, though notwithstanding the depreciation in the value of the rails, not one shilling has been written off, I propose to strike off from the total 10 per cent., which is dealing with the railways most generously. That reduces the asset by £2,788,000, leaving a total —

Mr. GARRETT: That is right. Depreciate the property of the country!

Mr. GARVAN: I must protest against these insolent interruptions. I intend to perform a task which I conceive to be as high a duty as ever devolved on any mem-

ber of the House. I intend to deal with it in a business-like manner, and I undertake to put before the House a phase of the financial position of New South Wales which was never considered before. Making the deduction of 10 per cent. off this asset, it leaves still £25,096,000. In addition to that, there are water and sewerage works, which are not included in the assets of some of the other great countries of the world. For instance, water and sewerage works would not be the work of the Government in England. At the time I refer to, the expenditure on the water and sewerage works had been £3,839,000, and I propose to give credit for that without any deduction whatever. That gives a total asset of £28,935,000. The total debt is £50,200,000, so that there is a balance of the public debt amounting to £21,265,000 not represented by the railways.

Mr. GARRETT: I rise to order. It is only the railway debt that is affected by the resolution or the proposed bill; but the hon. member is going into water-works, sewerage, telegraphs, and the whole public property of the country, and the question how the whole public debt has been created. Under your ruling, he is entitled to speak on the merits of the proposed bill; but I submit that he is not entitled to discuss the whole financial position of the country.

Mr. SPEAKER: The bill shadowed forth by the resolution affects the public debt of the country. It is "A Bill to provide for the payment from the Consolidated Revenue Fund of an annual sum in reduction of the Public Debt for Railways, and to authorise the application thereof." I understood the hon. member to be showing how much of the public debt is represented by the railways as an asset. I think the hon. member, when he was interrupted, was only referring to the other debt of the colony, for the purpose of deducting what is represented by other assets, so as clearly to make out what is the actual debt of the country with reference to railways. The hon. member is not out of order.

Mr. GARVAN: I was showing what the public debt of the colony is, and I was endeavouring to give credit for the great national asset—the railways—to the full extent. Unquestionably there are other assets; but only such as every other nation in the world possesses. I am dealing now

with assets such as Great Britain does not possess. I find there remains £21,265,000 not represented by the railways or other reproductive assets. It has been frequently our boast that we have no national debt in the sense that England has. Now, even after allowing for the fullest reasonable valuation of this great national work—the railways—I will show how dangerous it is to place additional powers in the hands of the Colonial Treasurer to increase the indebtedness of the colony.

Mr. GARRETT: But this bill is to pay it off!

Mr. GARVAN: The bill is not before us yet.

Mr. GARRETT: What is the hon. member arguing, then?

Mr. GARVAN: Some hon. members would like to close the mouth of any one who does not entertain precisely similar views to themselves. I am dealing with this matter as the result of considerable investigation, and I am dealing with it in a manner which I am sure will be interesting, even outside the walls of this Chamber. I have given credit for the full value of these reproductive works: railways; sewerage, water-works, and telegraphs; and after allowing for that, there remains an indebtedness of £21,265,000. That sum makes a greater burthen per head of population in New South Wales than the great national debt of England makes per head of population there. In England at the present time the national debt is £705,000,000, and it has been reduced to that sum from £802,000,000 in 1866. As the population of England, Ireland, and Scotland is a little in excess of 38,000,000, or about thirty-six times the population of New South Wales, to make a proper comparison we must multiply our debt by the ratio that the population of Great Britain bears to the population of New South Wales. That would make our debt, after giving credit for railways and all reproductive works, equivalent to an English national debt of £765,540,000; that is, upwards of £65,000,000 more than the present national debt of Great Britain. But that does not fully represent the comparative burthen of indebtedness. The interest on their debt is $2\frac{3}{4}$ per cent., and in a few years' time, by the operation of law, it will be $2\frac{1}{2}$ per cent. Our charge averages 4 per cent., so that the national debt of

[Mr. Garvan.]

England, in order to be on the same footing as that of New South Wales, would have to be £1,113,000,000. In other words, the burden per head of population in New South Wales is 57 per cent. greater than the burden per head of population in Great Britain, and this is after giving credit for every valuable asset that we can fairly lay claim to outside of, and distinct from, the assets existing in England. Now, this is a matter deserving of the very best attention of Parliament, before it proposes to vest any powers of dealing with the public debt of the colony in the hands of any ministry. I would like to make a further comparison—a comparison with a neighbouring colony on exactly the same basis. In Victoria they have assets almost similar to our own. I shall quote from the official documents, not of that colony, but of our own colony. The national debt of Victoria stood on the 31st December last, at £34,627,000, and at that time, according to the last financial statement there was a surplus of consolidated revenue of £1,607,000. In any fair statement of the indebtedness of that colony the surplus of consolidated revenue must be deducted from the permanent debt. That leaves the permanent debt of that colony at £33,020,000. I shall take from this official document the assets of Victoria, and deal with them in exactly the same way as I have dealt with our own assets. The railways of Victoria stood at that date at £27,268,000; but there was under construction there a much larger extent of railway—682 miles, of which, before the close of the year, 173 miles were completed. While I allowed £10,000 per mile for the whole of our own lines under construction, I only propose to allow £5,000 per mile in the case of the Victorian railways. This will increase the railway asset of Victoria to £30,678,000. I propose to deduct from that the same sum in depreciation—10 per cent.—thus reducing that asset to £27,611,000. At the same time, the assets in Victoria, under the heads of water and sewerage works, according to the same official document, stood at £5,345,000. The telegraph accounts are not kept in the same manner as ours; but comparing it with ours, and taking into consideration the number of stations, and the business done, I estimate that while our asset is worth

£704,000, theirs is worth only £520,000. This makes a total asset—a good, tangible reproductive asset, in Victoria, of £33,476,000; while the actual debt of Victoria stands at only £33,020,000. That is to say, while New South Wales, with a similar population now to Victoria, has, on the basis of these calculations, a deficiency of over £21,000,000, Victoria, on the same basis, has actually no deficiency at all. This does not complete the case. This does not show the extravagance and the recklessness that has characterised the government of New South Wales for many years. While the conduct of the government up to the present time in New South Wales has landed us in a deficiency, after allowing for all these assets of over £21,000,000, we have sold upwards of 19,000,000 more acres of land in New South Wales than they have sold in Victoria.

Mr. GARRETT: And have 120,000,000 more left!

Mr. GARVAN: Now, there may be some difficulty in estimating the amount received into the Treasury for these 19,000,000 acres. If I were to take as a basis this official document laid on the table I would have to estimate the value at about 30s. an acre. I purpose for my calculation to take it at only 15s. an acre. That would make £14,317,000—money expended in addition to the deficiency of £21,265,000. That is to say, during the course of our government, with only a similar population to Victoria, and after allowing credit for the same assets in both colonies on the same basis, we stand with an absolute deficiency of £35,582,000 worse than Victoria. Now, in view of those figures, I claim that any matter dealing with our finances demands the most serious attention of every member of this House. I might have simplified the comparison between the assets of Victoria and New South Wales by not making any allowances for miles of railway under construction or depreciation. I have made the calculation in that way, and I shall put it before the House: The Victorian railways stand at £27,268,000; water and sewerage works, £5,345,000; telegraphs, £520,000; in all, £33,133,000. Then I take the public debt, £34,627,000, less the surplus of £1,607,000, leaving the debt in Victoria at £33,020,000,

against which there is a valuable asset of £33,133,000. It may be asked why credit should be allowed to Victoria for the full cost of the railways in the second calculation. My reason is based on entirely business considerations. The railways in Victoria pay the full rate of interest on borrowed capital, that is, 4 per cent., and therefore they represent an asset certainly more valuable than a property costing a similar amount that pays only 3 per cent. Our railways for many years past have paid under 3 per cent., and any one estimating the comparative value of the two assets, must put that of New South Wales lower than that of Victoria. Comparing the two colonies in this way, we find that there has been some recklessness, or extravagance, or incapacity in connection with the government of New South Wales that has not been manifested in the sister colony. We have been landed with a deficiency over and above our assets of £21,000,000, and we have received for lands sold in excess of Victoria upwards of £14,000,000. That puts us in a worse position than Victoria by £35,000,000. Victoria, viewed in exactly the same light, stands without one shilling of indebtedness. I invite the earnest consideration of Parliament to any proposal for dealing with a large indebtedness of this kind. Before we are expected to shut our eyes and open our mouths, we should have the fullest information from the Minister upon any proposal to deal with these very important matters. I fully sympathise with the Government in the difficulties attending the close of the session, and I am inclined to offer them as little opposition as possible in bringing the session to a close. But when they propose to deal with a matter like this on the very last day of the session, I say that their unbusiness-like and improper conduct is no warrant to me to act in a similar manner. This subject should have come before Parliament when it was full of vitality. It opens up for consideration the widest subject connected with the government of the country. The public debt of England is a grievous burden on each individual of the population; but I have endeavoured to show that the public debt of New South Wales, viewed in exactly the same light, is a still more grievous burden upon each individual head of the

population. When these facts come out for the first time in debate in this Chamber, it behoves hon. members to view the subject, if not with alarm, at any rate with the most careful consideration. I regret exceedingly that the Minister has not disclosed his policy to the fullest extent. He has asked this House to suspend those forms that prudence, and the experience of years and the best wisdom of those who have built up these free institutions have discovered to be necessary for the conduct of business. He certainly should not have insulted Parliament by declining to explain by a single word the purpose he intends to accomplish by this course. Parliament is untrue to itself if it suspends its standing orders except on the clearest grounds of expediency. No greater outrage could be offered to Parliament than to ask it to shut its eyes in this matter, and hand over to the Government such powers as no parliament would be warranted in giving to any minister. I regret that a minister who in many ways is a credit to the country, who in many ways has displayed an ability that entitles him to consideration, should in a matter of so much importance as this outrage the very best principles of Parliament and set an example that should only be set by tyrants. No one, unless armed with tyrannical power, should dare to take up the position that the Colonial Treasurer has taken up to-night. I have offered the result of a very careful consideration of our finances as some reason for entering my protest against the extraordinary course proposed by the Colonial Treasurer.

Mr. GARRETT: The hon. member has concluded his speech with a protest. I begin mine with one. I protest against the whole course and policy of the party to which the hon. member belongs in regard to the conduct of the affairs of this country. He has talked of the assets that we have to set off against our public debt; but he has left out the greatest one of all—one that would pay our public debt if it were ten times the amount—the public lands of the country.

Mr. GARVAN: Did the statesmen make that?

Mr. GARRETT: I know that if I borrowed £1,000 to build a house I would value the land upon which the house was built, and so would the mortgagee; and for

[*Mr. Garvan.*

the same reason this great asset which is possessed by no other country in the world except the United States, ought to be taken into account when estimating what we have to set off against the public debt. I say it is unbecoming for any party in the country to go on continuously depreciating the credit of the country, and the character of its public men. It is part of the policy of the party to which the hon. member belongs, to undermine the character of every man opposed to them who has not rattled as they have done themselves. This is becoming notorious, but it will recoil on themselves. The country is too great to be stung to death by such a pack of mosquitoes as that.

Mr. CRICK: You are a bug, if we are mosquitoes!

Mr. SCHEY: I take your ruling, Mr. Speaker, if the hon. member is in order in applying such a term to members of this House?

Mr. SPEAKER: I must say that the word "mosquito" is an unbecoming expression to apply to any hon. member.

Mr. GARRETT: It was merely a form of metaphor, and I think hon. members ought to be allowed to use metaphors that are not individually insulting, or else all the adornment of our oratory would be lost. I say that the conduct of that party has been to depreciate the credit and character of the country as represented by its public men, and in many other respects to put us in a bad position in comparison with another colony. Their policy is plain. They want to say: "If you had the fiscal policy that we advocate, your assets would be worth three times as much." It is like the course pursued by lawyers, who keep back the bad points of their own case, and endeavour to bring out the bad points of their opponent's case. If there are no bad points to bring out, they attack the character of a party on the other side. What I rose particularly to point out was that the hon. member in making his statement of the financial position of this country, left out altogether the immense asset of the public lands. I have never heard them put down by the most depreciatory estimate at less than 7s. 6d. an acre all round, and they would be sufficient security for the debt, independent of all reproductive public works. Our lands

are as productive as any of our public works, and they will become more productive every year. It cannot be expected that our public debt will go on increasing every year. Another protest I have to make is against the entire inappropriateness of the hon. member's procedure. In my opinion, although I bow with deference to your ruling, it is a most improper occasion to be debating this question. We came here with any knowledge that this subject was going to be introduced at all? It is the basis of parliamentary practice that notice should be given of anything that is going to be debated. The House has been taken by surprise by a most elaborate and intricate statement, and a false one. I do not attribute personal falsehood to the hon. member; but the view he takes is a false one. The matter has been introduced, too, in a form in which I defy any one to say he ever heard it put before. Even supposing the course adopted by the hon. member were technically correct, I think hon. members will agree with me that the debate is entirely inappropriate to this resolution. More than this, what has the hon. member to gain by his action? If he is the patriot he professes to be, can he gain anything as a native of the colony, as a man having property in the colony, by running down the credit of the colony by statements which are absolutely incorrect? They may be correct from his point of view; but his point of view is a false one. I know that a speech such as this upon a motion such as this is entirely out of keeping; but I have been dragged into debating it by the liberty allowed under your ruling to the hon. member. I have no intention whatever of reflecting on your ruling; but no hon. member now, if he thinks proper, can be debarred from going into the whole question as fully as the hon. member, and the consequence would be a debate which would last a fortnight. I admit that the subject is one of the most important that has ever been brought before the House, and the very importance of it ought to have prevented the hon. member from taking this unusual and highly improper course of introducing it to the notice of the House.

Mr. CRICK: ———

Mr. GARRETT: I object to insulting remarks of that sort.

Mr. SPEAKER: If the hon. member will repeat the remark, and it is insulting, I shall insist on its being withdraw. I can only say that no improper expression reached my ear.

Mr. GARRETT: The untruthfulness of the remark, and the impudent manner of it, coming from that quarter, is most irritating to me.

Mr. SPEAKER: Will the hon. member repeat the remark?

Mr. GARRETT: It was a most offensive remark.

Mr. CRICK: I said the hon. member was wound up for the last month, and had to say something after being wound up so long. What is offensive in that?

Mr. GARRETT: It is offensive; it is irregular.

Mr. SPEAKER: All interjections are, of course, irregular; and a great many I am sorry to say are offensive. I must say that this particular remark is not so offensive as remarks I have frequently heard. I do not say that the hon. member is justified in making an interjection when another hon. member is addressing the Chair.

Mr. SCHEY: The hon. member for Camden complains that the information given by the hon. member for Eden was totally unexpected by the House. I think the complaint about things being unexpected has a right to come from this side and not from that. It is true that the Colonial Treasurer gave notice of this motion last night; but it was done in such a manner as practically to take the House by surprise. Every arrangement was made for the prorogation on Friday last, and then we had no thought whatever about such a motion as this coming forward. Prorogations have been twice solemnly arranged for, and what is the reason for this sudden change of front, which compels the Government to interpose an entirely unprecedented motion in the middle of a highly important debate? Now the murder is out about the motion moved last night by the hon. member for Balmain, Mr. Frank Smith. The hon. member at the head of the Government disclaimed all connection with the motion, and of course we cannot prove any official connection with the motion; but I ask every member of the House whether, in face of what has occurred, it is not abund-

antly plain that the motion was introduced for the specific purpose of the business before us now?

Mr. McMILLAN : I give that an absolute denial !

Mr. SCHEY : Of course we are compelled by the rules of parliamentary procedure to accept the hon. member's denial.

Mr. McMILLAN : I think my word would be taken as soon as the hon. member's !

HON. MEMBERS : ———

Mr. A. ALLEN : I ask if it is in order when an hon. member expresses approval, for another hon. member to cry "Shut up"? We hear this now every evening.

Mr. TOOHEY : I may mention that we have a precedent for it. An hon. member on the other side once told us to "shut up," and no notice was taken of it.

Mr. SPEAKER : If exception had been taken, the words would assuredly have been ruled out of order. All interjections are disorderly, and I hope hon. members will refrain from them.

Mr. SCHEY : The hon. the Colonial Treasurer has tried to make a point about his word being taken by other people. I may also say that amongst those who know me my word will be taken quite as readily as that of the Colonial Treasurer, or any other member on the Ministerial benches. We must remember that when an amendment was moved last night on the motion of the hon. member for Balmain, which would have had the effect of doing all that he ostensibly desired to do, he declined to accept it. Although the Government denied that they had any connection with that motion —

Mr. CARRUTHERS : I ask your ruling whether what took place on a motion with regard to the rescission of a sessional order has any relevancy to the motion before the House?

Mr. SPEAKER : I can see no relevancy. The question now is whether the standing orders should be suspended for a particular purpose, and there can be no relevancy in what occurred last night on the motion the hon. member has referred to.

Mr. SCHEY : Hon. members on the Ministerial side find the truth so exceedingly disagreeable that they have to shelter themselves behind the forms of the House. There is no necessity for suspend-

ing the standing orders on this occasion. What has caused the Government to make such a sudden right-about face, after solemnly resolving to prorogue the House on Friday last, and again on the following Monday? There was no intimation that business of this character was to be brought forward; in fact, we had the most solemn assurance of the Ministry that they had no desire except to bring the session to a close, and they heaped abuse on hon. members on the Opposition benches, who, they said, would not allow them to close the session. We know that it was not true; we know that the only way that it was possible to close the session was to allow the Government to ram business down our throats, and extract millions of money from the public treasury without any sort of criticism. It is the Government themselves who are now blocking the business of the House, and we can only suppose that it is for some purpose of their own. We know that a motion was passed last night which had the effect of enabling the Government to introduce new business after 10 o'clock at night, and when we come here to-day we find first of all on the paper "Mr. Millan to move that the standing orders be suspended." Now, when the sitting closed last night we were in the middle of a very important and a very acrimonious debate, and one in which the Ministry certainly did not shine. Instead of going on with that debate, we find to-day what the Opposition foresaw, that an endeavour was to be made to take advantage of the rescission of the sessional orders. It is the evident intention of the Government to bring this bill forward so as to throw this most important debate into the small hours of the morning, so that the debate shall not be reported, so that hon. members should be fatigued, and so that they might force their objectionable measures on the House without due criticism.

Mr. McMILLAN : Will the hon. member allow me to say a word in explanation? I said at the beginning of my speech that I had postponed the real substantive motion connected with this, so that the important debate might not be interfered with; and now it is fair for me to say that either the hon. member's memory is at fault, or he is trying to misrepresent me in this matter.

[*Mr. Schey.*]

Mr. SCHEY: I think I shall prove to the Colonial Treasurer before the close of this debate that my memory is an exceedingly good one. As to misrepresenting him, it is the last thing I would desire to do of any one, especially so respectable and exalted a personage as the Colonial Treasurer. I do not remember that the Colonial Treasurer made this declaration, but it was only after the Opposition had objected to his sneaking through the motions as formal motions. Now, time after time we have been accused of blocking the business of this House, and been told that it was absolutely necessary in the interests of the country that the session should close at the earliest possible moment; yet when we come here to-night we find on the business-paper some of the most important questions that could possibly engage the attention of Parliament—questions which could only be properly debated in a week of sittings of this House. One or other of the declarations of the Government is absolute bunkum and humbug. Either they do not want to close the session for some purpose of their own, or they have introduced this proposal for some special party purpose which is not apparent at the present time. We have a right to complain. The Government has always some trick up its sleeve. The suspension of the standing orders is a most serious matter, and ought not to be resorted to without the most serious deliberation and the gravest urgency. There is nothing whatever specially urgent about this matter; unless the urgency has been created by the Government. Time after time the Colonial Treasurer has come down to the House and asked the House to suspend the standing orders, first for one piece of business and then for another. It seems to be the desire of the Government to remove all the public business from the safeguards which those who have gone before us have built up. The Government are using every means in their power to debauch and demoralise the Parliament of the country. Some weeks ago, with all due solemnity we had a set of loan estimates laid before the House. The Government seemed at first to think that they could ram them down our throats by brute force, and extract seven millions of money from the public Treasury without any criticism. They seem now to have

woke up to the fact that their proposals are going to arouse severe criticism and perhaps long and protracted debate; and now they are looking round to see if they cannot find something to discount some of the criticism. They obtained a clue from a previous debate, and from what appeared in the *Australian Star*, that their railway proposals would be debated, and knowing that the Government would get the worst of the argument, they have introduced this motion to suspend the standing orders in order to introduce a bill for the purpose of discounting the opposition they know they are going to get upon a certain proposal. We cannot but see, under all the circumstances, that the suspension of the standing orders is wholly unjustifiable, and ought not to be agreed to by the House. As a matter of fact, the Colonial Treasurer knows that the unsoundness of his proposals will be exploded when they come on for debate, and he is endeavouring to do one last job before the session closes, in the hope that he will escape some of the criticism which his crude and imperfect measures merit. The hon. member for Camden had something to say as to the land for the railways not being included in the comparison made by the hon. member for Eden. As a matter of fact, in the statement of the capital value of the railways, the value of the land taken for them has been included in full. Then, we have had the unmitigated bosh so often uttered by the free-traders on the other side, that we are trying to discount the credit of the country. We are trying to do nothing of the kind; we are trying to unmask humbug, to unmask the unnecessary proposals made by the Government to cover their own incompetency and stupidity. There is no government that has more depreciated the credit of the country in the eyes of the world than the present Government. We have been more depreciated by the floating of that £3,500,000 loan than by anything else that has ever happened to the country. Talk about the value of our lands! How can we value our lands as an asset when the Government is dragging a million a year out of them and spending it as revenue? Is it not a fact that for over twenty-seven years past we have been spending over a million of money received from the sale of public lands and calling it revenue?

Mr. McMILLAN: Perhaps I might be allowed to say, sir —

Mr. CRICK: I object!

Mr. SPEAKER: If the hon. gentleman, who is in possession of the Chair, is willing to give way, the hon. member can make a statement.

Mr. McMILLAN: From something that has passed between my hon. friend and myself —

Mr. CRICK: I will take your ruling, Mr. Speaker.

Mr. SPEAKER: I have already given my ruling.

Mr. CRICK: Is your ruling this: That when a member is speaking on a resolution any other hon. member who has already spoken on the matter, and to the main question, may get up and make remarks by way of explanation or otherwise?

Mr. SPEAKER: That is the course that has been adopted in this House, and that is the ruling I have given, provided that the hon. member in possession of the Chair is willing to give way.

Mr. McMILLAN: From the few words that passed between myself and the hon. member for Redfern, Mr. Schey, I think there must be a misunderstanding with regard to this matter. I again say that the Government are anxious to get on with the debate, and there will be the fullest opportunity given for discussion with regard to this bill, and no attempt to rush it in any way whatever, and I would appeal to hon. members to allow this motion to go, so that we may get on with the debate which is really the debate of the evening, and which the Government are very anxious should not be intercepted in any way. I pledge myself, as Colonial Treasurer, that the Government will be only too glad to grant to hon. gentlemen any fair and legitimate latitude in the discussion of this question. We do not want to rush it through in any way, as hon. members appear to believe, through the standing orders being suspended.

Mr. SCHEY: I object to the motion for suspending the standing orders, for one of the strongest reasons—that I do not recognise the necessity for the motion that is to cover the bill which is sought to be brought in, or the principle which is sought to be introduced. I object to the whole thing *in toto*, and, therefore, I take the preliminary objection to the standing

orders being suspended to allow of the introduction of such a bill. When I point out that I do not see the necessity for the bill the hon. gentleman intends to introduce, when I point out that I do not think there is any necessity to make the repayment on account of railway expenditure which is proposed by the bill, when I point out that I do not think the loan ought to be made for the repayment of which this bill seeks to provide, it will then be seen that the proper time to object is now. I do not recognise that, even if the matter were one with which I could agree, there would be any necessity for suspending the standing orders, for I cannot conceive that this is a matter of any urgency. I cannot conceive that there is any possible urgency in this business, provided the business is legitimate; and it is on that point that I intend to dispute with the Colonial Treasurer later on. This bill seeks to make provision for the repayment of money which is not yet granted. We are asked to make provision for a loan which the Colonial Treasurer is anticipating — to make provision for the repayment of a loan which this House has no guarantee will ever be made. As a matter of fact, we know that on the loan estimates there is an item of £2,018,000 for railway expenditure.

Mr. McMILLAN: A bill will not be introduced till the estimates are passed!

Mr. SCHEY: That is just the point where I am mystified. There is no probability of the loan estimates being passed to-night.

Mr. McMILLAN: We do not know that!

Mr. SCHEY: I think we do know that. One of the very things we are complaining of is that the Government is attempting to rush these loan estimates through the House. Now, the hon. gentleman is disclaiming any intention to rush this bill through the House, if we will let him introduce it, but will he with equal candour disclaim any intention of rushing the loan estimates through? I take it he cannot disclaim any such intention. For nearly a fortnight past it has been plainly apparent to every hon. member of the House that it is the intention of the Government to reach the loan estimates if they possibly can at some inconvenient hour of the morning when the House is tired and jaded, and to put the loan estimates

[Mr. Schey.]

before the House in such a way that they will escape with the least possible amount of criticism. I challenge the hon. the Colonial Treasurer to deny that is the fact.

Mr. McMILLAN: I do deny it!

Mr. SCHEY: Very well; I am at a loss to find any other explanation for the way in which business has been conducted during the last fortnight. At all events, it must be clearly apparent to every one of us that when the Colonial Treasurer says he will not give any guarantee that the loan estimates will not go through to-night, and when we know that the first item of Government business is an item of Supply, to pay Mr. John Davies, and that there is another debatable item—£1,500 for Mr. Midelton—and when we know that after that the loan estimates must come on, I say no hon. member in this House can escape from the conclusion that the Government are attempting with indecent haste to rush the loan estimates through the House. It is all very well for the hon. gentleman to say we do not know that. I say we do know it, and also that we should take very good care that the loan estimates are not rushed through the House to-night. If these loan estimates cannot be put through—and I contend they cannot—what is the use of taking up the time of the House with a motion to suspend the standing orders in order to bring on business there is no probability of reaching? It is all very well to tell us this bill will not be introduced till after the loan estimates are dealt with. If that be a fact there is no excuse whatever for putting this motion to suspend the standing orders on the paper to-night. I think that the object of this motion to suspend the standing orders, taken in conjunction with the motion passed last night giving the Government the opportunity of putting new business before the House at any time they like, is to put her Majesty's Opposition in a very difficult position. I apprehend that the Government are wilfully trying to put the Opposition in the most difficult position possible in relation to the business put before the House, and when I see this being done I have no alternative but to offer to it my just and sternest opposition. We have no right to be asked to do away with the orderly conduct of business, and all the safeguards which experience has taught us are necessary for

the due conduct of business in this House, for the purpose of ante-dating some business which the Government have special reason for putting through. There is another dangerous feature in this—a feature we cannot afford to trifle with. We know that successive governments of the hon. gentleman now at the head of the Treasury benches have, time after time, whenever they have got the slightest hold, tried to impress on the House that the House and the country were pledged to a certain course of action, and I can see, in the passing of this resolution, the special danger that by-and-by the Government will turn round and tell us that by consenting to the suspending of the standing orders we are pledged to the principle contained in the resolution. As I object, in the strongest possible manner, to the introduction of this bill, I want to provide absolutely against its being supposed we are pledged to the principle of the bill. We know how sinuously it has been sought to introduce these things time after time in this House. We can hardly venture to express even a dubious opinion when the hon. gentleman is in office, but he turns round and uses it as an acceptance of the principle of the measure he attempts to put before the House. One word with reference to the statement made by the hon. member for Camden, Mr. Garrett, who spoke about the value of certain land, &c., on the railways not being included in the national assets. I desire to point out that the hon. gentleman was disingenuous in the way he put this matter, for the assets of the two colonies were calculated by Mr. Garvan on precisely the same basis, and therefore the hon. member for Camden, Mr. Garrett, stands self-accused of trying to mislead hon. members of this House by endeavouring to show that Mr. Garvan had not included the value of those lands. If the inclusion of the value of those lands in this colony would make such a difference, we must include the value of lands in Victoria.

Mr. GARRETT: They have none!

Mr. SCHEY: The people of this country have already decided, by a voice which has been pertinaciously disregarded by the various free-trade governments, that the public lands of this country shall not be sold.

Mr. GARRETT: I do not want to sell them!

Mr. SCHEY: And as far as those on this side of the House are concerned, we are determined to maintain the people's mandate on that point, and that the public lands shall not be sold if we can prevent the sale.

Mr. GARRETT: The income from the public lands is paying the public debt now!

Mr. SCHEY: To upset the figures of the hon. member for Eden—which are taken, not from his imagination, but from official documents published by the Government of this country, and open to hon. members as well as to the hon. member for Eden, Mr. Garvan—is more than either the hon. member for Camden or the gentleman at the head of the Government is capable of.

Mr. McMILLAN, in reply: I do not intend to extend this debate. I purposely omitted going into the substantive motion to follow this in order that I should not break in upon the debate of the evening. I shall leave any reply to the hon. member for Eden, Mr. Garvan—to whom I could reply at the present moment if I liked—till another occasion. I disclaim on the part of the Government any ulterior intention regarding this matter. We simply had one object—to conserve the business of the House.

Question put. The House divided:

Ayes, 56; noes, 16; majority, 40.

AYES

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|------------------------|---------------------|
| Allen, A. | McFarlane, J. |
| Brown, H. H. | McMillan, W. |
| Brown, W. | McRae, M. |
| Brunker, J. N. | Mitchell, J. |
| Burns, J. F. | Nobbs, J. |
| Carruthers, J. H. | O'Connor, D. |
| Chapman, M. | Parkes, Sir Henry |
| Clarke, H. | Playfair, T. |
| Clubb, G. | Plumb, J. |
| Colls, T. | Ritchie, R. A. |
| Cooke, H. H. | Ryrie, A. |
| Copland, D. | Scobie, R. |
| Dangar, O. O. | Seaver, J. C. B. P. |
| Dickens, E. B. L. | See, J. |
| Dowel, W. S. | Smith, Bruce |
| Fuller, G. W. | Smith, Frank J. |
| Garrard, J. | Smith, S. |
| Garrett, T. | Stephen, W. |
| Gormly, J. | Stevenson, R. |
| Gould, A. J. | Taylor, H. |
| Hawken, N. | Teece, W. |
| Haynes, J. | Turner, E. W. |
| Hogan, P. | Wheeler, J. |
| Hutchison (Canterbury) | Wilshire, J. T. |
| Jones, T. | Woodward, F. |
| Kidd, J. | |
| King, R. J. | |
| Lakeman, A. | |
| Lee, C. A. | |

Tellers,
Abbott, Joseph
Greene, G. H.

[Mr. Schey.

NOES.

| | |
|--------------------|---------------|
| Abbott, W. E. | Schey, W. F. |
| Chanter, J. M. | Toohy, J. M. |
| Cruickshank, G. A. | Torpy, J. |
| Dalton, T. | Walker, T. |
| Dawson, H. | Wright, F. A. |

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|----------------|-----------------|
| Garvan, J. P. | <i>Tellers,</i> |
| Hassall, T. H. | Crick, W. P. |
| Howe, J. P. | Stephen, Harold |
| Nicoll, B. B. | |

Question so resolved in the affirmative.

SUPPLY.

Additional Estimates.

COLONIAL SECRETARY.

Remuneration to Mr. John Davies.

Proposed vote, £1,102 10s.

Debate resumed (from 2nd October, vide page 5848).

Motion (by Mr. DIBBS) again proposed:

That the proposed vote be reduced by £1,100.

Mr. TRAILL said the question before the Committee was not, after all, an exceedingly weighty one. The payment of this amount to Mr. John Davies had been supported by the Government on several distinct grounds. It had been alleged by the hon. member at the head of the Government that this amount should be paid, because Mr. John Davies was the best man that could have been found for the office, because in that position he efficiently discharged the duties intrusted to him, because he did not embezzle the funds of the state as was now alleged, and because his engagement was from first to last understood to carry with it a right of payment. He would undertake to controvert all those positions. In the first instance, he would take the point that Mr. Davies was the best man that could have been selected for the position. When a man was thought of in respect to a particular appointment or engagement it was a customary thing that he should produce certain credentials or testimonials. In this case, apparently, in view of the fact that the person in question had been very widely known for many years in this community, it was not thought by the Premier necessary to go outside his own knowledge in order to seek any testimonials with respect to the fitness of Mr. Davies for this particular position. Mr. Davies was undoubtedly very widely known in this community; but he ventured to say that the impression in the community with

respect to Mr. Davies' fitness was not in accord with the impression that appeared to have been in the mind of the Premier. No one could accuse the Premier of being oblivious to points in a man's career. We had an example of that last night, when the Premier produced a letter which had been many years in his possession, written on a particular occasion, and which appeared to have been stored up in anticipation of some occasion arising on which it might be produced with effect. Mr. John Davies had come before the public prominently in a great many capacities; he had held various offices of trust in this community; and he ventured to say that he would be able to show before he sat down that in not one of those public capacities had Mr. Davies managed to exist without leaving it with a distinct blot or suspicion concerning his administration of his functions in those capacities. That was a point that could not have escaped the Minister at the time he conferred the appointment. Mr. John Davies' relations with precedent positions were such as to demand from any person putting him in a position of trust, the most careful consideration of the nature of the engagement to be given to him, and the precautions with which he should be surrounded in the performance of his functions. Mr. Davies had at various times held the positions of an alderman of the city, of a director of the Randwick Asylum, and of a commissioner at the Garden Palace Exhibition. In his position of an alderman he formed the subject of a very flagrant and a very disgraceful scandal. It was alleged of him that he was the recipient from a public contractor, doing business with the council, of a present of commodities intended to sway him favourably towards that contractor. He would speak no word in this relation without due warrant, and he would establish everything by reference to the public records of the various bodies. It was alleged that Mr. Davies, while an alderman—a trustee, so to speak, of the citizens of Sydney—received a present of iron railings from a contractor. The matter was investigated very closely, being inquired into on two occasions. It was inquired into by a special committee of the Municipal Council of Sydney, and the circumstances attending on it were perhaps not so fresh in the memories of

many hon. members at the present time as they were in his own. He paid particular attention to the circumstances at the time, and he had since taken the precaution to refresh his memory, so that he might not by any impressions arrived at too lightly at a period of time long precedent allow himself to be unduly swayed in his conception of what was due to Mr. Davies. In the city municipal council of 20th July, 1882, the question of the iron railings first came up, and the circumstances were these—the hon. the Postmaster-General, who took part in the inquiry, would be able to thoroughly remember the circumstances which he was about to quote. Alderman Fowler, going to the contractor's, took a fancy to certain iron castings, or railings, which were there, and tried to buy them. He was told they were too dear for him, and getting nettled at the idea that anything could be too dear for him, he made some remarks which evoked a statement, and the man got out of the matter by saying that he had made the railings a present to Alderman Davies because he had assisted him in getting a contract accepted. That was the first start in the matter, and it proceeded step by step for a considerable time. When the special committee appointed by the municipal council investigated it, Mr. Davies denied there had been any such present, in fact he stated distinctly that he had bought the railings and had paid for them, could produce the receipt at a moment's notice if necessary, and could call his wife and daughter who saw him pay the money. Subsequently Mr. Davies did produce a receipt; but the council were not satisfied with that. They had produced before them the contractor's books, and the decision which they came to after an inspection of those books was that they had been specially doctored for the occasion. There was an entry showing the receipt of money from Mr. Davies in payment for the railings; but that entry was interpolated in a part of the book where it had no right to be, and was written in distinctly different ink from the other entries made at that time. The conclusion of the committee was that that was a fraudulent pretence—that the books had been doctored especially to fit in with Mr. John Davies' statement. Who was that contractor? Would a respectable firm do

anything of the kind; would they for a moment stoop to shield Mr. John Davies in so trivial a matter? [*Committee counted.*] The name of that contractor was Bradford, and the name of the contractor's clerk who testified to the truthfulness of the entry was Charles Forbes, and a few years subsequently that same man Bradford and that same clerk Charles Forbes were convicted of having swindled the Municipal Council of Sydney, and they served sentences for that crime. That was the first appearance of Mr. John Davies in his relations to the public as a trustee of the public interest. That, however, was not the only scandal which attached to Mr. John Davies in his capacity of alderman.

Mr. GARRETT asked whether the Chairman considered the remarks which had been made, which had no connection whatever with the item under discussion, were relevant or not. In his opinion the remarks were highly irrelevant. What had hon. members, in considering the question, to do with charges which might have been made against Mr. Davies in his various positions and capacities? If the course which was being taken were allowed to be continued, hon. members would be entitled to enter into any and every charge which might be made against any of their number.

The CHAIRMAN: The question before the Committee has reference to the payment of a certain sum of money to Mr. John Davies. In connection with this matter, a report has been laid on the table of Parliament, of which hon. members have formed various opinions. Some have formed the opinion that the report places Mr. Davies in an honorable position; others have arrived at a different conclusion. The hon. member for South Sydney is quite in order in endeavouring to show that it is not the province of Parliament to pay the money under the circumstances which he is endeavouring to set forth. As the hon. member for Camden was not present last night, I may inform him that the debate has assumed—not absolutely with the consent of the Chair, but more with the unanimous consent of the Committee—a much wider range than actual parliamentary law would allow.

Mr. GARRETT: Was objection taken?

The CHAIRMAN: Objection was taken; and on a point of order it was ruled that

[Mr. Traill.

in consequence of the latitude which this question had opened up in regard to Mr. Davies, and in consequence of several hon. members having referred to the name of the Premier, the consensus of opinion amongst the Committee was that the matter should be debated to its fullest extent. The hon. member, not being present at the time, is quite justified in again calling attention, under the circumstances, to the strict rule of Parliament. That rule was extended, by the consent of the Committee, last evening. I pointed out the dangerous ground we were drifting upon, and, of course, I cannot be held responsible for the result.

Mr. TRAILL said he had explained to the Committee the first public appearance of Mr. Davies in a position of trust in the community. He had shown the character of the man who had vouched for his freedom from a corrupt motive in regard to this particular transaction, and for the verity of the statement which he had advanced to defend himself. He took it that the Committee, no matter how much some hon. members might have been invited to consider the matter as a party question, would make it a duty to arrive at a decision as to how fit a man Mr. Davies was to be placed in a position of trust. The scandal to which he had alluded was not the only one which had arisen whilst Mr. Davies occupied the position of an alderman. There was the scandal known throughout the length and breadth of the country as the *Coonanbara* hat scandal. This was a case in which Mr. Davies applied to the mayor, Mr. Harris, for certain amounts of money, amounting to £11 10s., for expenses alleged to have been incurred in hiring, for his use, to go to a picnic, a steamer. As a matter of fact, upon investigation and inquiry, Mr. Harris ascertained that no charge had been made for the steamer. Mr. Davies alleged that part of the money was required for the purpose of presenting the captain and first mate with hats for their obliging services on the occasion of the trip. It came out in evidence at court, from the captain and the first mate, that they had received no hats at all, and that there had been no such expenditure on their behalf, that there had been no such expenditure for the steamer, and consequently that the money had been received from Mr. Harris by Mr. Davies

under false pretences, with the obvious intention of converting it to his own use. This matter subsequently formed part of a civil action brought by Mr. Davies for the recovery from Mr. Harris of damages amounting to £20,000 for an alleged aspersion upon his character. Mr. Harris did not lay an information against Mr. Davies, although it was obvious from the circumstances which were recorded in the newspapers of the day that, had he done so, he must undoubtedly have secured a conviction. Mr. Davies, however, returned the money to Mr. Harris upon it being demanded, and instead of laying an information against him at once he put the money into his drawer and kept it there. For twelve months he held the money, as it were, *in terrorem* over Mr. Davies, a circumstance which, no doubt, militated against him when the libel trial came on, inasmuch as it might have been supposed that some malicious motive existed in his mind of keeping Mr. Davies under his thumb, just as Mr. Davies had alleged, in that House, that he had another hon. gentleman under his thumb. Mr. Davies, however, did not obtain the £20,000 which he fixed as the value of his character. The jury, by a majority of 9 to 3, brought in a verdict, nominally for Mr. Davies, and the extent of that verdict was a farthing sterling damages. That was the valuation which the jury, under the circumstances, put upon the reputation of Mr. Davies. This was incident number two in the career of this man. Mr. Davies was, subsequently, or simultaneously a director of the Randwick Asylum for orphans. The matter was a small one, but it showed to what infinite smallness Mr. Davies' nature would stoop. Mr. Davies, although a member of the legislature, and as such, was enabled to travel free over the tramways, accepted from the resources of the Randwick institution tram tickets, similar to those which were given to directors. Mr. Davies was not above even pocketing twopenny tram-tickets out of the resources which were collected for the maintenance of orphan children. It had been alleged during the course of the debate that the £26 or £30 to which reference had been made was too trifling a sum for a man like Mr. Davies to handle or touch. But this argument was totally useless, when it was remem-

bered that Mr. Davies would stoop to pocket the tram tickets of an orphan institution. Mr. Davies, it would be remembered, had filled a very important position as commissioner at the international exhibition at the Garden Palace. In this capacity Mr. Davies had a certain share of influence. Being a particularly active man, he perhaps had a larger share of interest than many other commissioners in the apportionment of contracts for various accessories for the convenience of visitors to the exhibition. Amongst these contracts was one for the wine and spirit and refreshment bar, and the applicants for the contract included Mr. John Douglas Young, well known as an alderman in the city. Mr. Young applied to Mr. Davies for his assistance in having his contract accepted.

MR. CRICK : Not quite that !

Mr. TRAILL repeated the statement that Mr. Young had applied to Mr. Davies for support in regard to the acceptance of his contract.

MR. CRICK : He wanted to receive fair play !

Mr. TRAILL said he would refer to the official record of the matter, and if he did not absolutely and correctly state what was the fact he would be open to contradiction. At the trial of Davies *versus* Harris Mr. Young stated that he thought he and his partner told Mr. Davies that if he could give them any assistance he could to put them straight in the matter they would make him a present of a ring, or something of that sort. This evidence was extorted from Mr. Young with some appearance of reluctance. This reluctance was apparent for obvious reasons, as it was not a very creditable confession for any man to have to make to the effect that he had approached a public trustee in a matter of this kind. Further testimony was given to the effect that Mr. Davies went to Mr. Young to remind him that his tender had been accepted, and he suggested about the ring. He said Mr. Young could get a very nice ring at some jeweller's shop he named. Mr. Young and his partner went to Jones' and bought a ring, for which he gave somewhere about £40. This was about a fortnight after the tender had been accepted. Mr. Young also stated that he made Mr. Davies a present of a gold albert chain. Mr. Davies, in his sworn testimony,

had absolutely denied that he had been presented with a gold albert chain, and it would be very interesting to compare Mr. Davies' evidence upon that point with the evidence to which he had just referred. Mr. Davies absolutely denied that any such albert was given to him, and, on being pressed, he stated that Mr. Young had given it to his daughter. Mr. Young's evidence on this point was that it was not a fact that he gave the albert to Mr. Davies' daughter; it was a gentleman's albert, not a lady's albert. There was a ring of probability about this statement. It appeared that Mrs. Davies was also examined in regard to this matter, and she stated that Miss Davies answered the door when Mr. Young came with the albert guard, and that upon her opening the door Mr. Young gave it to her. The matter was not of great importance beyond the fact that, in his capacity as a trustee in a public position, and as a man who ought to keep his hands free from bribes of every possible description, Mr. Davies accepted a present of a diamond ring and a gold albert for services rendered to a contractor in connection with a tender. Reference had been made to a certain claim which Mr. Davies had brought during an earlier period of his career for £500 against the estate of a dead man, by virtue of a signed document. During the trial, Mr. Stephen Brown, who was well known to old members of the House as a man whose credit stood very high amongst the community, swore most absolutely that the alleged signature, upon the strength of which the £500 was claimed, was a forgery. This was the man whom the Colonial Secretary would lead us to believe was the best man for discharging the function to which was attached so much responsibility as that which was connected with the office which Mr. Davies held as chairman of the Casual Labour Board. Hon. members on the opposite side of the House had been accused of libelling the colony. They had been accused of depreciating the character of the public credit. But was there ever, in the history of legislation, such a libel upon the character of every man in the colony as that which the Premier had uttered when he said that Mr. Davies, smudged with this taint, was the best man that the community could afford for an office of high responsibility and

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trust? The statement was a disgrace to every living individual in the country. Was there no man in the community with capacity for organisation such as the Premier claimed for Mr. Davies, who had not a character unsullied by charges such as those which had been made? He contended that the community possessed hundreds, aye, thousands of men of every possible intellectual capacity, fit for any position that could be intrusted to them, and whose characters were perfectly unassailable. Was it not a matter of notoriety, throughout the length and breadth of the colony, that the character of Mr. Davies was held in the utmost—he did not want to exceed the limits of what was proper and decent—and he would therefore say in the utmost reserve.

MR. CRICK: You cannot say anything too bad!

MR. TRAILL said that every member who listened to him knew that the doubts which rested upon Mr. Davies' character were matter of universal notoriety. Before such a man was chosen for the position he held, any premier who had a respect for himself, or who had a respect for the reputation of the colony, would have exhausted every other possible honorable, unstained, unspotted man, whom he could have secured. It had been alleged by the Premier that Mr. Davies had efficiently conducted the duties intrusted to him. This contention had also been made by the hon. member for West Sydney (Mr. Abigail) with considerable persistence, and at some length. It was alleged by the Premier, and supported by the hon. member for West Sydney, that there was no man in the community through whose hands such vast sums of money had passed as had passed through the hands of Mr. Davies, who could have brought out so fine and correct a balance as he had succeeded in doing. But what was the fact in regard to this miracle of book-keeping—this extraordinary feat of balancing books? Hon. members would easily find an answer to the question by turning to the evidence of the commission. Mr. Hinchcliffe, who was examined by the commission, was asked if he were an accountant, and he replied distinctly that he was not; and yet he was the only person, under Mr. Davies, who had charge of the accounts under this

huge organisation. Mr. Davies, under examination, was questioned as follows :—

Do you know what became of these moneys ? Some of them were utilised for the payment of contingent expenses. Others, as you will find, were paid in the ordinary way into the Treasury. You will find that the secretary from time to time paid money into the Treasury.

Did you look into the books of the Casual Labour Board at all ? It was not my place to keep the books. I attended as much as sixteen hours a day to the business of the board, and did as much as I possibly could do in that time.

Did you look into the books at all ; did you ever look into this book (exhibited) ? No.

Did you ever see it in the office ? Yes.

Did you ever go over it to check it, or see how it was being kept ? No.

Did you ever interest yourself in it at all ? No.

Who was responsible for the keeping of the books ? Mr. Hinchcliffe.

Mr. Hinchcliffe. was the gentleman who stated in his evidence that he was not an accountant. [*Committee counted.*] On the question of the amount of work which Mr. Davies had accomplished the hon. member for West Sydney had dilated at some length. He had mentioned the amounts realised for Crown lands at Berowra, Como, Heathcote, Dobroyd, the Field of Mars, Gordon, Hornsby, Narrabeen, and Rookwood. Altogether, 3,052 acres realised £161,199. In addition to this there were cleared and underscrubbed, 31,706 acres ; roads cleared, 358½ miles ; roads cleared and formed, 222 miles ; roads cleared, formed, and made, 86¾ miles ; bridges, 26 ; side drains cut, 18 miles ; and culverts, 185. [*Committee counted.*] The hon. member for West Sydney laid a great deal of stress on the large amount realised by the sale of the land. He almost appeared to wish the Committee to believe that the operations of the men under the charge of Mr. Davies had actually created this value, or a large portion of it.

Mr. ABIGAIL : No !

Mr. TRAILL said that that was the impression which was left upon his mind. However, putting altogether apart whether the hon. member made the statement or otherwise, the matter had been put before the Committee in such a way as to leave the impression on his mind that we were expected to believe that a great deal of credit was due to Mr. John Davies for this amount of money being realised by the sale of this land. The hon. member for West Macquarie pointed out last night that all

the credit which could be ascribed was the value of the clearing which was done, and that hon. member stated his own knowledge as to the value of the clearing, and appealed to the hon. member for Grenfell, as an expert in the matter, whether £3 an acre was not a very fair average price for land ordinarily timbered. He understood that hon. member by nodding his head to give his assent to that proposition, and he understood him so now. In that case, the quotation of figures of that sort could in no way enlighten the Committee as to what actually was the benefit derived from the operations of this body of men by the state. But, as a matter of fact, was it not exceedingly disadvantageous that so large a body of men were concentrated round the metropolis at all ? Throughout the country there were an infinity of roads of access required by the farming population. If this man had been so fine an organiser as they said, how was it that he did not despatch party after party to those parts of the colony, where money was being remitted from the general revenue in every estimate we had ? Why were these men not despatched to every part of the colony where roads required making, and set to work in distant parts, where, in all probability, when their work was concluded, or while it was in progress, they would gradually have been absorbed into ordinary avocations, and been distributed by a natural process, so to speak, right throughout the colony in a profitable and advantageous way ? Would the Committee believe that the man who had concentrated them all round the metropolis was such a genius for organisation when he neglected so obvious an outlet for their industry—an outlet which would have diffused benefits throughout every part of the community, and also would have conferred benefits where really they were most required, and where it would hardly have been possible to allege that there could be any collusion between the head organiser of these men and the holders of private estates in the vicinity of the metropolis ? Had these men been thus launched out into the most distant parts of the colony, all these advantages would have been secured, and the greatest possible advantage would have been done to those portions of the community which were too much neglected by the preference

which was given to metropolitan works, and there would have been no possibility, or the possibility would have been minimised extremely, of any charge of collusive preference having been directed against the man who organised the employment of this labour. Now, the next question was: Was John Davies' engagement a paid one? It was a very essential question, indeed, because on that, as the Committee must be aware, depended the whole gist of the opinion of eminent counsel as to whether Mr. Davies was liable to a prosecution for the liberties he took with the public money in connection with these various cheques. It must be obvious to every hon. member that had it been frankly stated that Mr. Davies was engaged as a salaried employee of the Government, the opinions given by eminent counsel would have been entirely different from the opinions they actually gave. It was easy to illustrate that by a quotation from the opinion of Mr. Pilcher, who, in discussing in the first place the documents which were submitted to him, and on which his opinions were to be based, had this paragraph:

This is the document under which I understand these three gentlemen became what has come to be known as the Casual Labour Board, and this document is, as I am instructed, the only appointment or authority, in writing or verbal, under which these gentlemen performed any duties on behalf of the Government. It will be observed that the duties and position of the board are not defined. Further, I understand that those duties were performed voluntarily and without any consideration.

Upon that Mr. Pilcher gave an opinion that a successful prosecution could not be brought against Mr. John Davies. The essential point was that there was no consideration; that he was not to receive any remuneration. That understanding was conveyed to counsel, and it accompanied the case as against John Davies up to the very threshold of the court. [*Committee counted.*] He thought it would be very convenient if the hon. gentleman at the head of the Government would take his proper place in the Chamber. This matter was so distinctively the hon. gentleman's own, that it would be incumbent upon him presently to make some reference to his attitude, and he should like him to be present on the occasion, so that it might not be said hereafter that he spoke of him behind his back. He was

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pointing out that the circumstance that Mr. Davies expected any payment, or had been promised any payment, was continually suppressed, and so long as it was possible that the law could take cognisance of his actions in that capacity; but the moment that he was supposed to be freed from the liabilities to the law, the Colonial Secretary came into the House and suddenly assured us that it was always understood that Mr. Davies was to be paid, and that the House was in honor bound to make good that understanding. It was too late to make a statement of that kind now; it should have gone through the whole course of events which had preceded the debate; it should have been understood at the time when Mr. Pilcher was called on for an opinion; it should have been understood by the magistrate before whom Mr. Davies appeared in order to answer the charge of embezzling the public moneys. It must be obvious to every member who would bring a dispassionate mind to bear on the question—and a good many hon. gentlemen did not seem to care to hear a dispassionate statement of the case—that had such an understanding been put before the petty court, when Mr. Davies was accused of embezzlement, it was very possible that he would have been sent to a higher court to stand his trial on that charge. Now, with regard to the connection of the Colonial Secretary with this transaction. He would point out again that he was about to refer to the Colonial Secretary individually, and it was no fault of his that the hon. gentleman was not here to hear what he had to say, and to defend himself, or to reply if he should think it necessary afterwards. He held that these papers, in some respects, and these transactions, bore on them every semblance that the hon. gentleman so arranged matters that if Mr. Davies, who was known to him to be a man whose fingers were stained with moneys which had stuck to them in his various representative capacities—[*Committee counted.*—every step in this transaction was susceptible of being interpreted, that the matter had been so arranged that if Mr. John Davies should lay his hands on any of the public moneys in this trust, which was improperly proposed in his hands, the law should not be able to get a grip of him. Look at the

terms of the only appointment which could be traced in the records of the Government. Was there ever so vast a trust reposed in man on so loose an understanding? There was no engagement; there was no appointment; there was simply a series of loose instructions; there was nothing at all on the face of the engagement of Mr. John Davies that would enable definite proof to be obtained that he was a hired servant and responsible for all his acts. [*Committee counted.*] In whatever aspect he regarded this debate, it was certainly surprising to him that hon. members had not thought fit to attend in their places to hear what was urged —

Mr. GARRETT: Where is the hon. member's own side?

Mr. TRAILL was not particularising one side or the other. His remarks were just as free of application to his own side as to the other side. There was at the present moment under debate one of the most delicate and one of the most important subjects that could possibly engage the attention of hon. members. They had there under discussion the actual character and reputation of a fellow-creature.

Mr. BRUCE SMITH: The hon. member might say under dissection!

Mr. TRAILL was not approaching the discussion with a passionate feeling—with a forgetfulness of what was due to a circumstance of that kind; but he was endeavouring to bring to bear on the discussion as much of a judicial temper as he could possibly find in his power. If he had any preconceptions he put the Committee in possession of every item of the facts on which those preconceptions or prejudices were based. Of Mr. John Davies he knew almost nothing; he had personally no relations whatever, good, bad, or indifferent, beyond the mere casual acquaintance of the day with him —

Mr. McMILLAN: The hon. member is a political agnostic!

Mr. TRAILL had no feeling except what any man who read the records would naturally have in the perusal of them. He had only the feeling of a man who wished that this country should be well governed; its affairs should be in the hands of pure administrators, and its public men should

be men of the highest possible character. The hon. member smiled; but he knew that he was a living exemplification of that fact. The Colonial Treasurer had always found from him, although sitting in opposition, a distinct expression of respect for himself, for no other reason than that in his past career there was not one blot that any man could put a finger upon, and there were other hon. gentlemen who sat on that side who knew that he was not to be prejudiced by mere distinction of political parties on the mere consideration of a point which was an academic point after all. There was no prejudice in his mind in the matter; there was no other motive in his standing up at the present time and explaining what appeared to him the reasons why the items should not be voted than a natural regard for the highest possible system of public morality in the administration of public affairs. He appealed to hon. gentlemen who were not partisans whether he had not justified every expression of opinion to which he had given utterance to-night by the absolute quotation of a fact on which he was reasonably entitled to have that expression of opinion. But if it had been intended that Mr. John Davies—a man of doubtful integrity, to say the least of it, in view of these notorious occurrences of the past—should help himself to these moneys passing in such large sums through his hands, no better means of giving him that opportunity would have been concocted, even by a confederate, than by putting him in that position with a commission of so loose a character as that under which he actually worked. But we had been told on a high authority that all this was nothing; or, rather, there had been no reference to it on the part of the Colonial Secretary. We had the hon. gentleman speaking *ex cathedra*, giving his opinion that Mr. Davies was an admirable man—that he was eminently fitted for the position. Who would answer for the guarantor? Did the Colonial Secretary's own reputation stand so high in this community that he could give a guarantee, financial or moral, to any man?

Mr. H. TAYLOR: Yes!

Mr. TRAILL said there could be no reply in the affirmative from the vast body of the people of this community to that question. A "Yes" might come indeed from a few panderers—men who hung on

to the hon. member in the hour of his prosperity, when he was the dispenser of all good, when it was in his power to buy something here to the advantage of an individual.

MR. BRUCE SMITH: Is this judicial?

MR. TRAILL said that in the ordinary course of nature it would be a matter for the historian to compile, and to state what was the reputation of the hon. gentleman—whether upon his voucher any man's character could stand up brightened and affirmed beyond all power of contradiction. The Colonial Secretary, standing in his place last night, alternately blustered to the House about his own integrity, his own achievements, his own virtues, saying that for himself which he could find no other man in the community to say for him; he alternately swaggered and appealed, and he said, "I should have thought that even if, in the course of my career, I have made some stumbles, I would have been entitled to some consideration." The hon. member was indeed entitled to the deepest consideration of every man who respected honor and integrity in this country. It was indeed a subject for the deepest consideration that a man who had reached the most extended span of human life—who stood, as it were, on the brink of the tomb—who for forty years had been before the people of this country, thought it necessary to stand up in his place and say one word to explain about how elevated a character his was. Why, if the hon. member's life had been such as he would fain have depicted it, there would not have been his voice only to utter it, but the very conscience of the people, the very thoughts of every man in the House welling out from their conscience, would have come in one blast towards him and made him feel that one word from him was an insult to himself—a matter beyond a necessity.

MR. BRUCE SMITH: The hon. member will see them well up in the division!

MR. TRAILL said the only possible smirch that he could conceive in the hon. member's reputation was that he had associated himself with the Premier of this country. The Colonial Secretary had stood forward in the House, and spoken in the very highest terms of eulogy of his

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own character. He did not think it right in his representative position that he should allow that self-laudation to pass without having some counterbalance to go forward to the people of the country.

MR. BRUCE SMITH: I thought you could not leave it alone!

MR. TRAILL alleged that the moral which was educed from the public career of this gentleman was one which was of most infinite damage and injury to the rising generation—to a whole generation of the people of New South Wales. The moral of the hon. member's career, as considered by the young men of New South Wales, amounted to this: That a man might be unfaithful to his engagements, unfaithful to his friends, dishonest in business transactions, immoral in his private life, and, that notwithstanding all these things, he might be able to rise to the highest stations in the community. Was that a moral which one would wish to go forward to the young men of Australia? What more remained? One thing he might ascribe to the Premier. We saw the hon. member for East Sydney, Mr. Street, the other night professing his conversion; he had thought it was necessary to vote against the item; but he had been convinced that his first impressions were premature. The hon. member came into the House, as many of us had come in, in what we might call the first purity of a public life—untouched, unstained; but we found the purity—what he might call the virginity of the hon. member's public life—stained by the false picture which the Premier drew of his own virtue, and of his own merits. We could not, without feeling heartsore, see a worthy and honest man perverted from the integrity of his own conscience by the mere suasions of an individual. It was a painful spectacle, and he knew that what he said sank deeply into the heart of many a man sitting opposite to him now, who yet, perhaps, would not be sufficiently stirred to record by his vote the true instinct of his heart and conscience. He could say more on this theme—hon. members knew that he could say more. He could launch into another branch of the public life of this man who stood forth and set himself up as an example which all the youth of this country should try to imitate. But there were other considerations which restrained him. He was torn

in the matter between what might be indeed a public duty and the restraint of his feelings. Duty though it might be, he found that human nature would not sustain him further in carrying out the moral which might be deduced from the life of Sir Henry Parkes. Every hon. member in the House knew what he meant. Every hon. member knew that his life was not only a moral to be guarded against by every young man in the community; but there were circumstances in it which might well be studied by young Australians of each sex.

Mr. FRANK SMITH had been extremely slow to make up his mind as to how he should vote on the question. He did not wish hon. members to think that he had formed any prejudices one way or the other. If we were to be regarded as a jury to determine the characters that had been aspersed during the debate he for one was not disposed to consider any of the allegations made as there was a proper time and place to deal with those allegations. But if he was to bring the facts of the case to his mind he must test the sincerity of those utterances. One hon. member after another had got up and described the character of Mr. Davies. The facts which they alleged in condemnation of Mr. Davies might be true or they might be false; but they had been in their minds ever since they entered this Parliament. Before he gave any credence to the allegations against Mr. Davies he must test the sincerity of his accusers. Why did not those hon. members at the opening of this Parliament or since that period stand up in their places and condemn the action which they had been denouncing here hour after hour and night after night during the past week?

Mr. T. WALKER: Because there is a proper time and place to do that!

Mr. GARRETT: Why did not the hon. member move the adoption of the report?

Mr. FRANK SMITH should like to hear it disproved by hon. gentlemen on the other side, and perhaps by hon. members on both sides, that there was no party spirit at all in regard to this question. If that were proved clearly to his mind he should know how to record his vote. Up to the present this question had been debated in a strong party spirit. He told hon. members on the Opposition side of

the House that if the motion was to be discussed from that standpoint, no matter what his opinion might be they would find him voting against them as a party for taking this peculiar manner of striking at the head of the present Government. Allegation after allegation had been made against Mr. Davies, and he was not going into disputes which had been fought over again and again. The last Parliament was rife with them. New members in the last Parliament had to sit here hour after hour and listen to challenges from one side and the other during nearly the whole of the session, and a great deal of time was wasted in these disputes. We had a right to see if there was anything in the allegations made against Mr. Davies, and we could do that without any of the malignity which had been displayed in the Chamber regarding that question. Reference had been made to the number of cases in which Mr. Davies had been concerned, and in connection with which he had been brought before the public courts; but in none of these cases had there been a conviction obtained. If he was to be an impartial man, how could he be guided by reference to these cases? If it was stated that a man had committed perjury or theft, he asked if he was tried; and if he was tried and acquitted, he must give him the benefit of the doubt. Mr. Davies had been charged with serious offences, and it was a peculiar circumstance that the public tribunals before which he had gone had exonerated him. How, then, was he to go into the evidence, and try him over again? It might be said that Mr. Davies was a man whose character he would not like to set up as an example. That was so, and if he were asked to vote on the point his vote would go against the man; but, as he had pointed out, this matter had been made entirely a party question. This matter might have been dealt with long ago, and the action of the Government might have been questioned from the outset. It was said that this was the first opportunity they had had of dealing with it.

HON. MEMBERS: Yes!

Mr. DIBBS: Has it not been made a party question of on the other side?

Mr. FRANK SMITH said that from his standpoint, as an independent member—if there were any independent members

—everything went to show that the action of the Opposition in this matter was a distinct party move. It was under the cover of this motion they were attempting to blacken the character of the Premier, and to induce hon. members of this House to withdraw their support from him. If the charges against Mr. Davies had been disproved in the public courts, why should hon. members sit here and listen to a re-hash of the evidence, and try the man over again in order to find him guilty? That was what they were asked to do. The other night the hon. member for West Macquarie, in an elaborate address, submitted this proposition: that the stipendiary magistrate who tried the case had ignored the opinions of counsel upon the subject—the opinions given by Mr. Pilcher and Mr. Rogers. Would that stipendiary magistrate have been fit to sit on the bench for five minutes if he had taken the slightest notice of any counsel's opinion when a case came before him? What he had to do—and he presumed that the stipendiary did his duty, because the hon. member gave the stipendiary credit for conscientiously performing his functions—was to take the evidence submitted to him, and upon the evidence before him exercise his judgment and determine whether a *prima facie* case was made out or not. The evidence was taken by the magistrate who had the whole facts before him, and he decided that the charge was not proved.

AN HON. MEMBER: He said nothing of the kind!

MR. FRANK SMITH: He decided that a *prima facie* case was not made out; otherwise he would have sent Mr. Davies before another tribunal.

MR. TOOHEY: He decided the matter on a technical point!

MR. FRANK SMITH said that another matter dwelt upon by the hon. member for West Macquarie, who from his standpoint had dealt with the case in an able and conscientious manner, was that if it had not been for technical points counsel would have advised the Crown to file an indictment against Mr. Davies; but that did not mean that Mr. Davies was guilty.

MR. T. WALKER: It means that there is a *prima facie* case!

MR. FRANK SMITH said that, if from the facts submitted, counsel advised that

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an indictment be filed, he presumed that that was from a conviction that the man would be sent to gaol. This case was submitted to counsel, and they determined that, owing to Mr. Davies not being a paid servant of the Crown, he could not be successfully indicted for an offence. It did not follow that if he was so indicted he would have been convicted on another charge made against him. Some hon. members seemed to think that if it could be proved that Mr. Davies was a paid servant of the Crown he would have been sent to Darlinghurst for embezzlement; but a man might be indicted, and be no more guilty than any member of this Chamber. It would be necessary, before the Crown would be warranted in going to the expense of a criminal trial, to be supported by counsel's opinion; but counsel, not seeing sufficient warrant for it, did not gratify the desire of those who were trying to hound this man down. Finding that counsel's opinion would not permit them to do that, the only course possible for the Government was that suggested by Mr. Rogers, to allow the stipendiary to hear the case in the police court, and determine whether a *prima facie* case could be made out. We had been told that the evidence of Mr. Hibble, which was given in court, and which, he presumed, caused the magistrate to dismiss the case in reference to the cheques, was false. The innuendo was that Mr. Hibble perjured himself. There was a remarkable chain of circumstances connected with this, and the evidence in the other case had been very remarkable also. The "pickle bottle" case had been cited by the hon. member for West Macquarie as a peculiar piece of evidence upon which Mr. Davies succeeded in his litigation. It did not follow, however, that because a piece of evidence seemed to be very startling that it was untrue. Circumstances arose every day which seemed so strange that their truth could hardly be believed. Last night he moved a motion in this Chamber rescinding an order of the House; and to-night an hon. member, owing to a certain course to be taken by the Government, expressed his belief, notwithstanding his denial, that he had been instigated by the Government. It seemed as clear as day that such was the case. Notwithstanding the appearance of the matter from the par-

ticular set of circumstances to which he had referred, he stated again that he had nothing to do with the Government in reference to it. The "pickle bottle" case seemed a very improbable story; but we had not to try that case over again, and we knew that the evidence in the case was taken before a legal tribunal. It was sifted, and the jury determined on it; and were we to say because the story seemed improbable that it was not true?

Mr. CRICK: Does the hon. member know what the judge said about it?

Mr. FRANK SMITH did not. He knew little about the case. There had been such a want of sincerity in the language of hon. members in reference to this matter that it would become necessary for him to close his ears to everything except the fact that John Davies had been employed by the Government, and the question was, whether we should pay him or not. He had sat patiently listening to every speaker.

Mr. CRICK: Why is not the Premier here now?

Mr. FRANK SMITH said that any hon. member might have to go out of the Chamber. It was necessary for him to consider whether those who were persecuting this man with such virulence were to say the least of it sincere. What did any of us care about the personality of Mr. Davies? We had nothing to do with that. The whole of the attack of hon. members on Mr. Davies was made in connection with the Premier with the exception of the diamond ring and the Vance case. With regard to the Vance case, he had said that we ought to consider the result of the trial. Where a man was acquitted, it was not for hon. members to try him over again. The want of sincerity shown by hon. members cropped up in his mind every time he came to consider the question to such an extent that he would require to be convinced before he gave his vote, that there was not some ulterior motive in these attacks upon Mr. Davies; and an attempt to brand the Premier as being connected in some way with some chicanery practised by Mr. Davies. If the matter was to be one of party against the Premier —

Mr. CRICK: He said so!

Mr. FRANK SMITH said he had not made up his mind how he should vote for

the simple reason that in face of the public acquittal of this man on all these charges he was not going to attempt to try him again in order to find him guilty. He wanted those who objected to the vote to show that they were sincere. If they could show him that they might find him voting in a way very different from that in which he should vote, if he came to the conclusion that the opposition to the item was a party move to brand and defame the Premier. The Government were in a peculiar position with regard to the civil servants who had not received their salaries on the 1st of the month.

Mr. CRICK: Whose fault is it?

Mr. FRANK SMITH said that was not what he wanted to get at. We were told that it was intended to move the reduction of this amount by £1 at a time. Whether the object really was to reject the item or to defeat the Government and brand and defame the Premier in the eyes of the people, remained to be seen.

Mr. TURNER did not see why this House should not accept the opposition to this item as a party move. The Opposition had as much right to be in power as the Ministerial party. The Opposition were in a majority, and why should not those gentlemen occupy the Government benches? It must be evident to the merest tyro that this was a party question. We had forgotten all about Mr. Davies long ago. The Opposition had the confidence of the country as much as the Ministerial party had; and he did not see why those gentlemen should not occupy the Government benches. He would suggest that this item be postponed until the remainder of the estimates were disposed of, and that then the motion with reference to it should be taken as a friendly vote of censure. He would suggest to the leader of the Opposition that he should propose that the item should be reduced by a small amount, and that the motion should be taken as a motion of censure.

Mr. CRICK: Is the hon. member speaking on behalf of the Government?

Mr. TURNER said he was speaking on behalf of no one but himself. The new Government had come into power and they could formulate their policy during the recess, and they could appeal to the country whenever they felt inclined. We need not fear any interference with the

fiscal policy of the country. The hon. member for The Murrumbidgee said at the commencement of the session that it was not intended by his party to interfere with the fiscal question; they would not be likely to do that until next session. The Opposition had just as much right to be in power as the present Government had at the commencement of the session.

AN HON. MEMBER: Let us turn about!

MR. TURNER said that this was no joke on his part. He thought that there was more credit due to the Opposition for the passing of the Land Bill than there was to the Ministerial side of the House. He did not know what the Secretary for Lands thought about it; but he thought that that was more of a protectionist than a free-trade measure, and there could not be the slightest doubt that there were on the Opposition side of the House more members who were experts in regard to land matters than there were on the Ministerial side. He very much doubted whether the House had done right in putting out the late Dibbs Government. The two parties were so nearly balanced at that time that circulars were sent out by the then Opposition to ascertain the views of hon. members. He got one asking him his opinion—not that they cared a rap about his opinion; but to bind him to whatever opinion he expressed, and he expressed the opinion that it was their duty to put out the Government at all hazards. The Opposition were in the same position now that the present ministerialists were in then, or in a rather better position. They had the confidence of the country, and he did not see any objection to their occupying the Treasury benches. He did not believe that the majority of hon. members would vote to do Mr. Davies out of his salary. Whether this question was shelved or not, some other question would come up and be dealt with as a party question. There was one reason why he fought tooth and nail to put in the free-trade party at the commencement of the session, and that was that the party in power had enormous influence in regulating the elections. He thought that under the circumstances we ought to obtain a promise from the leader of the Opposition that in case of his coming into power, he would either consult with the Opposition as to how the elections should

be conducted, or it should be arranged that all the elections should be taken on one day, as they were in Victoria. It was said that if the Government pushed the matter to a division, they would be defeated. They had better make a virtue of necessity, and do as he said.

MR. REID: Let us have the defeat at once!

MR. TURNER said he knew that some of the most upright Government supporters had expressed their intention of voting against the item.

MR. SEAVER said he would very much rather not have spoken on this subject; but he was reluctantly obliged to do so after the remarks he had heard from some hon. members. It had been pointed out by some members of the Opposition that the way hon. members voted would be of some importance at the next election, that their constituents would consider how they voted on this matter. He did not know how other members considered they ought to act; but he came into the House to carry out the principles that he considered right, without any regard to his constituency or the country. If any man, in his opinion, was going to suffer an injustice, no matter if the whole country were against him, he would act in the way that he considered right. He was not going to vote for the amendment, because in doing so he would be condemning Mr. Davies, and he considered that the evidence against that gentleman had not been such as to prove him guilty of the offence with which he was charged. Mr. Davies had cleared himself in the law courts. He had never been proved guilty in any of the proceedings which were taken against him, and he would not assist in his condemnation, and ruin his reputation for the rest of his life. There had been too much running after evidence throughout the whole debate. If members had one case which they could prove against Mr. Davies, why did they not stick to that? Why should they go through the whole of a man's career, and bring up case after case in which the man had not been proved guilty? Even if he had any suspicions in his mind, he considered that he would not be acting the part of a man if he allowed those suspicions to influence him when there was no evidence to support them. He deeply deplored what had taken

[Mr. Turner.

place during a great part of this debate. There had been what was designated last night as a washing of dirty linen. What occurred in the Assembly last night was a disgrace to Parliament.

The CHAIRMAN: The hon. member is not in order in using that expression.

Mr. SEAVER would withdraw it. He thought, looking at the whole debate, that the gentleman whose name had been brought so prominently before the Committee was to be commiserated. He thought that the sympathy of every manly man who was not influenced by prejudice, or who had not some self-interest overbearing all manly feelings, would be extended to that gentleman. It was no party question with him, and he appealed to hon. members who were in favour of the amendment to remember their manners and their British blood, and not to allow a party question to influence them and cause them to ruin a man's reputation. They could never undo what they would do by this vote. If it went against Mr. Davies, hon. members might gratify party spirit for the time-being; but the time would come when all their gain would be swept away, and this unfortunate man's reputation would remain stained and ruined for ever. God forbid that he from any party or political motive should act in a matter which he considered un-British and unmanly. It had been shown that it had not been possible to prove that Mr. Davies was guilty when the charge we had heard about was made against him.

Mr. CRICK: Has it been denied that he put those cheques into his own account?

Mr. SEAVER said that in every case that had been brought against him, Mr. Davies had been found not guilty.

Mr. CRICK: The devil looks after his own!

Mr. SEAVER: Then the hon. member is well taken care of. He might state plainly that he considered that £1,100 was too large a sum to pay for the services of Mr. Davies and he would be prepared to vote for an amendment reducing it to a smaller amount; but he would give a vote recognising Mr. Davies' services and clearing him of all suspicion of guilt. To vote for the motion of the leader of the Opposition would be to blast Mr. Davies' reputation for life, and he would not give such a vote.

Mr. GARVAN was not surprised that the Committee had not been asked by resolution to decide whether Mr. John Davies was guilty of all the crimes which had been charged against him. That was not a matter for the Committee to decide upon. That there were many charges against Mr. Davies, and that they had been repeated with a good deal of circumstantial evidence before the Committee, there was no question. But the matter submitted to the Committee bore a much more business-like aspect than any of those charges. Mr. John Davies was selected by the Colonial Secretary to fill a very high and important position, and he must say that in view of the charges which we had heard of so frequently it was much to be regretted that a man around whose character such an aroma of ill-favour rested should have been chosen for such a responsible position. However, he was chosen, and it was no matter to him whether he was guilty of even the very worst of the crimes imputed to him. That was not the matter now to be dealt with, even had Mr. Davies been proved guilty. Had he served a sentence in gaol, he yet might have been entitled to the money which the Committee were asked to vote. He was appointed to discharge very onerous and responsible duties, and he had the control of an enormous amount of public funds—of no less a sum than £250,000. It would be well within the memory of every one that the administration by Mr. John Davies of that large sum, perfectly distinct from any character that attached to him before his claim for this amount by which Parliament was asked to do him honor, had been open to most adverse comment, not from the Opposition side of the House, but from ardent supporters of the present Government. Was it not well known that statements were made about the misapplication of public funds, that statements were made that Mr. Davies unduly favoured influential men, and that vast sums of money had been recklessly and wantonly laid out for the improvement of private estates? Was it not well known that when that had gone on for some months, Mr. John Davies had an honor conferred upon him which he did not think redounded to the credit of the Government that conferred it, he being selected for

the high honor which he now enjoyed, of being a member of the Legislative Council? Who made those charges against Mr. Davies of reckless, wanton, and unbusiness-like dealing with the public funds? If Mr. Davies did not discharge his duties in a business-like way as well as in an honorable way, he was not entitled to a vote at the hands of Parliament. It would be remembered that at the beginning of this year the *Daily Telegraph*, a supporter of the Government, and a powerful supporter of free-trade in this country, when charges were made against Mr. Davies which bore upon them the impress of improbability, sent one of its own staff to investigate the matter. He had that day looked at some of the articles which were published on the subject by the *Daily Telegraph* after that investigation was made. Let us see if in the opinion of the *Daily Telegraph* writers Mr. John Davies had so administered the public funds of the country that Parliament should step out of its way to do him honor. On the 1st January there appeared in the *Daily Telegraph* an article headed "The Roads of Access Scandal." The article said :

We make no apology for describing the recent revelations as to the misapplication of public moneys to the construction of subdivisional roads through private estates as a political scandal. We frankly admit that for some time we turned an incredulous ear to the accusations which Mr. Garvan and other oppositionists hurled against the use made by the Government, or by persons appointed by the Government, of the unemployed.

He might say that he made no accusation against the Government until with his own eyes he had seen this wasteful expenditure. He made his charges on no hearsay evidence ; but having heard the charges he went, at considerable inconvenience to himself, and saw what was going on. The article continued :

We did not believe that any government, whether constituted from this side of the House or that, could be so criminally neglectful or wantonly wasteful. It seemed too bad a thing to be true : that in a year when the Government was pledged to the utmost economy in public expenditure an immense sum of money had been spent upon the improvement of certain favoured private properties. It sounded like a wholesale charge of hypocrisy. But the evidence taken by the select committee has to be faced. And when it is faced there is no getting away from the broad conclusions which are established by it. Under the mask of giving access to Crown lands public money has been misapplied.

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Here the *Daily Telegraph* gave the very pith of the matter, in these few words "public money had been misapplied." By whom? The Colonial Secretary had laboured to prove that he was morally not responsible for it, that he knew nothing whatever of this expenditure, that he knew nothing whatever of this expenditure on the Holt-Sutherland and Hornsby estates. The hon. member's colleague, Mr. Burns, laboured considerably last night to show that he had no personal knowledge of that wasteful and extravagant expenditure in improving his private estate. Who was responsible? One man, and one only, stood out charged with the responsibility for these acts, and that man was Mr. John Davies. If this extravagant expenditure was carried out by Mr. John Davies, had he earned the gratitude of Parliament, and should a sum of money be voted to him in view of the evidence which convicted him of wastefully using the public money to improve these private estates? He would read a little further. The article went on to say :

And from the responsibility for this misapplication the Government cannot escape.

He was not seeking to implicate the Government, and the proceedings with reference to this item ought not to be of a party character. It was unquestionably one of the most sacred rights of Parliament that every hon. member should be allowed the fullest opportunity to criticise any item of expenditure. It was at variance with the very best instincts which should guide hon. members for a ministry to attempt to whip up their supporters and compel them to vote for an expenditure of public money when their own consciences told them that the money ought not to be voted. The article went on to say :

And from the responsibility for this misapplication the Government cannot escape. It may be true that the progress report of the Opposition majority in the select committee was a biased one. That is a fault which we have no desire to minimise. But we may point out that it did more damage to the Opposition than to the Government. It was, to take the party view of it, a blunder. Public attention was promptly fixed upon every exaggeration and every exaggeration in an accusation involving the honor of public men is obviously a mistake. But when all the exaggeration is liberally and generously allowed for, how much is left? And this progress report is not suspended in mid air. It rests upon a volume of evidence elicited from witnesses under oath. Let the progress report, with all its alleged bias,

be dismissed altogether. Let the Brunker paragraph go with the rest. Let the evidence be taken without any of the comment with which it was bracketed when it was laid upon the table of the House, what do we get then? One of the most extraordinary stories ever incorporated in the political history of New South Wales.

That was the language of this newspaper, the most powerful supporter of free-trade that there was in the colony, a paper which was conducted with an ability rarely excelled in the press in any part of the world. That paper had sustained the cause of free-trade against what he believed to be the will of the majority of the people. That paper gave its strong evidence, after having itself investigated this matter by its own officer, and after examining the evidence which had been given on oath. The article went on to say:

Instalment after instalment of this evidence has appeared in our columns and appealed to the public judgment. It has been quite unnecessary to analyse it; to point out inconsistencies, contradictions, evasions, confessions; to give the reader any assistance whatever. The commonest of conscience and the commonest of sense could not misinterpret the general drift of the evidence. That map, photographed from the official document, which appeared in our Saturday's issue, removed the last lingering doubt from unprejudiced minds. The doubts of prejudiced minds, if there are any, are not worth the labour of removal. By evidence taken from many persons, only one of whom knew what others had said, the unprejudiced portion of the community has been conducted to a right conclusion. It is unnecessary to repeat here what that conclusion is. Everywhere one hears the same voice of indignant protest and condemnation.

If an impartial witness was wanted on this matter, here was one.

Mr. GARRETT rose to order. The hon. member was reading from a newspaper article instead of discussing the item before the Committee. Hon. members came here to express their own opinions, and the opinions of others had no right to sway the House at all, and least of all newspaper opinions. If it was a matter of history the hon. member could read from books, and that was what every one would accept. The hon. member was trying to impose upon the Committee the individual opinion of a person who wrote for a newspaper, because it was one man's opinion that was expressed, and nothing more, and the writer was not a recognised person whose opinion should sway the House. All the parliamentary authori-

ties were dead against the course which was being pursued by the hon. member. In the House of Commons it would not be allowed for a moment. It was out of order to quote leading articles from a newspaper in a debate. The hon. member might make any incidental references to a newspaper article, but he could not go on quoting it and commenting upon it. To do that was highly unparliamentary.

Mr. GARVAN did not think it was requisite for him to argue the matter. It was the common practice to make quotations from books and papers bearing on the subjects under debate.

The CHAIRMAN: The hon. gentleman was not out of order.

Mr. GARVAN said he was of opinion that every impartial mind that had given consideration to the subject must be influenced by the extracts which he had quoted. The honor of Parliament was at stake, and that was of vastly greater moment than an expenditure of £1,100. He cared not a snap of his finger for the money, but there was an exceedingly important principle involved in the proposal to vote this money to Mr. John Davies. We knew from the very best evidence that there had been a misuse of public money. We knew that that had been reported to Parliament, we knew that the subject had received a public investigation, such as was rarely afforded in regard to any charge whether made in Parliament or out of it. In his evidence the Colonial Secretary denied he had had anything to do with the Holt-Sutherland or the Hornsby affair, and his denial went to show that the expenditure at those places was of so discreditable a character that he was desirous of being relieved of any responsibility for it. Now, we had an impassioned speech from Mr. Burns, in which he denied any knowledge of that expenditure until it was too late to deal with it. Those denials carried with them evidence as clear as it could possibly be that that work was of an unjustifiable character. Who was the author of that work? Who was guilty of that unjustifiable conduct? According to the evidence of the Colonial Secretary and of Mr. Burns, they were not responsible; but the man alone responsible for that improper expenditure was Mr. John Davies, whom the House was asked to-night, by a vote of

Parliament to cover with honor for his actions. Did anything warrant any member of the House in doing honor to that man by voting this money? Was it logical or wise to cover with the honor of a vote of public money, a man against whom the evidence was so conclusive? He threw to the winds all statements with regard to Mr. John Davies before he took the position on the Casual Labour Board, and he was dealing with him solely in relation to his conduct on that board, and was relying on evidence that had either been adduced to the Committee, or which he would adduce, and which could not be put aside. The *Daily Telegraph* went on to say :

Two things require to be attended to immediately : One is the necessity for the abolition of the Casual Labour Board as at present constituted.

If things had been conducted in a proper manner, where would have been the necessity for the abolition of the board? Was not that demand coming from a source friendly to the Government, a condemnation of what we were asked to do to-night: There is not a shadow of a hint in the volume of evidence which touches the personal honesty of any member of the board. There is so far no reason for doubting that every shilling of the large expenditure will be duly accounted for. But the board has conducted its proceedings in a loose sort of way, and, in applying the labour of the people intrusted to its control, has acted with a foolishness for which there is no defence. Placed in a position in which there was really no difficulty in securing a public result for the expenditure of public money, the board has "grid-ironed" private estates with sub-divisional roads.

There was only one man responsible for that, and that man was Mr. John Davies. Were we warranted in voting the public funds of this colony to do honor to a man who had been guilty of that conduct? By every obligation of conscience, by every obligation intrusted to us as custodians of the people's money, we were not warranted in doing him that honor. Let him recover the amount, if he could ; but not because Parliament was desirous of doing honor to a man who stood condemned by the very best evidence of improper conduct in the trusty position he occupied. A vote of Parliament for a sum of money carried with it something infinitely different from what would attach to a verdict in a court of law. If he recovered money there he would do so by virtue of his legal rights ;

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but if we voted him money Parliament would confer an honor on him in full view of his conduct in the matter.

Mr. FRANK SMITH : Do you justify the amendment?

Mr. GARVAN would not vote any money at all. The *Daily Telegraph* went on to say :

Looking upon this simply as an error of policy, it is an error of such gigantic dimensions that the board has virtually petitioned for its own abolition. For the Government to continue the board in existence in the face of the revelations which have filled the whole colony with astonishment would be to insult every elector who has any regard for the sanity and decency of public life. Above all, it is necessary that the Hon. John Davies, C.M.G., M.L.C., should be granted an everlasting holiday. We are not now questioning the patriotism which inspires his laborious and gratuitous services as chairman of the Casual Labour Board.

That was written at a time when it was supposed that those services were gratuitous, and it was a condemnation coming from a most friendly and powerful source, even when those services were supposed to be gratuitous.

Mr. PAUL : The Premier denied that twice, I think, in answer to questions!

Mr. GARVAN : I was in Parliament the whole time, and it was left a moot point whether any compensation was to be given him. There was no denial that he was to be paid.

Mr. PAUL : Mr. Davies in his evidence says, emphatically, he was to be paid!

Mr. CRICK : His own evidence?

Mr. PAUL : Yes!

Mr. CRICK : We can't believe that, you know!

Mr. GARVAN :

We do not forget that his life has been one long sacrifice for the public welfare. We are not unaware that he is still holding on to the country, even though the country has refused to hold on to him. But money is money, and the misapplication of public money disclosed in the Hornsby and Holt-Sutherland cases is too big a blunder of policy to be spoken of slightly, or treated in any but the most serious manner possible.

If there had been a misapplication of public money both at Hornsby and on the Holt-Sutherland Estate, one man, and one man only, was responsible for it; and again he pointed out that that misapplication of public money was for the purpose of advancing the interests of owners of private estates, some of the most influential men in this city, and that after that

misapplication of public funds had been going on for seven, or eight, or nine months, or perhaps more, John Davies was singled out for special honor by being made a member of the Upper House. In view of those circumstances, and the probable motives which influenced him in that improper and unwarrantable expenditure, were we justified to-night in voting this sum of money? The evidence was conclusive that he improved the value of those private estates to the extent of thousands and thousands of pounds by that misapplication of public money. If they thought fit, let those private persons whose estates he improved with so large an expenditure of the public money, in the exercise of their generosity, in recognition of the monetary services rendered by him to them, pay out of their own pockets the sum of money now claimed by Mr. John Davies. The article in the *Daily Telegraph* went on to say :

The other thing which should be attended to immediately is the necessity for continuing the inquiry into this private road business. We take it for granted that the Government supporters who backed up the attempt to suppress the progress report had little idea of the evidence behind it. They must be glad that the attempt was a ridiculous failure.

Amongst those who tried to make it a ridiculous failure was the present Colonial Treasurer :

They must understand how anxious certain gentlemen were —

Mr. BRUCE SMITH : An article from the *Star* !

Mr. GARVAN : No ; an article from the *Daily Telegraph*.

Mr. McMILLAN : I thought it was a sermon of the Salvation Army you were reading !

Mr. GARVAN : If the utterances and principles of the Salvation Army were acted up to by him, I would not have one word to say against him.

Mr. WILLIS : Give the Salvation Army a rest !

Mr. GARVAN :

They must understand how anxious certain gentlemen were to get the session closed before these awkward disclosures could get a chance to shock the community. They must have made up their minds that they will see the matter through to the bitter or shameful end, unmindful of consequences to this or that individual, in or out of public life. To hush the affair up at this stage would be the biggest scandal of all. No,

the inquiry should be continued with courage and intelligence until every atom of available evidence has been got hold of. And the session should be extended to whatever date will allow the committee to complete its work and present its final report. If it should happen that any members of Parliament should have to be dealt with severely by their peers, they are entitled to have their fate decided before the prorogation. And so much is also due to the country.

He commended to the Committee that evidence of the opinion of a great friend of the Government, not desirous of injuring the Government, but who had often, by an ability and zeal on behalf of the party now in power, shown the most friendly interest and zeal on their behalf. That article was not written with animus against the Government ; but it was based on the best evidence that could be adduced — the evidence submitted to the special committee, and the information obtained by a member of the *Daily Telegraph* staff, specially authorised to inquire into the affair. In the *Daily Telegraph* of January 4 there was another article bearing directly on this case, which excited so much interest at that time. That article said :

The beginning of the end of the Casual Labour Board, and of all the interesting history connected therewith, has come. We publish this morning the fact that Sir Henry Parkes has issued orders which will finish up the "unemployed" business by the 1st of April next. The significance of this determination must be obvious to every mind. It surely means that the Premier now fully realises how the public money has been misapplied in the cases of the Hornsby and Holt-Sutherland Estates.

That was all he ventured to put to the Committee—this man, charged with the responsibility of expending large sums of public money, misapplied the fund even in the opinion of his best friends at the time, and consequently we were not warranted in voting money to do honor to him, and recompense him for services which were not of value, but of absolute injury to the country.

That he should approve of the work recommended and carried out by the Hon. John Davies, C.M.G., M.L.C., was not to be expected for a moment. It is true that the Casual Labour Board's recommendations had to secure Sir Henry's initials before they could take effect ; but it is impossible to believe that he clearly understood what use was being made of the unemployed. A fifth-rate politician, much less a man of Sir Henry Parkes' reputation, would not have knowingly sanctioned a large expenditure upon private properties under the mask of giving roads of access to Crown lands and a national pleasure ground.

All along in this address he had, for the purpose of logically dealing with this case, excepted Sir Henry Parkes from any complicity in this expenditure, and by reason of that exemption it was the more logical that this misapplication of funds was made by Mr. John Davies; and, in view of that fact, was the Committee warranted in voting a large sum of money, which carried with it a special honor?

Probably the Premier is willing to admit to-day that it was a very good thing for the country that the select committee's progress report saw the light before the Christmas holidays. The evidence has opened his eyes to realities. The pity is that they were not opened long before. His easy trust in other persons, and his neglect of the duty of vigilance have punished him severely. For he has yet to explain and defend as best he can his disapproval of the work done by the Casual Labour Board. It is something gained, however, to hear that the sorry business will soon come to an end.

Was it possible that the present Government saw, after all, in this misspending of public money by Mr. John Davies, the one special work, political or otherwise, which was responsible for the positions they held here to-day. As a matter of fact, if Mr. John Davies had not improperly spent money in the improvement of private estates, hon. members now occupying the positions of ministers of the Crown in this House would not have occupied those positions. With the exception of Sir Henry Parkes and Mr. Brunner, none of them could possibly have been in office now. Could it, by any possibility of reasoning be supposed that, because by his wrongful act they were brought into the position of responsible ministers of the Crown, they were now repaying him? Could it be that, because that unfortunate dealing with the public funds had actually been the cause of making them ministers of the Crown, they were now showing their gratitude for his action?

MR. BRUCE SMITH: It must have taken the hon. member a long time to work that out. It is more difficult than the *pons asinorum*!

MR. GARVAN said it was so difficult a problem to trace the motive that influenced the ministers to place this money on the estimates that he was trying to discover any possible reason for their doing so. If the Secretary for Public Works occupied an independent position in the House he would be a stronger op-

ponent, and, perhaps, on much more adverse grounds, to the voting of this money than he was.

MR. BRUCE SMITH: The hon. member will hear me by-and-by!

MR. GARVAN:

A map upon another page of this issue shows the road-making, actual and intended, upon the Holt-Sutherland Estate. We have already said that ninety-nine out of every hundred land companies would not have hesitated to take advantage of the opportunity which presented itself to the Holt-Sutherland Company.

People, generally, would not object to have a benefit conferred upon them by the expenditure of other people's money, and the Holt-Sutherland Company did not object.

Providence, in the highly respectable shape of the Hon. John Davies, C.M.G., M.L.C., appeared in view, and the company took care that Providence was devoutly and frequently "memorialised." That was all that happened. The conduct of the company was the conduct of average human nature. Mr. Davies wanted to find work for the unemployed, and the company rendered him 43 miles of help in his extreme difficulty. How many companies would have refused similar assistance under similar circumstances? Mr. Murphy, the manager of the Holt-Sutherland Estate, was frankness itself when under examination before the select committee. Asked by Mr. Copeland whether he knew the works which had been carried out on the estate by the unemployed under the control of the Casual Labour Board, he simply answered, "Yes." "Can you tell us," Mr. Copeland went on, "who initiated the making of those roads?" "I think I did," was the reply. "By petition or how?" "By memorial. We got a memorial signed by a large number of persons." These memorials we print on another page, and they are rather interesting documents. The first one dealt with the road from George's River Ferry to the National Park, and the memorialists urged that what they asked for would be a "great public convenience." Mr. Murphy, if we may presume that he was the author of the document, forgot to say whether or not the proposed work would improve the Holt-Sutherland Estate. But the petition was "approved" by "H.P." on the day after it was dated and signed.

Hon. members would notice with what wonderful celerity the memorial from the Holt-Sutherland Company received the official sanction of the head of the Government, showing that Mr. John Davies certainly did not let the grass grow under his feet in obtaining the highest official sanction for the expenditure of money for the improvement of that private estate. Country constituencies frequently laboured under difficulties in the way of bringing

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the product of their labour to market on account of the roads being impassable, and how many times had hon. members representing such constituencies asked and petitioned for roads, by means of which their constituents could obtain access to market? And they certainly did not receive from the Government so ready an assent as was given in the case of the Holt-Sutherland Company. That indicated that Mr. John Davies showed wonderful interest in getting official approval for the improvement of that large private estate.

There was not much red-tapism about Mr. Davies. He got things through with splendid rapidity. The next memorial urged the Casual Labour Board to clear, stump, and form the Malvern and Sylvania roads as "additional highways to the park." Mr. Davies was informed that the Governor, the trustees, and many other visitors, return to Sydney from the park this way. Within three days "H.P." "approved" this work, and the day after "J.D." ordered it to be "put in hand at once." Evidently the Governor's convenience was not a thing to be trifled with. A month later Mr. Murphy was busy again. This memorial began by telling Mr. Davies that "the plan adopted by your board, of employing the surplus labour in opening up new roads and thus making useful and permanent improvements, is regarded by the public with general satisfaction and approval." We need not pause to ask how much the satisfied and approving public knew about these Holt-Sutherland roads at that time. The memorialists on this occasion wanted six roads to be "cleared and stumped to their full width and properly formed, with water tables, &c., fit for vehicular traffic." "These are all public roads which will lead to the park," Mr. Davies was told; but once more Mr. Murphy was modestly silent about the bearing of all this proposed expenditure upon the Holt-Sutherland Estate. On the same day the indefatigable Mr. Murphy had another memorial sent in, which suggested the further improvement of the road from George's River ferry to the National Park. All "approved" by "H.P." a week afterwards. Passing over some minor communications, we come to a memorial dated May 10 last, in which Mr. Murphy, by that time emboldened by practice, and more desirous than ever to help Mr. Davies in his arduous task of finding work for the unemployed, requested that twenty-two roads which were enumerated might be cleared, stumped, and gravelled where necessary. Mr. Davies was told that all these roads were to be found in the county of Cumberland; but it was not thought necessary to make any mention of the Holt-Sutherland Estate. However, "J.D." "recommended" them to the Colonial Secretary, and they were promptly "approved" by "H.P." Let no citizen doubt the public utility of making all these roads. Let no taxpayer grudge the few shillings which Mr. Davies has expended on his behalf in the county of Cum-

berland. We all have the assurance of the memorialists that this road-making can be justified on the broadest grounds. We have also some hearty approval of what has been done from the pen of Mr. Superintendent Burrowes. For instance, that gentleman tells us that the Coronulla Road leads directly to a large Government reserve at the northern entrance to Port Hacking, *which is required for fortification purposes*. Mr. Burrowes is responsible for the italics. Some of our readers, in view of all the many facts and a few fictions revealed by the select committee's inquiry, may regret that the intending abolition of the Casual Labour Board will prevent the completion of the extensive programme of improvements petitioned for by Mr. Murphy's friends. A scheme of roads, so magnificently designed, and so patriotically intended, almost deserved to be carried out to the last culvert. Still, it is possible that the country's profoundest wish just now is that the select committee will go on with its investigations till the light of day shines upon every line in the extraordinary history of the Casual Labour Board.

He would not make any further reference to the opinions expressed by that paper. He could of course have quoted from papers adverse to the Government, which might naturally be supposed to be biased against the conduct of Mr. Davies, or possibly against the Government. But he had chosen for reference that paper which, above all others, was a strong, powerful, consistent supporter of the Government, and which would not have said a word in opposition to them except from a high sense of duty. The Committee would be doing an injustice to every principle of government and to Parliament itself if it now singled out for approval and special commendation the man who was responsible for that wasteful, and improper, and extravagant expenditure of public funds. Our duty was clear. Our duty was to leave that man to make his demand in a court of justice. If he were entitled to payment let him win it by virtue of his legal right to recover. But do not let this House, which was the greatest institution in the country, be, under the guise of voting money to Mr. Davies, dragged in for the purpose of clothing him in a new character. It was not the fit and proper function of the House to do so, and with whatever influence he possessed he urged that the voting of this money was not within the province of the Committee—that it would be unwise on every ground on which it should be considered. He had pointed out how, after a career of some months in spending the public funds

to improve the private estates of men of great political and social influence, a recognition of the service he had so rendered was made manifest by an outrage on this country—by his elevation to the Council; and who did not remember that, at the beginning of this year, by every one who investigated the affair, and went and examined the places, universal condemnation was meted out to him who was the author of it? One man only was responsible for it, and it was the clear duty of Parliament that we should not single him out for honor for conduct that was deserving not of honor, but of the censure of Parliament.

Mr. REID said it would have been very well for the reputation of this country if all the speeches made on this item had been something like the speech of his hon. friend, the hon. member for Eden, Mr. Garvan, who had delivered a strong speech against the vote in a manner which no one could criticise. It was infinitely better to do anything than indulge in attacks upon the character of any man. When it became a duty to do so, it was a most painful duty to any man of proper feeling, and one of the worst features of this debate had been the relish with which attempts had been made to rob individuals of whatever character they possessed. Of course, outside the House there was a remedy for such attacks; but inside the House there was no remedy for them, and no doubt that accounted for the luxuriance of them. There was no doubt that the gentleman the subject of debate on this vote did occupy a position in this country in which he was remarkably singular. There was no doubt there was a very large number of individuals in this country of high respectability who would indorse the strongest want of confidence in Mr. John Davies' reputation, and in his fitness to fill any office of trust or responsibility, either in the public service or out of it. On the other hand, we must not forget that there was a very large number of individuals, also of the highest respectability, who looked upon him as an honorable and maligned individual—men of the highest reputation, both in politics and in private life. If he betrayed his own opinion on the subject, he must say that he had never been one of those who admired that gentleman—never one of those able to work with him. It had often been his

duty to speak in strong terms against him. If he could attribute Mr. Davies' present position in the estimation of a large number of respectable people to anything at all, he should attribute it to the utterly unfair, malicious, and cowardly manner in which his character had been attacked on so many occasions. No matter what a person's opinion of a man might be, the moment attacks were made, which, if proved, would blast his reputation and send him to moral perdition, one naturally felt an instinct which prompted him to require most absolute proof of the charges made. If it were found that such charges were not proved, then, by a further process of mind, which ought not to be a mysterious one, persons instinctively turned round to defend him. It was now too late in the day for hon. members to denounce the appointment of Mr. Davies as a scandal. Two or three years ago, when the appointment was made, was the time to denounce the scandal, if scandal it could be termed. He was bound to say that the conduct of the Government which appointed Mr. Davies was fairly open to strong criticism. The time for criticism, however, had passed. Mr. Davies had been allowed to take up his appointment without any attempt on the part of hon. members to deprive him of the position. Whilst this position was being occupied a question arose as to the manner in which Mr. Davies was carrying out his duties, and the then head of the Government appointed a commission to investigate the matter. Mr. Cape was appointed president of the commission, and any attempt to throw the slightest suspicion upon that gentleman's ability and impartiality must signally fail. Mr. Cape was known as one of the most honorable, upright, and conscientious men in New South Wales. He was not aware that Mr. Cape had had much experience as a member of royal commissions; but he was perfectly certain that he would do his work thoroughly and conscientiously. Certain transactions were brought to light during the inquiry with reference to the handling of money which Mr. Davies had received in his capacity as chairman of the board. This was urged as the chief charge against Mr. Davies, and perhaps it was the chief reason why it was alleged he should not receive compensation for his services, namely, that he was guilty of

what might be termed fraudulent conduct with reference to these sums of money. That Mr. Davies was guilty of gross irregularity with respect to these sums of money, his best friends will admit. The Colonial Secretary himself would admit it. In common fairness, however, a very sharp line must be drawn between careless ignorance and imprudent acts, and those acts which came under the denomination of crime. Any one who supposed that Mr. Davies was guilty of criminal conduct in the position which he held was perfectly justified in opposing the item under discussion. Hon. members ought not to arrogate to themselves the supreme power of determining on a man's reputation. It was possible that there were men who happened to differ from those who took a certain view of Mr. Davies' conduct. There was nothing to be offended at, and nothing to denounce and stonewall, if some hon. members could conscientiously and honestly consider that the conduct of Mr. Davies was not criminal. It seemed, however, that threats had been used to the effect that if a majority of members of the Committee did not take the view that Mr. Davies was a criminal, extreme measures would be taken to enforce this criminality upon him. It would be a most singular matter, in the history of this country, if a number of gentlemen, believing Mr. Davies to be guilty of this crime, should feel compelled, because they found a large number of hon. members believing the opposite, to resort to tactics which could only mean one thing, and that was a determination to hound down this unfortunate man, and to proclaim to the world that we had scoundrels of this stamp in the public life of the country. Supposing Mr. John Davies, instead of being Mr. John Davies, had been Mr. John Somebodyelse, who had happened to be appointed by the leader of the Opposition to the position which Mr. Davies occupied, and supposing that Mr. Davies happened to be of the same political party as the leader of the Opposition, and was a loyal follower of the principle of protection —

Mr. DIBBS: So he is!

Mr. REID observed that if it were so Mr. Davies did not appear to have earned much gratitude from the Opposition side of the House. Had Mr. Davies been a nominee of the Dibbs Government, and

had he been a member of the Dibbs party, that party would not have hounded him down as it had been doing. Hon. members had heard a judge say he would stand by a brother judge. In all circles, and in all parties, there was what was almost a pardonable leaning towards a friend, and towards a man who worked with others in those circles and parties. Such a feeling often sprang out of the supreme principle of declining to believe a man guilty until his guilt had been absolutely proved. Many of the remarks which had been made by hon. members showed that they were sometimes carried away, by the exigencies of political warfare, to strike at men whom they would not strike at if, instead of being opponents, they were friends. In common fairness to Mr. Davies, in regard to whom he desired to offer no word of praise, it ought to be remembered that the question as to his guilt or otherwise had formed the subject for a protracted investigation in a court of justice. The prosecution was conducted by an able and learned counsel, who made every effort to convince the presiding magistrate, not that Mr. Davies had been guilty of a crime, but that a *prima facie* case had been made out. Hon. members knew that all that was necessary to be shown in the first instance was, that there was sufficient in the evidence adduced to enable the magistrate to decide whether he should send the case on for further investigation. If anything like even a superficial case of probable guilt were made out, it would be the duty of the magistrate to send the matter to a higher tribunal. Mr. Fisher, the magistrate, however, who was a most capable man, arrived at a conclusion favourable to Mr. Davies. It had been alleged that the magistrate's decision was entirely on a technical point, and that he had not decided on the moral culpability or responsibility of Mr. Davies at all. It was very wrong that such statements as this should be so recklessly made, and, as they had been made, he would read to the Committee the words which the magistrate used in deciding the case, and which were to be found in the *Sydney Morning Herald* of the 4th July last. Mr. Fisher said:

Of course the defendant was chairman of this Casual Labour Board, and I see by the evidence that while he held office the sum of £250,000 went through his hands. I have nothing to do with that. The real charge against him is that

of embezzling and fraudulently appropriating certain cheques, which were paid to him for the cutting of a quantity of firewood at the National Park. These three cheques were paid into his own account at the bank. The defendant's statement is that although he did this, he still paid moneys equal in amount into the safe which he kept in his office. There is no doubt that one witness for the prosecution, the assistant paymaster of the Casual Labour Board, who had a duplicate key of the defendant's safe, counted the money on three different occasions. On each occasion he seems to have found £100, or a sum equal to or more than the sums which should have been there. It appears to me, taking the whole matter into consideration, that I am bound to say that no *prima facie* case has been made out.

Could there possibly be any man who was so degraded that he must feel that he ought to possess a fiendish desire to fasten guilt on a man against whom the judge, who was above all feeling and prejudice, and who had listened, not to the wild statements of individuals protected, perhaps, by privilege, but to the sworn testimony of witnesses on oath, and who had stated that no *prima facie* case had been made out? It did not appear from the judgment of Mr. Fisher that the decision had been given on any technicality or point of law. Having heard the sworn evidence, Mr. Fisher was of opinion that there was no *prima facie* case, and that meant that there was no case at all.

Mr. CRICK : Mind you don't burst a blood-vessel !

Mr. REID would rather burst a blood-vessel in doing justice to a man than in trying to ruin him. Mr. Davies was not his friend. He was a man against whom he had always fought, and a man with whom he had never worked. It was, however, one of the privileges of a member of Parliament to endeavour to do justice to any man who was unjustly attacked. Perhaps Mr. Davies was the last man in the world of whom he would desire to speak in this manner ; but he was bound to rest his opinion of the transaction upon the statement of the magistrate rather than upon the statement of any member of the House. Mr. Fisher added :

It may be that there was a want of proper knowledge in dealing with Government moneys ; but I certainly do not think there is any case of embezzlement. I shall, therefore, discharge the defendant.

Was not this an absolute acquittal ?

Mr. CRICK : No !

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Mr. REID said that had not the decision of the magistrate amounted to an absolute acquittal, it would have been his duty to have sent the case to a higher tribunal. There were methods by which some unfortunate individuals could be tried a hundred times over ; but that was unusual, and however much Mr. Davies might be disliked, he would be no party to such an action in his case. Another axiom of common fairness was that in dealing with a man for one offence, it was not usual to rake up all that had occurred during his lifetime to secure a conviction. What, in the name of common-sense, had matters which had occurred years ago to do with the charge of misappropriating three cheques ? This was the only subject the Committee had to deal with in reference to the vote under consideration. Mr. Davies' fitness for the position he had held was another matter. His own opinion was that Mr. Davies was not a fit man for that position. If, when the appointment was made, a very vigorous censure was moved upon it, there would have been every possible justification for that action. It was unfair to allow a man to take up a position without censure, to allow him to travel week after week on the public service, and subsequently, when it was thought that he was not the proper man for the appointment, to endeavour to deprive him of the remuneration to which he was entitled. All the Committee had now to do was to decide whether, having accepted the appointment, Mr. Davies was entitled to be paid the amount of money which had been placed on the estimates. He admitted that this was a debatable question. He admitted that there were irregularities in the conduct of Mr. Davies which did not entitle him to be paid the amount the Government proposed to pay him. This amount was equal to 5 guineas a day. He would not propose to pay Mr. Davies as much as he would pay a man who did his work thoroughly and efficiently. He would, however, be prepared to go with any hon. member in reducing the vote by a considerable amount.

Mr. CRICK : Why not move it yourself ?

Mr. REID would do so. If he obtained the opportunity he would move that the vote be reduced by the sum of £602 10s. The allowance of 5 guineas a day was one which he would only give to a man who

had done his work in a first-class, efficient manner. He did not consider Mr. Davies had done his work in this manner, although he certainly thought he was entitled to some compensation. A matter which he regretted having been introduced into the discussion was the attack which had been made on the head of the Government in reference to Mr. Davies' appointment. It was the grossest injustice to endeavour to blacken the character of the Minister who appointed Mr. Davies, even were it true that that gentleman had actually done something which was fraudulent in regard to the cheques which had been alluded to. The Premier could not possibly have anticipated what had taken place.

Mr. CRICK: The Premier knew what was going on!

Mr. REID said that if there were any charge at all—a charge which was not intended to be a mere shot from behind the hedge—to be made against a minister, in the name of this unfortunate country, which had so much mud flung at its ministers, at its public servants, and those who were supposed to embody the honor of the people, let it be brought forward in a manner befitting the gravity of the occasion. If any man believed that the Colonial Secretary, or any other minister, had been guilty of dishonest conduct, and if that man remained silent month after month, until some trifling vote came up in connection with the estimates, his conduct, to say the least of it, was not parliamentary. This, surely, was a mild enough expression. He did not wish to imitate the strong language which had been used during the discussion. It was a thousand pities that hon. members should have been compelled to listen to the strong language which had been used in the Chamber. Such language degraded both the country and its people. People in other countries judged of us by the conduct of our representatives, and when they found foul insinuations bandied about, as they had been, their opinion must be that the people of New South Wales were a lot of blackguards. There was more blackguardism in a certain place than there was in any other place in the country. There was more unfairness, more reckless and utter disregard of the common decencies of fair play in political circles in New South Wales than there was in the lowest circles

of the country. The House had reached a depth which made it no pleasure to sit in it, and which made the position of a representative of the people not a privilege, not a dignity, but a trying duty. People came into the House shrinking from it, not knowing when some blackguardly charge upon one man's character or another might be made. Members did not come to Parliament, it seemed, to do public business; they came to hear infamous charges bandied about from one side of the House to the other.

Mr. DIBBS: Is that why the hon. member has stayed away so much?

Mr. REID said that the manner in which these charges were bandied about certainly did not encourage members to attend. There might be some persons who liked that kind of thing, and who revelled in it; but he, for one, had not yet been educated up to it. He had been in the House for eight years. There had been scenes, in bygone times, which were rather rough; but he honestly believed that Parliament had never reached such a pitch of constantly attacking and of imputing personal dishonor as it had reached on the present occasion.

Mr. DIBBS: The hon. member is only here when a storm is on. He is a stormy petrel!

Mr. CRICK: He is only here when he is sent for!

Mr. REID remarked that he was never sent for. He left that to his expectant friends opposite. They had been waiting for a considerable period to be sent for. Looking back at the parliamentary history of the colony, he felt that, whatever the political ambitions, creeds, desires, or convictions of hon. members might be, they ought to endeavour to conduct the business of the people without these constant imputations of guilt and crime. If there was any definite charge of any kind to be made against a minister, it was the duty of the man who was in a position to prove it to make it. It was his duty to take such a course that his conduct would be brought before the House in an effective manner, so that if there was guilt, there might be punishment. The hon. member indulged in a trade which tended to make the office of minister of the Crown only open to men who were so blunt in their moral sensibilities that they would eat

dirt in enjoyment. There were some, no doubt, who could only rise by removing men of a superior stamp. There were some who could only rise to high positions in the country when they had driven every decent man out of Parliament, and out of office. But he hoped that we should never have such men in the House. The effect of this style of political warfare was to drive every man out of these high positions who did not relish it. It was not fair to the man who was elected, it was not fair to the House, and it was not fair to the country; and the general effect was that while we enjoyed what were called storms and excitement, the character of the people of the country was being steadily damaged all over the colonies, in fact in every part of the world.

Mr. DIBBS: Would the hon. and learned member cloak up everything wrong?

Mr. REID: If a minister had committed a crime, let him be brought before the tribunal of this House, and let the charge be made when it was found out; but do not let hon. members lie by and keep quiet for one year, two years, or three years, until some particular item came up, when they could have a double-barrelled shot at him. Let the hon. member not wait for that opportunity. Let him make the charge as a man ought to do—openly before the House. If that course were adopted, we should not have so many retractations of charges that had been made; we should not have so many royal commissions appointed to investigate wholesale charges of bribery against the whole of the House—because the charges touched every one in the House; it was not a matter of party. When we heard it charged against the House that certain tramways were being pitchforked through the House, because practically the whole of the House had been bought over, when such charges were made recklessly and without proof, we had royal commissions, we had charges against members of Parliament, we had state documents, and all the odium and disgrace of such inquiries affected the parliamentary institutions and public life of the country. And all for what? Why, to discover that there was a series of mares' nests. Some people might riot in that sort of thing, some people might get on by such tactics, some people might like those things; but it was a disgraceful

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way of conducting political warfare. It was not fair fighting. It would not be fair fighting to any new ministry which came in.

Mr. DIBBS: Did not the hon. member refuse supply to a new government?

Mr. REID said he was not here at the time.

Mr. DIBBS: Did not the hon. member move a vote of censure?

Mr. REID said he was in Victoria, 600 miles away, where he got a telegram. Here was another charge of a reckless character.

Mr. DIBBS: There is no charge about it. I only asked the hon. member whether he was here!

Mr. McMILLAN: Perhaps I may be permitted to say that the hon. and learned member was at Lorne at the time, and that I telegraphed to him.

Mr. TOOHEY: The hon. member did not telegraph to him to-night!

Mr. REID said that, so far as he knew, during the whole of this session he had never once been "sent for," as the saying was, certainly during the last month.

Mr. BRUCE SMITH: If the hon. and learned member had not been here to-night that statement would have been persisted in all night!

Mr. REID said he had no grievance whatever against the hon. member for The Murrumbidgee. He had fought the hon. member bitterly in politics. He would take this little assertion of the hon. member as an illustration. The hon. member made a statement which was utterly inaccurate, and without the slightest foundation. Fortunately he was here, and it was put right, and his explanation was accepted. It was a harmless statement; but it was an illustration of the statements that were made without the slightest foundation.

Mr. DIBBS: What can we expect from the hon. member?

Mr. REID would expect the hon. member not to make assertions of that sort without some foundation. He, to a very considerable extent, went with the Opposition in this matter. He was bound to admit that Mr. Davies had not done his duty in such a manner that he was entitled to a payment of £1,102; but at the same

time he was bound, in fairness to that gentleman, to say that there was no evidence of any kind to convince him that he had been guilty of any criminal conduct. If Mr. Davies were guilty of such conduct he should not receive a penny of the money, any hon. member who held that belief was entitled to resist every penny.

Mr. DIBBS: Is the hon. and learned member satisfied that there was no criminal intent in the giving away of the three cheques? Let the hon. member give me his own opinion as a man, for it will go a long way in helping me to form a judgment.

Mr. REID said that the question only showed how utterly false were the hon. member's ideas as to the most rudimentary principle of justice which was meted out to the most abandoned criminal that ever stood in the dock. The hon. member put the question in this way, "Are you satisfied that there was no criminality in his conduct?" In other words, "He must prove his innocence before we can acquit him."

Mr. DIBBS: That is not the question I asked!

Mr. REID: Oh, no!

Mr. DIBBS: That is the way the hon. member puts it!

Mr. REID: The hon. member requires me to be satisfied.

Mr. BRUCE SMITH: He does not believe the hon. and learned member now!

Mr. DIBBS: The Minister does not believe that himself. He is going to vote against his conscience in the matter!

Mr. REID said that when we came to a question of whether a man was going to vote against his conscience, we were getting into a region of ethics in which it was difficult to follow the hon. member.

Mr. CRICK: The Minister must do something for his £1,500 a year!

Mr. REID thought it was not necessary for the hon. member to make such a remark. His experience was that if some gentlemen were in possession of £1,500 a year, there were other gentlemen anxious to get it, and, so far as his experience went, they worked much harder to get into office than those who were there. He considered that there was a great deal in the observations of the police magistrate. Mr.

Fisher pointed out that perhaps there was a want of proper knowledge in dealing with Government moneys. If this gentleman had been in an office, or in a public position, and accustomed to keep books, he admitted that the case would be very different. But here was a man who, he supposed, was not possessed of a very high degree of education, who was notoriously not a business man, who had not kept books, who had never managed a public department; and such a man might well do things without any criminality, which, at the same time, were irregularities, and that was the view of the police magistrate. It was sufficient for him to take the opinion of the trained magistrate who had heard the sworn evidence. He thought he could say that he did not see in the facts of the case sufficient evidence to warrant a prosecution of Mr. Davies for this offence. He rested his opinion on the opinion of the magistrate. He would also say that if, instead of being Mr. John Davies, it had been Mr. John Brown, no human being in the world would have thought of hounding down the man after that verdict.

Mr. TOOHEY: The hon. member did not always say that!

Mr. REID had often spoken very strongly about Mr. Davies; but he was now speaking about this particular thing. And when we were trying a man for one thing we should not go back for ten years. Taking the whole of the case into consideration, he was of the same opinion, if he might presume to say so, as the magistrate who tried the case—that there was no case made out on which to prosecute him. If Mr. Davies had been appointed by the leader of the Opposition, if he had been a member of his hon. friend's political party, and had fought side by side with him, that hon. member would have been the first man to stand up as a man to defend him.

Mr. DIBBS: I hope to God that I shall never condone a felony!

Mr. REID: Who constituted the leader of the Opposition a judge in this matter? What was it that qualified the hon. member to brand a man as a felon? The hon. member was not a judge, he was a partisan.

Mr. DIBBS: What is the hon. member, pray, to the present Ministry?

Mr. REID thought he was doing the fair thing—he was splitting the difference. In these matters when the strife was going on between two sets of politicians, one swearing white and the other black, the last man they could understand was the man who looked fairly at all the facts of the case, and would not “go the whole hog” one way or the other. They could not understand a man of that sort.

Mr. TOOHEY : They usually call a man of that sort a rail-sitter !

Mr. REID had not been much of that, because the hon. member had been in several paddocks. He thought it was rather too late in the day for the hon. member to say that of him.

Mr. TOOHEY : The hon. member said it himself !

Mr. REID said it was a strange thing that men who were engaged in the heat of political controversy with party interests at stake could not understand the position he took up. What did we find ? We found one hon. member of the House who said that Mr. Davies was everything which was good and right, though the Colonial Secretary had not said that, for he had admitted that Mr. Davies' conduct was reprehensible ; on the other side, we had an absolute demand that we should brand the man as a criminal ; and because he said he could not brand him as a criminal, because the Ministry, after hearing the whole case, would not brand him as a criminal, because he saw, as the Ministry saw, forsooth, he was to be accused of sitting on a rail. Because, also, while he could not fix this brand of criminality to Mr. Davies, he considered that he did not do his work with that efficiency that entitled him to full payment, and he should be willing to give him half of it, then that was called sitting on a rail. Now we were told—and it was a new doctrine—that the Government ought to have allowed Mr. Davies to sue for the amount in a court of law. He thought that Mr. Davies would probably get it there in much less time than it took to get it here, because there was no stonewalling there. But was not that an extraordinary position to take up ?

Mr. CRICK : It is the hon. member who is stonewalling now !

Mr. REID said, of course, it was always stonewalling when one said a fair

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thing for a man. It was a case of let torrents of abuse flow hour after hour over the House and over the country ; but when the other side was to be given—when common decency and justice was to be done to a man—then it was, “sit down.” Well, he declined to sit down. He had sat silent for he did not know how many hours in the debate. He had listened to all, or almost all, the speeches.

Mr. CRICK : The hon. member has been here only two hours !

Mr. REID said the time had come when those hon. members who did not take an extreme view on one side or the other, could stand up and endeavour to get the matter settled. Were we to go on fighting in this way ? He thought he had made a proposition which contained the germs of a settlement of the dispute. He thought he had rendered a distinct service to the House, because he supposed we did not want to stop here always.

Mr. CRICK : I will go as far as the hon. member, and further !

Mr. REID hoped that the hon. gentleman, with all the conviction that he had that he was absolutely right, would allow other men, although they were wrong, to have a fair conviction. Let us have a division on the question.

Mr. WILLIS : Let us have it at once !

Mr. REID supposed they were all here. It was not enough apparently that this attack should be made on Mr. Davies. He believed that if the vote had been put without a single word, those who wished to do Mr. Davies an injury would have had a ten times better chance of doing it than by the course they had taken.

HON. MEMBERS : Divide !

Mr. REID was going to say a word or two more before we divided.

Mr. TOOHEY : It is very suspicious !

Mr. REID said that the hon. member for Glen Innes, Mr. Hutchison, had handed to him a memorandum in a very good hand, inquiring if he would answer a question. He would just ask the hon. member to answer a question, as he was in possession of the floor. He would ask the hon. member this question : When an item was before the House affecting Mr. John Davies and his services, was it a fair thing to mix up with that item the party conduct of the head of the Govern-

ment; did that action tend to bring about a straight out division on the subject? Was there any attempt to get an honest expression of opinion when an attempt was made to shift the significance of this vote from Mr. Davies on to Sir Henry Parkes? He was glad that the Government had risen above the attempt which had been made. The Government had said, through the Colonial Secretary, that they had no desire to exercise the slightest influence over the members of the House. But he had no hesitation in saying that the attack which had been made on the Colonial Secretary had been made without a shadow of foundation, that after hours and hours of debate not a single tittle of evidence had been adduced in support of it, and that, putting Mr. Davies aside for a moment, the significance which had been placed on the vote had been such that he could not understand how any man who was not a virulent determined party opponent of the Colonial Secretary could give a vote for the amendment after the language in which the hon. member for the Murrumbidgee couched his speech. The hon. member had chosen to confuse this issue by bringing into the debate another issue—an issue which, if there was anything in it at all, ought to have been submitted by means of a specific resolution. He said that any man who, under those circumstances, would vote for the amendment, except he was a virulent opponent, would be doing the Colonial Secretary a gross injustice—would be acting almost treacherously towards an old public servant who happened to be at the head of the Government. It was easy for men to come here and criticise why the hon. gentleman did not do this or that to some wretched road in one part of the country or other. But let us consider for a moment what the position of the Colonial Secretary was. As the head of the Government, the hon. gentleman must maintain a supervision over all important affairs of government in the country: he had also a large department to superintend, and if he did his duties faithfully his time must be taxed to the utmost, not with trifles, not with minutes from the wretched Casual Labour Board, about a road here or there, for those were things which a minister in that position took without looking at—those were things to which the hon. gentleman might put “H.P.”

without a thought. On the strength of some wretched minute, signed in that way, to attempt to impeach his honor, to brand him with some stain, was to make a charge which he had no hesitation in saying was odious, unfair, and contemptible, and the amendment under the cover which it was made was an amendment which should never be adopted by any man who desired to act fairly to any public man.

HON. MEMBERS: Divide! Question!

Mr. T. WALKER said it was all right for hon. members to call for a division.

Mr. ABIGAIL: The hon. member wanted a division!

Mr. T. WALKER said he did not call for a division; but he had been seeking both to-night and last night for an opportunity to reply to some statements that fell from the hon. member's lips. It was all right for hon. members to have their fling, not only at the leader of the Opposition, and members of the Opposition, but also at those who were not here to defend themselves. The hon. member might walk out of the Chamber as he pleased; but he would say that the hon. member made a deliberate accusation against a man who could not possibly defend himself on the floor of the House; and when he endeavoured to make a personal explanation, so as to defend that man as speedily as possible from any misunderstanding in the public mind after reading his speech, he objected, as he wanted his statement to go forth without the correction.

Mr. BRUCE SMITH: How does the hon. member propose that Mr. John Davies shall reply to these charges?

Mr. T. WALKER said that John Davies had sufficient defenders in the House, and he was not wanting to prevent any defence of that gentleman. He held that if there was a long acrimonious discussion on the subject it was the fault of those who brought down the estimate, and not of the Opposition. We had been accused by the hon. and learned member for East Sydney of having, as it were, sprung a mine after waiting for years; that we had known that it was assumed that John Davies had been guilty of misconduct; but that we had, as it were, a card up our sleeve waiting for the estimate to come down and then like tigers in

ambush to spring forth on him and mangle him; but that was not the case. Not one word would have been said about John Davies or about his past career if it had not been proposed to pay him a sum of £1,102. The Government themselves had caused the discussion. Now, if they had thought that there was no ground for discussion they would not have consented the other night to postpone the item.

Mr. PAUL: Long ago the hon. member, in reply to his own question, learnt that the Premier was going to pay the money!

Mr. T. WALKER said it was not the case, and it was very doubtful whether the Committee, in the present state of things, could vote the money, for the hon. member for Hartley only a short time ago moved a resolution to this effect, "That no money should be paid to Mr. John Davies without the consent of the House," and that motion had not yet been rescinded.

Mr. O. O. DANGAR: The question is, whether the money will be paid?

Mr. T. WALKER said the question was whether John Davies deserved the money. He was sorry to say that in the discussion of the item we had digressed considerably. He admitted that the question was not what John Davies did twenty years ago or ten years ago, but what he had done as the chairman of the Casual Labour Board, and whether, as chairman of that body he deserved this money? If it could be shown that Mr. Davies had done anything to earn this money by his services to the state—if it could be shown that he had not betrayed the trust reposed in him, hon. members ought not to scruple one moment about the payment of this money; but there was evidence to show that Mr. Davies had in no way earned it, and we should be recreant to our duties as guardians of the public funds if we paid the money. He hoped the Committee would not be led by the party speech of the hon. and learned member for East Sydney. This was no party question, although there had been an endeavour to whip up the Government supporters, and to make them believe that it was. An hon. member said to him, "I at first thought I would vote against the item; I did not think John Davies deserved it. I thought he had helped to spend too much public money for the benefit of private individuals

[Mr. T. Walker.

and influential friends without his getting paid for spending it." The hon. and learned member for East Sydney, with an almost effeminate suavity, for which he was renowned—and he regretted the hon. member did not dress in petticoats—referred to the leader of the Opposition as one who was conducting this fight for party and no other purposes, and implied that the hon. member would screen any officer in a department of which he had charge, even although that officer might be guilty of almost certain fraud, and that it would be laudable and praiseworthy on the part of the hon. member to do so. The hon. member led us to believe that such a course would be one for praise rather than for censure, and that it was what most governments did. That was the worst condemnation which could be uttered against the present Government. It was saying, in effect, that the Government were not considering really whether Mr. Davies was guilty or not, but that this vote was proposed because Mr. Davies was a pet of ministers, a supporter of the Government, was hand in glove with Sir Henry Parkes, and belonged to a section who tyrannously persecuted, while they howled for freedom. The hon. member claimed that it was the privilege and right of the Government to screen this man, because he was one of their friends. Those who, in their inner consciences, in their heart of hearts, knew that John Davies had been guilty of more than an indiscretion were willing to pay him this money in spite of his fault, no matter what might be the opinion of the magistrate, of the hon. and learned member for East Sydney, or the Secretary for Public Works, Mr. Bruce Smith. He ventured to say that if John Davies had been a bank teller, and had appropriated the money of the bank to the extent of £5, he would have found his way to Darlinghurst or Berrima; it was only because he was a member of the Upper House, because he had certain addenda to his name in the shape of capital letters, because he was a friend of Sir Henry Parkes, because he had the means of sheltering himself behind a technical point of law, making it appear that he was negligent and nothing else, that he had escaped a criminal conviction. If he had been guilty of such a fraud, and it had been brought home to him, would the Government have attributed it to his lack of

education; would they have said that he had not been sufficiently educated to know the ins and outs of public business; would it be said that he had been only a little careless, and that he had forgotten what his duty was? No man would make him believe that forgetfulness was a valid excuse for a man on three occasions paying into his private account at a bank a cheque which he knew very well belonged to other persons. The Premier said that there was money which was not accounted for in the safe. This only showed how reckless had been the management of the whole business in connection with the Casual Labour Board. It had been contended by some that Mr. Davies might have intended to redeem these cheques afterwards, and pay them back into the public account, but that would be no excuse in the case of a bank teller or a bank clerk who had appropriated £3 to-day in the hope of his being able to refund it in a few days hence. Why were all these apologies made in the case of John Davies? Poor persecuted individual! Poor injured creature! He had such a bad memory, and he had so much to attend to, that the wonder was he did not appropriate more. The grand excuse for John Davies seemed to be that we had only found out a little about his misdoings. Some individuals seemed to imagine that, having so much money in his hands, he ought to have taken at least half of it. But if he could be supposed to have a bad memory in regard to the cheques, could that be a valid excuse for the signing of false vouchers, and for the reception at his house of baskets full of plates, knives, and forks, which disappeared from the National Park, and which were never afterwards seen? Did he forget that these baskets did not belong to him when they found their way to Campbelltown? What a forgetful man he must be! It must be most convenient to have a bad memory of this description if one could only convince people that it was genuinely bad. It was said that at the time John Davies was appointed to the Casual Labour Board the unemployed were being maintained in a state of idleness through the soup kitchens in the city, and that hundreds of pounds were spent in that way, but that John Davies founded a camp at the National Park, and con-

ducted operations from that place. That was not correct. The men were sent to the National Park before the hon. member for St. Leonards, Sir Henry Parkes, came into office. The system had been virtually inaugurated under the Metropolitan District Surveyor before the matter was taken over by Mr. Davies. That officer had already been active in distributing the men and in employing them upon useful work, instead of upon work upon private estates. The men were being employed by him upon Government roads, and in making approaches to Crown land. The hon. member for West Sydney, Mr. Abigail, who was about as full of abuse as a bad egg was full of stench, said that the men were earning 15s. a day. If the hon. member read the evidence he would see that the highest wages paid were 6s. a day, and that these were reduced by the Casual Labour Board to 3s. a day. According to the hon. member for West Sydney, Mr. Abigail, persons were brought from Victoria, and all parts of the world, in order to earn 6s. a day. He would tell the hon. member what happened. If a man said that he came from Victoria he was almost sure to get a job. The natives of this colony were tempted to proclaim themselves Victorians in order that they might obtain employment at the National Park. He rose chiefly to repudiate the charge against Mr. Burrowes, that he had taken money, and that he had falsified vouchers for money passing through his hands. Hon. members would have seen a denial of this charge in the *Sydney Morning Herald*; but he would read some of the evidence upon which the hon. member for West Sydney, Mr. Abigail, was relying for his charge:

Did you ever have any talk with him?—I was up there about a couple of times and asked him whether that money had come up. He said, "No; Mr. Burrowes would see about it."

Did he ever say anything about your rations?—No.

Did you ever get anything from him?—No.

Did you ever give him any money?—No.

Mr. Waller.] What other money have you received besides that £1 15s. 3d.?—There was something over £1.

Did you receive £1 6s.?—Something to that effect; but whatever I got I turned in with the other tolls.

Then you were engaged on the Roads Department staff and not with the unemployed?—I had nothing to do with the unemployed.

How many punts were you connected with?—I have been at Tom Ugly's once or twice, that is all.

Do you know how much money was owed you by the Casual Labour Board?—There was £2 19s. and these couple of bills. I do not know of any more.

Who owed you that money?—The carts were crossing while the unemployed were working.

Who is the person you look to to pay you the money?—I sent in my accounts to Mr. McLeod.

Did you ever lend any money to Mr. Burrowes?—No.

Are you sure of that?—Quite sure.

President.] Did you render any account of what was owing to the Roads and Bridges Department?—I told Mr. Dyson it was owing.

What did you tell Mr. Dyson was owing?—This £2 19s.

Have you paid him any of the money?—I have paid him £2 of it.

Then you owe the Roads and Bridges Department 19s.?—The Casual Labour Board owe me £2.

Did you pay Mr. Burrowes any portion of the money you got?—No.

Mr. Burrowes had also sent to the Premier a paper, of which he had a copy, and which was a complete refutation of the charges made against him.

Mr. DIBBS said the Opposition were quite ready to take a vote on the amendment without any further discussion.

Mr. PAUL said he very much wanted to say a few words; but having regard to the fact that hon. members were anxious to vote, he would not take up the time of the Committee.

Mr. DIBBS: Besides, if the amendment is lost, the hon. member can speak on the main question!

Question—That the item be reduced by £1,100—put. The Committee divided:

Ayes, 28; noes, 42; majority, 14.

AYES.

| | |
|--------------------|----------------------------------|
| Abbott, W. E. | Hutchison (<i>Glen Innes</i>). |
| Barbour, R. | Lyne, W. J. |
| Barnes, J. F. | McFarlane, J. |
| Brown, A. | Nicoll, B. B. |
| Cass, G. E. | Schey, W. F. |
| Chanter, J. M. | See, J. |
| Copland, D. | Toohy, J. M. |
| Crick, W. P. | Torpy, J. |
| Cruickshank, G. A. | Walker, T. |
| Dawson, H. | Wall, W. C. |
| Dibbs, G. R. | Wright, F. A. |
| Dickens, E. B. L. | |
| Garvan, J. P. | <i>Tellers,</i> |
| Gormly, J. | Stephen, Harold |
| Howe, J. P. | Willis, W. N. |

[*Mr. T. Walker.*

NOES.

| | |
|---------------------------------|---------------------|
| Abbott, Joseph | O'Connor, D. |
| Abigail, F. | Parkes, Sir Henry |
| Brown, H. H. | Paul, W. H. |
| Brunker, J. N. | Plumb, J. |
| Carruthers, J. H. | Reid, G. H. |
| Chapman, M. | Ritchie, R. A. |
| Clubb, G. | Roberts, C. J. |
| Cooke, H. H. | Scobie, R. |
| Dale, D. | Seaver, J. C. B. P. |
| Dangar, O. O. | Shepherd, J. |
| Fuller, G. W. | Smith, Bruce |
| Garrett, T. | Smith, Frank J. |
| Gould, A. J. | Smith, S. |
| Greene, G. H. | Teece, W. |
| Hawthorne, J. S. | Wheeler, J. |
| Haynes, J. | Wilkinson, R. B. |
| Hutchison (<i>Canterbury</i>) | Wilshire, J. T. |
| Kidd, J. | Woodward, F. |
| Lees, S. E. | |
| Martin, J. | <i>Tellers,</i> |
| McMillan, W. | McCourt, W. |
| Mitchell, J. | Turner, E. W. |

Question so resolved in the negative.

Amendment (by Mr. REID) proposed:

That the item be reduced by £602 10s.

Mr. CRICK said he had no intention to so far betray the trust reposed in him as a representative of the people as to be satisfied with the vote just taken. He should resist the amendment now proposed, because he believed that we were fighting not in regard to the paltry sum of £1,100, but for the great principle involved in the question as to whether this Parliament would clear the character of a man like John Davies, in the face of vituperation—low, vulgar, and vile—from the Colonial Secretary? Who would be found ready to come forward to say one word on behalf of the man who had appropriated three Government cheques, and paid them into his own account, and had kept them there until he found the game was up—who was proved to have signed vouchers for six coils of manilla rope, paying for it from the public funds, when only one coil was received—who, when hampers and baskets, which were public property, were found at his private residence, had the unblushing effrontery to say that if they were there he thought no wrong was done, as he was doing the whole of the work for nothing? The hon. member for West Sydney, Mr. Abigail, in dealing with this question, reminded him of nothing so much as a scorpion with its sting pulled out. We had heard a great deal of talk from the other side without any attempt at argument or real defence of John Davies. The hon. mem-

ber for West Sydney (Mr. Abigail) pointed out that the value of the land had been increased to an alarming extent. Some of the Government supporters—the hon. member for Balmain, Mr. Frank Smith, for instance—could not make up their minds how to vote; but he supposed the magnificent oratorical effort of the hon. and learned member for East Sydney, who came here on special occasions, had convinced these hon. members. He had taken down the names of these hon. members, and during the ensuing recess he would take care to let the country know the names of those who had voted to give Mr. John Davies this £1,100. These names should resound throughout the length and breadth of the country—the names of men who were prepared to degrade and defile the Parliament for party purposes. The vote just taken was a party vote beyond all doubt, and it was given for the purpose of whitewashing a man whom all the waters of the Pacific Ocean could not make clean. Then we had voting for this motion that intellectual genius caught somewhere in East Sydney—Mr. Street—who said that he had carefully considered the matter, and had satisfied himself that he ought to vote against the motion, but finding that there were hon. members here who were determined to oppose it—finding that the true servants of the country were here fighting for its interests while the hon. member was enjoying sweet repose—he had determined to vote on the other side. What a magnificent intellect!

Mr. McMILLAN: If the hon. member had the character of the hon. member to whom he is referring it would be well for him!

Mr. CRICK: My character is better than the hon. member's, any way.

Mr. McMILLAN: Why, the hon. member has none!

Mr. CRICK: The hon. member is a little skunk.

The CHAIRMAN: The hon. member must withdraw the expression and apologise for its use.

Mr. CRICK: I withdraw the words and apologise.

Mr. LYNE: Should not the Colonial Treasurer also withdraw the expression he used?

Mr. McMILLAN: I withdraw the words.

Mr. CRICK: Since character had been imported into this debate, what did we find the Premier doing? The hon. gentleman secured the indulgence of the Committee at a time when the Opposition had the Government at their mercy, and hon. members acquiesced in an adjournment at the hon. member's request, because he said he was tired out by the long sittings. The hon. gentleman went home, and in the privacy of his own residence gathered up all the gall and bitterness he could command, so that he might be in a position on the next day to come down and make an attack upon the leader of the Opposition. After having had this freedom from parliamentary duty—this opportunity to rake through the correspondence and private memoranda of years ago—the worst thing he could say against the leader of the Opposition—the man who was leading this fight on behalf of the country—the man who was fighting for honesty and purity—was, that he had gone to Darlinghurst Gaol in vindication of a principle. He had been vile enough to read a correspondence that was written seventeen years ago. Nothing could be alleged against the character of the leader of the Opposition; but on that the hon. Premier had dwelt for two hours. What was the character of the man who stood here as the chief advocate of John Davies? Let us look at the character of this man who was always prating about high character. We had only to look at the last Ministry, the Ministry formed by this man who was always so careful about high constitutional procedure. He took into his Ministry Mr. William Clarke, and when he filed his note of assignment it was found that he owed Mr. Clarke £200. He wondered if Mr. Clarke gave him that money for the portfolio of Justice. Mr. Clarke certainly gave him £200 which he never got back. We found that little concentration of all that was good and just—the hon. member for West Sydney, Mr. Abigail—in that Ministry, and the Premier owed him £200. Did he get that £200 to make Mr. Abigail a minister? There was also the hon. member for The Hastings and Manning, Mr. C. J. Roberts, in the Ministry, and he was a man of high moral and commercial character. He knew that the Premier would not wait to hear what he had to say. With his usual cowardice

the hon. gentleman had left the Chamber; but he would be somewhere where he could hear, though he was not game to face the scathing which he deserved. Mr. Roberts was one of the ministers of the immaculate Parkes. The Premier always tried to put himself on a level with the great men of his age; but such men as Gladstone and Salisbury would not take a shorthand-writer and sneak behind the door of a prison cell, in order to catch incriminating utterances during the ravings of a madman. Such men as those never played the part of sneaking detectives. There was a sum of over £200 owing by the Premier to Mr. Roberts when he took that gentleman into his Ministry. He wondered if that money was paid in order that Mr. Roberts might have the position of Postmaster-General. We found that from four men who became ministers, the Premier had received over £1,000. He wondered that when he made men ministers the Premier did not arrange to draw the whole of their salaries. He found that the Premier owed £100 to Mr. Sydney Smith. He wondered whether that was the Secretary for Mines, and if that was the amount paid for the purchase of an office. This man of high moral tone, this man who ran about the public schools giving the public school children treats, and forcing on them a presence that he was debarred from forcing on persons in other places, told us that he stood in a position in which no one could assail him. We admitted it. There were depths beyond which no one could go, and there were depths to which a man could descend so low that you could not injure him further. You could not blacken the devil, and for that reason you could not hurt the character of Parkes.

Mr. REID rose to order. He moved that the words just used by the hon. member be taken down. The words were, "You cannot blacken the character of the devil, therefore you cannot blacken the character of Parkes."

The CHAIRMAN: I have directed the clerk to take down the following words:—"You cannot blacken the character of the devil, so you cannot blacken the character of Parkes." He would ask the hon. member for West Macquarie if those were the words which he used?

Mr. CRICK: Those are not the words.

[Mr. Crick.

Mr. REID said that the words were exactly these: "You cannot blacken the character of the devil, therefore you cannot blacken the character of Parkes."

The CHAIRMAN: The clerk has taken down those words.

Mr. REID said he did not like to move the Chairman out of the chair, or he would move that he should report the words to Mr. Speaker. Instead of that he would move:

That the hon. member for West Macquarie is guilty of disorderly conduct in using the following words, namely:—"You cannot blacken the character of the devil, therefore you cannot blacken the character of Parkes."

He moved this with very great reluctance.

AN HON. MEMBER: Why?

Mr. REID said he was reluctant to move it, because any action of the kind often gave greater publicity to an unparliamentary statement than it would receive if no notice were taken of it. He had no hesitation in saying that if the House was to go on tolerating such language it would become an unfit place for any man to stay in. He did not make any attack on the hon. member, because, on reflection, he would see that he had used language which ought not to be used by any man against another.

Mr. CRICK rose to order. The hon. and learned member should make himself acquainted with the procedure of Parliament. The Committee had no power to have the words taken down. The matter must be reported to the House, and it was for the House to deal with it.

Mr. REID said that the hon. member was quite correct. The course which he suggested was the proper one to take; but at first he did not feel justified in taking that course. However, he would take that course now. The motion which he had moved had not been put from the Chair. He would, therefore, withdraw it, and he moved:

That the Chairman do now leave the chair, and report the words now taken down to Mr. Speaker, and ask leave to sit again at a later hour of the evening, after the question of order has been disposed of.

The CHAIRMAN: The question is, that I do now leave the chair.

Mr. DIBBS: Who moved that?

The CHAIRMAN: The hon. and learned member for East Sydney.

Mr. DIBBS : Is the hon. and learned member the leader of the House then ?

Mr. GARVAN : ———

Mr. GARRETT would ask whether any debate could take place on this motion ?

An HON. MEMBER : Ask that question at this time to-morrow !

Mr. GARRETT wanted to know whether the question could be debated ? Hon. members would recollect that it was not in the power of this Committee to deal with the matter. It must be dealt with in the House itself. The Committee could not debate whether the words were disorderly. Hon. members must confine themselves to the question whether the words should be reported.

Mr. TOOHEY said that the Chairman had not ruled that the words were disorderly. If he had decided that, any member could have moved that the ruling be dissented from. Until the Chairman gave such a ruling there was nothing to prevent a discussion taking place on the motion.

Mr. DIBBS said that if on a division the Committee decided that the Chairman should not leave the chair that would settle the whole matter. The question as to whether the words were disorderly, and also the question as to what the words were would have to be settled. The words which had been written down were not the words which the hon. member for West Macquarie uttered. The Committee had a right to discuss that point, and they might keep the Chairman glued to the chair for the next twenty-four hours. He would point out to the hon. and learned member for East Sydney that we were now on the high road to a scene of disturbance and disorder which would prevent public business from being proceeded with.

The CHAIRMAN : The hon. member for Camden, Mr. Garrett, has asked for the opinion of the Chair as to whether members can debate the motion. Whenever any disorderly words have been used by a member in debate notice must be immediately taken of the words, and the Chairman may direct the clerk to take them down. That has been done. If the words are taken down in Committee of the Whole House they are ordered to be reported to the House. If the hon. member denies the accuracy of the words or wishes to withdraw the words he can do so, and

hon. members will be able to argue as to whether I should leave the chair.

Mr. GARVAN regretted that the words used had been deemed of sufficient importance to be taken down.

The CHAIRMAN : In giving my opinion on this matter I overlooked one point referred to by the hon. member for Camden, namely, whether the main question could be debated. It would be out of order to debate what the punishment may or may not be if the words are held to be disorderly.

Mr. GARRETT said that he gathered from the words of the hon. member, Mr. Garvan, that he intended to deal with the main question before the Committee.

The CHAIRMAN : That will be out of order. Hon. members will be in order in debating as to whether the exact words have been taken down ; and they will be in order in debating as to whether I should, or should not leave the chair ; but they will not be in order in discussing the effect of the words, or whether they are admissible.

Mr. GARVAN said he was about to express his regret at the importance which had been attached to the words which had been taken down. He had been looking at some of our best English authorities to ascertain the meaning attached to the terms to which objection had been taken. The essence of the matter was the meaning attached to the term "devil."

Mr. FRANK SMITH rose to order. The hon. member was discussing whether the words were disorderly.

Mr. GARVAN said he wished to show that the words ought not to be reported.

The CHAIRMAN : The hon. member is discussing the nature of the words which have been used. He is discussing what will be the province of the House to discuss should the words be referred to the House. The hon. member may discuss whether the words taken down are the words which were used. He may also discuss whether I shall leave the chair. I trust that the hon. member will avoid discussing the actual effect of the words.

Mr. GARVAN wanted to show that without going into any detailed interpretation of the words it would be absurd to take down the words of any member. Any one might move that words that were not out of order should be taken down, and it

would be absurd if on any member doing that the Chairman was bound to report the words to the House.

The CHAIRMAN: Whether the words are or are not disorderly is not a matter for debate now.

Mr. WALL rose to a point of order. He submitted that the Chairman had not decided that the words were disorderly.

Mr. GARRETT: That is not the province of the Committee!

Mr. WALL said he would show that it was. Any member might move that another hon. member's words be taken down, when the words were not disorderly, and in such a case it would be a waste of time to report the words to the House. Until it had been decided that the words were disorderly he submitted that the motion to leave the chair was out of order.

Mr. TOOHEY suggested that the motion should be withdrawn. Whatever ruling the Chairman gave it would be in the power of any member to move that the Committee dissent from it, and the Committee would get into a serious complication.

Mr. GARRETT said that the very form of action taken by the hon. and learned member for East Sydney put the hon. member for South Sydney out of court. The matter must now be dealt with by another tribunal. The hon. member for Mudgee had said that the Committee had no right to report the words until they had been decided to be disorderly; but the House was the only power that could decide that question. The Committee could not decide it.

Mr. CRICK thought that the point of order raised by the hon. member for Mudgee was a good one. He submitted that the words had been improperly taken down, as the opinion of the Committee had not been obtained upon them.

Mr. REID said that in 1888 Mr. McElhone was reported to have used disorderly language in Committee, and on that occasion Mr. Speaker said that there could be no discussion as to whether the language was disorderly, because the fact that the Committee had reported it as disorderly settled the matter. The difference, however, between that case and this was that his motion did not describe the language of the hon. member for West Mac-

[Mr. Garvan.

quarie as disorderly. The question whether the words were disorderly would, therefore, be open to discussion in the House.

Mr. TOOHEY wished to point out how absurd the contention of the hon. member was, unless the word "disorderly" was used; for, if that contention were right, any member might rise and ask the Chairman to report any words that a member might use. Any man might do it out of vindictiveness, for the purpose of destroying legislation. The question was, whether the words were disorderly or not; and the resolution should state that they were disorderly before they could be discussed at all. He advised that the motion should be withdrawn.

Mr. T. WALKER submitted that the point taken by the hon. member for Mudgee held good. The words "whenever any disorderly words have been used" signified that there must be some decision in Committee as to the character of the words used before the report of the Committee could be made to the House. The Chairman was the proper authority to decide whether the words were or were not disorderly, and if they were not, the Chairman had power to refuse to direct that the words be taken down. If the Chairman decided that the words were disorderly, then it was competent for any member to move that the words be taken down and reported to the House.

Mr. FRANK SMITH said that if the quotation from "May" was intended to have any meaning by the hon. gentleman who took this point of order, it must be taken to have this meaning: that the Chairman in directing the words to be taken down came to the conclusion that they were disorderly.

Mr. WALL submitted that the proper course would have been to move that the words were disorderly and that they be taken down, and when that motion was submitted from the Chair it would have been time for the Committee to express an opinion.

Mr. GARVAN thought that the position taken up by the hon. member for Mudgee would certainly have been the better course to adopt; but the Committee had actually adopted another course. The words had been taken down, and the motion was that they be reported to the House, and the only logical course for us

to consider was whether it was necessary for the conduct of our business that the words should be reported to the House. He thought in this instance, and under the circumstances, the words in question were entirely unworthy of the importance sought to be attached to them. The very essence of the objection was the importation of the word "devil." It could not be the importation of the word "Parkes." They were put in antithesis—the devil on one side, and Parkes on the other.

Sir HENRY PARKES: I think it is quite true at the present moment!

Mr. GARVAN did not wish to be personal in the matter. The only matter for consideration was, perhaps, whether the word "devil," used as it was, was an improper word to use in the debates of the House? It was not proper or fitting that any individual member should place his own construction on the word, and rule it to be disorderly by reason of that construction. It was not desirable that the resolution submitted to the Committee should be adopted.

Mr. R. B. WILKINSON said the proper course to be taken in this case would have been for the hon. member for East Sydney to have drawn the Chairman's attention to the words, and taken his ruling as to whether they were or were not disorderly, and then if the Chairman had ruled that they were disorderly, the hon. member could have moved that the words be taken down, and if the Committee thought that the words were not disorderly, they could have dissented from the Chairman's ruling, and have appealed to the House. He thought it was plain enough that some one must pronounce the words to be disorderly before they were taken down.

The CHAIRMAN: I must claim the attention of hon. members for a few moments. The point that has arisen at the present moment is one of vast importance, and one which it is just as well all hon. members should thoroughly understand, so that in future no doubt may arise. It is contended by the hon. member for Mudgee that under the ruling given in "May," which commences with the words "Whenever any disorderly words have been used," and so on, some power must decide as to the nature of the words before they can be reported from the Committee to the House. I would remind hon. members

just here that there is a difference, and a marked difference, between the position which I have the honor to occupy and the position which Mr. Speaker occupies. That being the case, all precedents—and I shall claim the Committee's attention to one or two directly, both in our own Parliament and in the House of Commons—show that when disorder arises in Committee and notice is taken of it, as has been done by the hon. and learned member for East Sydney, Mr. Reid, in this case, there is one rule, and one rule alone—a rule that will not admit of doubt or question. That rule must prevail on the present occasion. It has been contended by hon. members that there must be a decision either by the Committee or by the Chair that the words are disorderly. One hon. member has contended that some member should have called the attention of the Chair to the disorderly words, and obtained an expression of opinion from the Chair, and, on that, have moved that the words should be reported. I may here say that had the hon. and learned member for East Sydney pursued that course, then the Chair would have been vested by that very act with power, not only of discretion, but also of enforcing punishment; and, instead of the words being reported to the House, there is no doubt that the Chair, in the exercise of that discretion, would have called on the hon. member for West Macquarie to pursue one of two courses. That would have taken away the power of the Committee to pursue the course the Committee is now about to pursue. Hon. members will notice that the proceeding laid down in "May" is to vest in the Committee the power of reaching the highest authority that governs Parliament without even the intervention of the Chair. Thus it is not a resolution dissenting from the opinion of the Chair, but it is the Committee proceeding, in consequence of something that has occurred, to the highest authority which Parliament knows, and having reconstituted itself from a committee into the highest court of the land, the Parliament, it then deals upon certain lines with the member who has offended. Some hon. members seem to have come to the conclusion that an hon. member, whose words may be taken down, is on his trial in the Committee. I beg hon. members to dispel that from their

minds at once. The hon. member is not on his trial for the words till the House has resumed. Should the Committee decide that I leave the chair, then, when the House resumes, the hon. member will be on his trial, but not until then. Thus I think hon. members will see that the opinion of the Chair that the words could not be debated as to their nature or import was a correct one, inasmuch as the offence, if there was any offence at all, must go before the proper tribunal, and before that tribunal alone be debated. Hon. members seem to rely a great deal on this—that any member can rise and move that words be taken down. I beg hon. members to remember that there is a discretionary power vested both in the Chairman of Committees and in Mr. Speaker; and that discretionary power, if used, would immediately be supported by the good sense of the Committee, or the good sense of the House, as in the case quoted by the hon. member who last addressed the House, the hon. member for Balranald, Mr. R. B. Wilkinson :

On the 9th April, 1807, the Speaker decided that the words of Dr. Duigenan could not be taken down, though Lord Howick had immediately risen to order, and had objected to the words used.

So the discretion vested in Mr. Speaker had been used, and it is evident from the record that it was so in keeping with good sense and propriety, and the preservation of decorum in the House of Commons, that the House of Commons supported Mr. Speaker, and consequently it becomes a ruling. In the case before us the hon. and learned member for East Sydney took exception to expressions used by the hon. member for West Macquarie, and moved that the words be taken down. Some hon. members seem to hold the opinion that the making of that motion necessitates its being put from the Chair. I will call hon. members' attention to the practice of our own Parliament, and I think that hon. members will see that the course which the Chair has pursued on this occasion is the correct course. On the 13th November, 1856, in Committee of Supply—as we are at the present moment—this occurred :

Mr. Donaldson moved, pursuant to notice :

That the Speaker do now leave the chair, and the House resolve itself into a Committee of the Whole, further to consider the supply to be granted to her Majesty for the year 1856-7.

[The Chairman.

Question put and passed;—whereupon the Speaker left the chair, and the House resolved itself into the said Committee accordingly.

The Chairman reported that the hon. member for the North Riding of the County of Cumberland, Mr. Darvall, had in interruption of the hon. member for The Murray, Mr. Forster, used the words, "What does the hon. member mean by this insolence?"

Hon. members will note that the words were moved to be taken down, and a motion was carried that the Chairman leave the chair and report the words to the House. What follows?

And Mr. Darvall, having been heard in explanation, and withdrawn—

This, hon. members will see, bears out what I stated—that the offence, if any, is to be answered for before the House, and the hon. member for West Macquarie, should the Committee carry the resolution now before it, will have the opportunity, upon the reassembling of the House, to explain exactly, from his point of view, what has occurred, and his own action.

Mr. Forster, having been also heard, Mr. Martin moved :

That, in the opinion of this House, the words used in the Committee by the hon. member for the North Riding of the County of Cumberland are disorderly.

Hon. members will see that if it were for the Chair to offer an opinion, or for the Committee to offer an opinion, that would at once be trenching on the functions of the House when it reassembles. It is not actually a question at this moment whether the words were or were not disorderly. The hon. and learned member who proposes the motion believes them to be disorderly; but it is not actually at this moment a question whether they are or are not disorderly, but whether the House should have an opportunity of deciding after the matter has been reported to it. What was done on that occasion was this :

Mr. Parker moved that the question be amended by the omission of all the words following the word "That" at the commencement with a view to the insertion in their place of the words "the offensive words used in the Committee by both hon. members ought to be withdrawn," and, a debate arising, and it appearing to be the desire of the House that the Speaker should decide in this case, —

Hon. members will see that on that occasion the House committed to Mr. Speaker the power of deciding as to the nature of the words.

proposed amendment, by leave, withdrawn ; original motion, by leave, withdrawn ; where-

upon the Speaker said that the words used in the Committee by the hon. member, Mr. Darvall, were disorderly, and ought to be withdrawn; and that the hon. member for The Murray, Mr. Forster, ought, in Mr. Darvall's presence, to repeat to the House his explanation of the inoffensive sense in which he had used the words which had given offence to Mr. Darvall, upon which, he felt sure, Mr. Darvall could have no difficulty in withdrawing the disorderly words used by him; and, Mr. Darvall being called in, and Mr. Forster repeating that he did not use the words complained of by Mr. Darvall in an offensive sense, or with any intention that they should be construed as in the least reflecting upon the veracity of Mr. Darvall, and having expressed his regret for having used them, so far as they might have been considered to be offensive to Mr. Darvall, Mr. Darvall withdrew the disorderly words used by him in the Committee, and expressed his regret to the House and the hon. member, Mr. Forster, for having used them; whereupon the Speaker left the chair, and the Committee resumed.

I shall only trouble the Committee with another case to show that we have precedents set by the action of Parliament which clearly justify the course of action in this case. Mr. Arnold was the Speaker at that time.

Ways and Means, 3rd November, 1869: The order of the day for the resumption of the Committee of Ways and Means having been read, on motion by Mr. Samuel, the Speaker left the Chair, and the House resolved itself into the said Committee.

The Chairman reported the following point of order, and obtained leave to sit again at a later hour of the day:—The hon. member for The Clarence had said in reference to certain remarks of the hon. member for West Sydney, the Hon. Geoffrey Eagar, "You dare not say that outside the House. If you do I will pull your nose for you." The said words so used by the hon. member for The Clarence were taken down in order to be reported to the House. The hon. member for The Clarence having, upon being called upon by the Speaker, admitted the correctness of the words as reported, withdrew.

Here I would point out to hon. members that the correctness or otherwise of the words come in question when the House reassembles.

Whereupon Mr. Wilson moved:

That the words reported as used by the hon. member for The Clarence to the hon. member for West Sydney, the Hon. Geoffrey Eagar, namely, "You dare not say that outside the House. If you do I will pull your nose for you," are unparliamentary and disorderly, and ought to be withdrawn.

Debate ensued.

Mr. Samuel moved:

That the question be amended by adding at the end thereof the words, "but that the language used by the hon. member for West Sydney, the Hon. Geoffrey Eagar, to the effect that the hon. member for The Clarence was a boaster and a coward, was equally disorderly, and calculated to provoke the disorderly language of the hon. member for The Clarence."

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

So that hon. members will note that this power of referring matters to the House gives the House the power, should an hon. member have provoked another hon. member, of dealing with both persons for their disorderly conduct. There is one more case to which I will call attention. In the session of 1872 the Chairman reported that a point of order had arisen in the Committee and obtained leave to sit again, so soon as that point of order should have been decided by Mr. Speaker. The Chairman then stated the point of order as follows:—

The hon. member for Camden, Mr. Garrett, in addressing the Committee, stated that the hon. the Colonial Secretary, Mr. Parkes, as a citizen of this country, went to Melbourne, and made a contract with the head of the Victorian Government against the interests of this country. Mr. Garrett then addressed the House, repeating the statement he had made in Committee, and that he intended in making the charge to impute crime against the Colonial Secretary. Exception being taken to certain words used by the hon. member while addressing the House, the words were, at the instance of Mr. Parkes, taken down by the clerk, by direction of the Speaker, as follows:—

Then the words were taken down. This was in the House.

The Speaker ruled that the words used by the hon. member, and the imputation conveyed by them, were highly disorderly, and ought to be retracted.

The matter ended by the hon. member retracting the expression, and offering an apology; and thus the House vindicated its power to control hon. members. Just a word before I conclude on the point of order. With regard to matters of disorder, if hon. members will take some little trouble to look up, and make themselves fully acquainted with, what expressions are orderly and what expressions are disorderly, they will soon find that a large number of expressions that are let fall during debate are exceedingly disorderly and offensive. In the House of Commons expressions are sometimes ruled to be disorderly which would in this House be allowed to pass, perhaps, unnoticed. If the Chair were to rise and call attention to them, hon. members would almost come to the conclusion that the Chair was needlessly interfering with debate; and I am confident hon. members will agree with the Chair that it is not the province

of the Chair to be rising at almost every other sentence to call an hon. member to order. The Chair oftentimes hears what is disorderly, but trusts that hon. members may call attention to the remarks, or that the good sense of hon. members addressing the Chamber may cause them to prevent disorderly scenes from arising. In the House of Commons an hon. member has been called upon to withdraw an expression, even with regard to Napoleon Buonaparte. I am, therefore, of this opinion: that the proceedings, so far as they have been taken, are strictly in keeping with the rules and orders of parliamentary government; that there is no need for putting the question to the Committee, "that the words be taken down"; that the mere fact of the Chair having requested the clerk to take the words down, and no objection being taken, is in keeping with the terms of "May," in the pleasure of the Committee; and in most cases the Committee has almost at once, without any debate, referred the matter to the House, and the House, which is the proper tribunal, has discussed the matter to its end. I, therefore, rule that the motion is strictly in order, and that the words have been taken down strictly within those laws that govern the Committee. I trust I have been able to make myself sufficiently plain so as to be understood in the opinion I have expressed; and I now, in conclusion, only say that I commit to the care of hon. members that honor and dignity that belongs to this Chamber, and which, I feel confident, they will all strive to emulate and maintain.

Mr. WALL would like to ask whether it was competent for an hon. member to request that any words be taken down, and whether it would be the Chairman's duty to order that those words be taken down whether they were or were not disorderly?

The CHAIRMAN: Hon. members will understand at once that the Chair is acting somewhat apart from strict rules in answering the question; but, perhaps, it is well, after the opinion I have expressed, and so that it may be fully understood, that I should answer the hon. member's question. To enable hon. members to thoroughly understand it, I will suppose a case. If an hon. member rises and asks that some frivolous words be taken down, I take it that whoever occupies this chair,

[*The Chairman.*

or Mr. Speaker's chair, will have sufficient discretion to deal with that hon. member for disorderly conduct in such a way that that would not be repeated.

Mr. GARVAN would now show reasons why the words taken down should not be reported to the House. He had carefully listened to the Chairman's ruling on the subject, and also to the examples that had been quoted, and in none of them did he find any objection to the course he was about to take. While it was specially within the province of the Committee, on motion and without debate, to refer the matter to Mr. Speaker, the fact of the motion being submitted from the Chair left it within the right of the Committee to debate it if it thought fit.

The CHAIRMAN: I did intend when offering my opinion to add this: That I find from certain precedents that it has been an invariable custom, whenever it could be argued whether the words were or were not disorderly, to at once refer the matter to the higher court.

Mr. GARVAN: Not invariably!

Mr. GARRETT: Oh, yes it is!

Mr. GARVAN: I have had experience where it has been otherwise!

The CHAIRMAN: During the ten years I have had the honor of being a member of this Assembly, the invariable rule has been to refer the matter at once to the House; and that has been done on this principle: that the higher tribunal should deal with the matter, and that as speedily as possible.

Mr. GARVAN said that in the most logical way he could he had wished to submit to the Committee a fair and reasonable interpretation of the words complained of, and that, under the circumstances, they were not deserving of the time of Parliament being taken up to the extent that would justify us in referring them to Mr. Speaker. The only word to which objection could be taken was the word "devil."

The CHAIRMAN: I have no desire to curtail the hon. member's right of speech; but I must appeal to the hon. member to desist from discussing the nature or import of the words. That is a matter belonging to the House, and not to the Committee.

Mr. GARVAN said that if he could not exercise his right to discuss a motion from the Chair in the only logical way he could

discuss it, he would have to take the extreme step of dissenting from the Chairman's ruling. It must be clear to the Committee that he had full power to discuss it by dissenting from the Chairman's ruling. He did not wish to take up time; but, if necessary, he would take up another hour in vindication of his right of speech. He was desirous of showing that the words complained of and the words which had been taken down were not worthy of the attention of Parliament, and that it would be a waste of time if the matter were referred to Mr. Speaker. His only means of showing this was by putting a reasonable, and not the worst, interpretation that could be put on the words. He was going to show that no disorderly interpretation could be put on them.

The CHAIRMAN: I must appeal to the hon. member to desist from that line of argument. If he dissents from the course I have taken, there is a clear course for him to take.

Mr. GARVAN moved:

That the Chairman leave the chair and report progress, and ask leave to sit again so soon as the point of order has been decided, the point of order being that the hon. member for Eden, Mr. Garvan, was out of order in discussing the import of certain words complained of on the motion that the Chairman leave the chair and report the words to the House.

Mr. DIBBS was very desirous of terminating the very disgraceful state in which the Committee had got.

The CHAIRMAN: The hon. member must withdraw the term "disgraceful," for it cannot in any parliamentary sense be applied either to the Committee or to the House.

Mr. DIBBS withdrew the word "disgraceful," and said that the Committee had got into the most extraordinary position it had ever been in, and had done so at the instance of one gentleman in the Chamber who only came here occasionally.

The CHAIRMAN: I appeal to the hon. gentleman to discuss the motion before the Chair.

Mr. DIBBS wanted the Committee to get out of the difficulty in which they found themselves. We had already lost a certain number of hours that we should have devoted to business. The hon. and learned member for East Sydney had moved a motion which should be withdrawn as being frivolous in its character, and the

whole of these points of order and references to Mr. Speaker should be withdrawn.

Mr. REID: I don't agree with the hon. member!

Mr. DIBBS: If the hon. member wished to serve the Committee, the House, and the country, he would withdraw the motion.

Motion agreed to.

In the House:

Mr. MELVILLE: During the course of the debate in reference to an item on the estimates the hon. member for West Macquarie, addressing the Committee, used certain words which, in the opinion of the hon. and learned member for East Sydney, Mr. Reid, were disorderly. The hon. and learned member immediately, before any business had intervened or even another expression had fallen from the hon. member for West Macquarie, rose and moved that the words should be taken down. I directed the clerk to take the words down. They were taken down, and were read to the Committee, and in expressing the order for them to be taken down, and in reading them to the Committee, there was no dissent from the course I was then pursuing. It is stated on the 377th page of "May":

Whenever any disorderly words have been used by a member in debate, notice should be immediately taken of the words objected to; and if any member desire that they may be taken down, the Speaker or Chairman, if it appear to be the pleasure of the House or the Committee, will direct the clerk to take them down.

That I submit was the course exactly pursued by myself and by the Committee. Following upon that when the motion was stated from the Chair, it was in the following terms:—"That I do now leave the Chair, and report the words taken down to the House." Then there was the customary motion asking leave to sit again after the words had been disposed of. The words complained of are in the following terms—

Mr. TOOHEY: I rise to a point of order. I submit that we have no cognisance of these words whatever. The hon. member has not admitted using them and the House has not decided that they have been used. Therefore, I submit that the hon. member for Northumberland is not in order in saying that these were the words used by the hon. member for West Macquarie.

Mr. MELVILLE: The words are in the motion.

Mr. TOOHEY : They may be in the motion, but the motion has not been carried. It is merely a resolution submitted to the House. The resolution was not carried by the Committee. The hon. member for West Macquarie has not admitted using the words, and I submit that it is not in order to say that these were the words he used.

Mr. MELVILLE : I am quite prepared to abandon quoting the words. I will endeavour, however, as impartially as possible to state what has occurred. Upon the motion being read from the Chair—I have read part of the motion, and I will omit the words to which exception was taken—a point of order was taken that it was in order for hon. members to discuss in Committee whether the words were disorderly, or whether they were not disorderly—that it was in order for an hon. member to argue whether any one or all of the words conveyed a disorderly meaning. I expressed my opinion, sir, that there were two courses open for members of the Committee, the first to discuss whether the words in the motion were actually the words used by the hon. member or not, and then to discuss reasons why I should leave the chair; but that they could not discuss whether the words were disorderly or whether they were not disorderly, that being the province of the House on its re-assembling. I also stated that the hon. member would have an opportunity of explaining whether he used the words, and that hon. members would also have the opportunity of discussing before you their full meaning and import. The hon. member for Eden, Mr. Garvan, urged that the words had a certain meaning, and that that meaning was of so trivial a nature that they should not be referred to Mr. Speaker or the House. In the opinion of the Chair the hon. member was out of order, and upon expressing that ruling, and again requesting the hon. member to confine himself to the subject-matter, as ruled by the Chair, the hon. member sought that the matter should be referred to you. I think I have stated the case as fairly as my humble ability will allow me. I have endeavoured to put it to you exactly as it occurred, so that you may be seized with the facts, and so that hon. members may discuss its relative merits. I have not one word to offer to you in

[Mr. Toohey.

defence of the opinion I have offered. That will be for hon. members to discuss before you. If I have omitted anything in stating the matter to you hon. members will go fully into it.

Mr. GARRARD : It will not be fair to the hon. member himself if he does not put his own case to Mr. Speaker !

Mr. MELVILLE : I am quite willing to leave the matter to Mr. Speaker, although, if it is thought necessary, I will say a little more in regard to it. I may state that the opinion expressed was that it was not within the province of the Committee to discuss the import of the words used, as to whether they were or were not disorderly. I cited authorities in support of the opinion I thus expressed, and I respectfully submit to you that that opinion was correct on this ground : that the matter must be referred to the House. The fact of the words being moved to be taken down removed the discretionary power which otherwise might have vested in the Chair. The reporting of the words to the House is for the purpose of placing them before the proper and only tribunal before which the hon. member can be brought. That being the case, it would be exceedingly disorderly to discuss in Committee whether the words were orderly or disorderly, that being a matter which had to be discussed before you and by the House. Had the Committee discussed the words, and argued as to whether they were orderly or disorderly, it would have usurped the rights and province of the House itself. That is the case I laid before the Committee. I am confident, whatever decision may be given, that the House will agree with me that I have not attempted to prejudice either Mr. Speaker or hon. members. I am quite willing, and shall be happy, to immediately carry out whatever, in your opinion, may be correct, submitting, at the same time, that my opinion is a correct one.

Mr. GARVAN : The Chairman of the Committee has stated very fairly, with one important exception, what has taken place. The Chairman started with a fundamental error, which was, I think, the cause of a great deal of the disagreement which occurred in Committee. The Chairman of Committees reported to you that certain disorderly words had been used. That is the great bone of conten-

tion, because it has never been decided either by the hon. member who took exception to the words or by —

Mr. MELVILLE: Will the hon. member pardon me? If I did use the word "disorderly," I did it inadvertently. I have only to ask you, Mr. Speaker, to banish that word from the statement I have made to you. If the hon. member had called my attention to it, I should at once have ceased to use the word, and would have used the expression, "words to which exception was taken by the hon. member for East Sydney, which were taken down."

Mr. GARVAN: It was only moved that certain words—those words being named—be taken down, and in the naming of the words there was no expression of opinion as to whether they were disorderly.

Mr. GARRETT: I rise to a point of order. I contend that there was no proper course taken to declare the words disorderly, as required by the rules of Parliament.

Mr. GARVAN: That is not a point of order. It was moved, without debate or expression of opinion from the hon. member who took exception to the words being disorderly, that the words be taken down, and without any expression of opinion from the Chairman, they were taken down. Then a motion was submitted to the effect that the Chairman leave the chair, report the words to Mr. Speaker, obtain his decision, and ask leave to sit again. I contend that the words not having been declared disorderly, it would be a waste of time to refer the matter at all to you, except the Committee thought, on full consideration, they were of sufficient import to warrant such reference. I was proceeding to show that these words were not of a character which warranted the taking up of the time of the Committee, and the wasting of your time in obtaining your opinion upon them, when I was interrupted by the Chairman, who ruled that I was not at liberty to deal at all with their meaning or import. To that I took exception; and now the question is whether I was at liberty to state my reasons to the Committee why the words should not be referred to you, especially as those words had not previously been decided, either by the action of the hon. member who took exception to them, or by the

Chairman of Committees, to be disorderly. I contend that it was my full right and privilege to show the full import of the words, so that the time of the Committee should not be wasted in referring them to you.

Mr. REID: The hon. member for Eden has been somewhat bald in his narrative of the facts. The case was this: Certain words were used which I thought should be immediately taken down. I moved that they be taken down. There was no dissent and no objection. I repeated the words, and they were taken down. Nothing intervening, I submitted a certain motion, which the Chairman has read, to the effect that these words be referred to the House, with leave to sit again after the matter had been disposed of. There was no expression in my motion that the words were disorderly. If the motion had characterised the words as disorderly, it might have been contended, when the matter came before the House, that no such disorder had been established. Inasmuch as I did not characterise the words as disorderly, but simply moved that they be referred to the House, the question of disorder is left entirely to the House. It is contrary to the rule, and besides that it would be a waste of time, to enter into discussions of this kind in Committee, when that discussion must take place in the House itself, the House being the only competent authority to decide whether the words were or were not disorderly.

Mr. TOOHEY: On a point of order, I wish to state that a resolution in Committee does not give any power to a mover of that resolution to make it a factor in the element of parliamentary government. The mover of a resolution of this kind—that a certain matter be referred to Mr. Speaker—must give the members of the Committee a right to discuss whether the Chairman shall or shall not leave the chair. In the discussion the question of the words being orderly or disorderly must be a necessary element. Consequently, either the Chairman of Committees, or the House itself, must decide whether the words are or are not disorderly before they are referred to the Chair. Otherwise any member may rise and submit that certain words should be taken down and referred to the Chair, which are not words possessing elements of disorder. The hon. member's

contention is that the fact of moving the resolution alone gives the right to appeal to the Chair. Hon. members must see the absurdity of that position. The whole thing can be debated point by point, and element by element, to an indefinite period. I hold that the fact of the words being taken down is not evidence that they are disorderly. The Committee itself must decide whether these words are or are not disorderly before they are referred to the proper tribunal to say how they shall be dealt with. The mere fact of moving the resolution that the words be taken down does not give the right or power to any member to dissolve the Committee.

Mr. T. WALKER: I submit that the hon. member for Eden, Mr. Garvan, was perfectly in order in discussing whether these words should be referred to you or not, on the ground as to whether they were orderly or disorderly. May uses the expression:

Whenever any disorderly words have been used.

It must be evident that some one must have the authority of deciding whether words are or are not disorderly. If the Chairman does not decide it, it is evidently the prerogative of the Committee to decide it. May further states:

Even the Speaker's own words have been in this way directed to be taken down.

Now, before Mr. Speaker's words could have been taken down there must have been some discussion on the question. Somebody must have moved that Mr. Speaker's words be taken down, because they were disorderly. A debate must have ensued, and various opinions must have been expressed, as to whether they were or were not disorderly. Ultimately, by the vote of the majority, it must have been decided that the words were disorderly. That fairly shows the right of discussion as to whether the words are or are not disorderly. In regard to this matter, May points out that Mr. Speaker decides that certain words are not disorderly and could not be taken down, although there have been objections made to the words and attention drawn to them, thus signifying that a point of order must have been raised; and that point of order, whatever it may have been, is open to discussion. The attention of Mr. Speaker is drawn to the words, and then it is implied that a discus-

sion takes place as to their nature, and that Mr. Speaker ultimately gives his ruling that the words are not disorderly, all this clearly showing that the right of discussion is inevitable. I think the conclusion of the Chairman of Committees has arisen from the fact, that he supposes that the question as to whether the words are or are not disorderly must be referred to you for decision. I submit that when words are reported to you as having been taken down in Committee, they are referred to you to adjust the punishment, and to state what penalty shall be imposed on the delinquent for having used them. The Chairman, in this instance, did not undertake, nor did the Committee, to inflict punishment. The matter, however, is referred to you, the point having already been decided that the words are disorderly. That question is really decided before the words are taken down. The words having been taken down and reported to you as disorderly, the matter is reported for the purpose of inflicting the penalty due to the offence which may have been committed.

Mr. FRANK SMITH: The lesson to be learned from the passage quoted from "May" is this, if anything at all: that upon the Chairman of Committees exercising his authority, and directing that the words be taken down, the question of their being disorderly or otherwise is removed from the Committee. The Committee cannot discuss that point, because it is referred to the higher tribunal. What the Chairman of Committees did, and upon which dissent is raised, was to decide that the question as to the meaning of the words could not be commented upon or discussed. I submit that the lesson to be learned from "May" is, that the words having been taken down, the question as to their being disorderly or otherwise is entirely within the province of the House.

Mr. CRICK: I submit that a wrong course has been pursued, and I will take the most recent decision on this very important point. It is the case in which the hon. member, now the head of the Government, was named. At that time Sir Patrick Jennings was Prime Minister, and the present Colonial Secretary having used words which the then colonial secretary thought to be disorderly, he moved to have them taken down. The House at the time was in Committee of Supply, and

[Mr. Toohey.

there had to be a clear motion proposed that the words be taken down. In the present instance no motion whatever was put to the Committee. The hon. and learned member for East Sydney, however, intimated that he intended to move a motion. That motion was never moved. If the motion had been put from the Chair I should have had an opportunity of saying whether the words which were taken down were or were not correct. That opportunity was not afforded me. The rule, according to "May," is so clear, that I cannot understand how any one who is able to read English can doubt that the Chairman has not the power to order that the words be taken down. There must be a motion before that can be done. In the instance I have named, Sir Patrick Jennings moved that the words be taken down, and reported to the House. The question was put from the Chair, and resolved in the affirmative. Then the further question that the Chairman do now leave the chair, and report the words to Mr. Speaker, was put. If that course had been pursued in the present instance, this point of order could not have arisen. The point of order now is that before the words are reported to Mr. Speaker, the member charged with using them must have the opportunity of saying whether he did or did not use them. If I had had the opportunity of saying whether I did or did not use the words, I should have denied using them, and the strict rule of Parliament is that my denial must be taken. Then what comes of all these proceedings and all this waste of time? If the opportunity had been afforded me, I should have denied, as I intend to deny now, and truthfully deny, that I used those words, and if I deny that I used them these proceedings fall to the ground. The point of order raised by the hon. member for Eden simply gives hon. members power to say whether the words taken down were the words used. Your ruling, Mr. Speaker, will, I presume, be in favour of the liberty of speech. In a matter like this there should be no curtailment of the rights and privileges of debate. If you do anything at all you will strain the privileges of the House for the purpose of allowing hon. members, placed in the same position as myself, the fullest opportunity of stating their case.

Mr. MELVILLE: The hon. member for West-Macquarie is under the impression that a motion that the words be taken down was not made. The hon. member for East Sydney made that motion, and upon that I directed the clerk to take the words down. That was the exact proceeding.

Mr. REID: And I gave the words in moving the motion.

Mr. CRICK: The motion was never put, but the Chairman directed the clerk to take down the words.

Mr. SPEAKER: Perhaps it may be as well if I decide at once that it is not necessary that the question should be put to the Committee. May distinctly lays it down that if it is the general opinion that the words should be taken down, the Chairman or Speaker may direct that they be taken down without actually putting the motion.

Mr. CRICK: I deny that those were the words used.

Mr. MELVILLE: The hon. member for West Macquarie will pardon me when I say that he does not seem to comprehend the exact position of affairs. The hon. member is not now on his trial. The hon. member has all the rights and privileges of a member of the Committee till the House resumes. Then the hon. member makes an explanation, and after that withdraws. That being the procedure, I submitted to the Committee, as I do now to the House, that the moment the motion was made that the words be taken down, I was bound, according to "May," to order the clerk to take them down. If the words are incorrect, the matter is one to be argued out before you.

Mr. WALL: The question has been raised as to whether the Committee would have been in order in discussing the words made use of. The actual question before the House is as to whether the hon. member for Eden was in order in discussing whether the words used were or were not disorderly.

Mr. GARVAN: That was not my contention at all. My contention did not bear on the point as to whether the words were or were not disorderly. My argument was as to whether the words should be referred to Mr. Speaker.

Mr. MELVILLE: The hon. member was arguing as to the import of the words.

Mr. GARVAN: As a reason why they should not be referred to Mr. Speaker.

Mr. MELVILLE: Exactly; and then I submitted that the hon. member was out of order, inasmuch as he was endeavouring to do what it was his right and privilege to do when he was before you, Mr. Speaker, in the House.

Mr. SPEAKER: In my opinion the ruling of the Chairman was a perfectly correct one. It is quite clear, from the authorities cited in "May," that a motion is not necessary. If the words are ordered to be taken down, I take it that the Chairman is of opinion that the words are disorderly. If hon. members will turn to the end of the passage in "May," on page 378, they will find the following:—

If the words be taken down in a Committee of the Whole House, they are ordered to be reported, and the House deals with the matter as it may think fit.

Therefore, I think that when the words are taken down, it is the duty of the Committee to order that they be reported to the House, and then the House deals with the matter. Of course it is not the fact that the Speaker deals with the words himself; he expresses no opinion as to whether they are orderly or disorderly. The House itself deals with the words as reported to it. The case to which the hon. member for West Macquarie, Mr. Crick, refers was entirely different from this. In that instance the question was, that the Chairman of Committees, whoever he might have been at the time, should put the question for the Committee—not that the Speaker should put the question. My predecessor gave no ruling of that kind, and took no procedure of that kind. The procedure was taken in Committee, and a different procedure was taken to that which has been taken to-night; but according to my reading of "May," the procedure to-night has been the correct one.

In Committee:

The CHAIRMAN: The question is, that I do now leave the chair, and report the words taken down to the House.

Mr. CRICK: What are the words?

The CHAIRMAN: May I ask the hon. member not to interrupt? The question is, that I do now leave the chair and report the words taken down—"You cannot blacken the character of the devil;

[Mr. Melville.

therefore you cannot blacken the character of Parkes"—as words used by the hon. member for West Macquarie, and ask leave to sit again after the matter has been disposed of by the House.

Mr. CRICK objected to the words being reported to the House, and did so on the best possible ground. Those were not the words used by him.

Mr. GARRETT submitted that the hon. member could not debate the question now. He could debate it when members got back into the House.

Mr. GARVAN said it seemed somewhat illogical to discuss what penalties should be meted out for the use of certain words if there were any doubt as to the correctness of the taking down of those words. If by any process the Committee could arrive at the exact words used, it would simplify the matter very much.

Mr. CRICK submitted that the motion was wrongly worded. The proper motion should have been, "That the Chairman do now leave the chair and report the words used"—not the words taken down. It was clear that the House would be bound by the report of the Committee. If the words were sent to the House in this shape the House would take it for granted that the Committee had found that these were the words used.

Mr. GARRETT submitted that the hon. member for West Macquarie was not in order in debating whether the words read were those which he used or not.

Mr. T. WALKER agreed that there should be no debate on this matter, according to the ruling of Mr. Speaker. Prior to that ruling he was of a different opinion; but of course he, for one, was willing to abide by it.

Mr. GARVAN said that if the Clerk of the House had taken down wrong words it would be an absurdity to report them to Mr. Speaker. He submitted that the present was the proper stage at which the question as to the correctness of the words should be dealt with.

Mr. WALL submitted that there could not be two questions before the Committee. The only question before the Committee was that the words taken down be referred to Mr. Speaker.

Mr. CRICK said he had endeavoured to point out that when the words were reported to the House there could then be no question as to their correctness. The course

would be for the member charged to make an explanation and to withdraw. Some hon. members might think that the matter was a light one. The question was, however, one of establishing a precedent, directly in the teeth of the valuable precedent he had referred to. The Committee had placed itself in a nice muddle.

The CHAIRMAN : I have endeavoured to explain the hon. member's exact position. The words referred by the Committee to the House are the words taken down. No question can arise at the present juncture as to the correctness of the words ; that is a question for the House when it resumes. The hon. member for West Macquarie is under a misapprehension. He will have the opportunity of explaining or denying the words taken down, and it will be for the House to decide whether it accepts that explanation or denial. Nay, more than that, it will be within the province of hon. members to prove an addition or alteration of the words, as was done in the case I cited when offering my opinion.

Motion agreed to.

In the House :

MR. MELVILLE : Mr. Speaker, during the debate on an item in the estimates, the hon. member for West Macquarie was addressing the Committee, and whilst doing so the hon. and learned member for East Sydney (Mr. Reid) took exception to a certain expression made use of by the hon. member for West Macquarie, and moved that it be taken down, indicating that the following was the expression in regard to which he complained :—" You cannot blacken the character of the devil, therefore you cannot blacken the character of Parkes." The clerk at the table was ordered to take the words down. The words were taken down as indicated by the hon. and learned member for East Sydney, and, upon resolution of the Committee, the matter has been referred to you, and to the House, as to whether the words are or are not disorderly, and whether the hon. member for West Macquarie was out of order in using the expression. I desire to say, Mr. Speaker, just this much, with regard to this point of order. During the debate which has taken place upon the item before the Committee, much greater latitude has been allowed than the rules of parliamentary

procedure would allow. That latitude during the debate last evening was taken exception to on a point of order by the hon. member for Queanbeyan. The Chairman pointed out to the Committee the difficulty of the position, and explained that the actual rule of Parliament certainly would curtail and prevent the use of expressions and metaphors which were being used by hon. members ; but that the consensus of opinion at that time seemed to be that the hon. member who was then addressing the Committee—the Colonial Secretary—should be allowed the latitude which his language indicated he desired. I pointed out to the Committee, that in allowing this latitude, Parliament being a law to itself, and being the power which created its own laws, we were treading on very dangerous ground, and the truth of that expression is now verified by the fact that exception has been taken to an expression used by the hon. member for West Macquarie, and in regard to which there cannot be a second opinion that, in strict parliamentary law, it is disorderly. I have nothing further to say, excepting that I have stated the matter as straightforwardly as it is possible, under the circumstances. I would like to impress upon you, sir, that the latitude which, no doubt, has given rise to this expression, and other expressions, was allowed because of the debate being of a peculiar character. The Colonial Secretary had felt it to be his duty to defend himself against certain accusations which have been made, and to explain the peculiar position in which he was placed, and to justify his own action. I felt, in consequence of the latitude which had gradually crept in, and the nature of the motion which was being discussed, that as a matter of honor I was bound to allow the Colonial Secretary that latitude which he himself felt it his province to take in reply to the charges made. I submit, Mr. Speaker, that the question of course arises as to whether hon. members can take that same latitude under the rule which, by unanimous opinion, was created at the time ; but which was entirely outside the strict parliamentary law.

MR. SPEAKER : The procedure in a case of this kind is not to ask for the opinion of the Chair as to the character of the words reported. It is now my duty to call upon the hon. member for West

Macquarie to make such explanations and remarks with reference to the matter as he may choose, and then the ordinary course is that the hon. member who has been charged, or whose words have been taken down and reported, should withdraw, and the House itself deal with the case.

Mr. CRICK : I submit, in this case, that parliamentary usage and practice have been grossly violated. I say that, sir, notwithstanding your ruling, because there are certain words before you which have been reported to you as having been uttered by me, which I absolutely and emphatically deny uttering. That being so, I fail to see why I should proceed to offer any explanation whatever of words which I deny having uttered. It is not for me to say now what were the words I uttered. I do not see, Mr. Speaker, why I should be called upon to do that. A supporter of the Government, seldom seen in this House of late, who has not heard the previous portion of the debate, and who has not heard the terms which have been applied to me, has suddenly turned up, full of piety and virtue, and has moved a motion which can have but one object, and that is to stop my mouth. It is well known to hon. members that, because of the position and latitude assumed by the Colonial Secretary, I had made up my mind to make as strong and bitter an attack on him as I possibly could. It may be that the hon. member, in his excessive loyalty to his chief, was desirous of shielding him from any attack I might make. At any rate, he rushed hurriedly into the fray, and without my ever being asked to withdraw the words, or to apologise, which would have been the proper parliamentary course to pursue, as I shall show later on, he moved that the words be reported to the House. When the words were read out I at once denied having used them. They were read out a second time, and I again denied having used them. On two occasions I gave an emphatic denial that I had used those words. If I know anything at all about parliamentary procedure, short time as I have been in the House, it is that the emphatic denial of an hon. member must be taken. If there were such evidence before the Chair as would justify the Chair in coming to the conclusion that an hon. member was trifling with the dignity of the

[Mr. Speaker.

House, and if there were no doubt whatever that the words taken down were the exact words used in such a case, the proper parliamentary course to pursue would be to ask the hon. member to withdraw the words and apologise. If the action of the hon. member was so gross and outrageous as to violate and strike a blow at the good order of Parliament, then it might be that other means would have to be adopted. But granting that I used those words, how can it be said that I struck a blow at the dignity of Parliament, which prevented Parliament from proceeding with the ordinary course of business? What was simpler or more easy, assuming that I did use those words, than that the Chairman should have required their withdrawal, and an apology to the Committee? Why, sir, I have seen an outrage and an assault committed here considered satisfactorily atoned for by the parties apologising. Let us take the case of the hon. member on whose behalf this champion of purity has come down to the House to-night. Not long since, before you occupied the chair, the hon. member at the head of the Government, then the leader of the Opposition, made an attack on the government of the day, and to show how elegant he can be at times, I shall read a short passage from the report of his speech :

By slovenly, ignorant management of Parliament. That is why it is brought on in that way. If we had a man like the present Chief Justice, or like any of the men who have had charge of the affairs of the country, if our difficulties had been twice as large, we should have got through the business without this resort to brutal tactics. This is a brutal ministry, trying to govern with force—by brutal means.

Mr. T. WALKER : That is far worse than what was said last night !

Mr. CRICK : Yes ; far worse. Sir Patrick Jennings thereupon rose to order, and then the question was put, "That the words be taken down and reported to the House," and the hon. member had an opportunity of being heard, an opportunity which was denied to me to-night—a denial which, as I say, fortifies my opinion that it is simply an attempt to close my mouth during the remainder of this debate, in view of revelations that I may make. Why should the hon. member and those supporting him, when they found themselves in a majority, resist for three hours

the right I claim to be heard on this matter, as to whether I used the words or not? I wish to point out the wonderful fairness and independent spirit of hon. members sitting opposite. Even when the motion was being finally put, so as to bring you into the chair, when I rose again to explain and to deny the use of these words, the hon. member for Camden, with a greatness of heart which could only be enclosed in a frame so small, took the point of order that I was outside the strict rules of debate. That is the kind of harshness to which I have been subjected. But how did a strong government treat the Colonial Secretary? So strong was their majority and so virulent and bitter had been his opposition, that they would have, from their point of view, been justified in passing the motion without debate. But they did not do that. They offered him every possible facility, though he had been a thorn in their side—not like I have been to this Government, assisting them in the only useful legislation they have passed throughout the session. Well, the first motion made on that occasion was, "That the words be taken down and reported to the House," and on that question the hon. member started to address the House as follows:—

I may be permitted to address you, sir. I feel so scandalised, so utterly shocked, at the proceedings, and the attempt to force us after midnight to the consideration —

Thereupon ensued conflicting interruptions in which he was allowed to say all he wished to say, and afterwards the question was proposed, "That the words be taken down and reported to the House."

Hon. Members: They are not the words!

Sir Patrick Jennings: If the hon. member has not the courage of his opinions and says they are not the words.

Evidently he was going to follow the strict rule of Parliament and to accept the hon. member's disclaimer, although there were only three words complained of, "This brutal Ministry," and not, as in my case, a long sentence.

Sir Henry Parkes: I admit the truth of the words.

So that when the question was put that the Chairman leave the chair and report the words to Mr. Speaker, there could be only one question fairly put before the House, which was: Were the words disorderly? What is the question now?

First, it is: "Did I use the words?" Again, I absolutely deny that I used the words. I now call to my aid the almost inviolable rule of Parliament that the disclaimer of an hon. member shall be accepted. I am now placed in this position: That having denied the use of the words I am asked if I have anything to say in explanation of the words. Well, what are disorderly words? I admit that if I had used these words there could be little said, for according to the strict rule of parliamentary debate they would be disorderly. But I will ask the hon. member who held the brief for the Premier on that occasion—I will ask the hon. member who came down to the House and argued that the words "this brutal Ministry" were not disorderly words, but were words for which the Premier should not be visited with the displeasure of the House —

AN HON. MEMBER: Who was that hon. member?

MR. CRICK: The apostle of purity to-night, the hon. and learned member for East Sydney, Mr. Reid, was the man who came down and defended disorder on that occasion. I do not know whether this hon. gentleman, who comes down teeming over with a desire to preserve the dignity of the House, is prepared to say that the words I have used to-night, if I admit them for the sake of argument, are one whit more disorderly than those used by the Premier last night towards me. Surely to heaven if a man sits and listens to violent, abusive, and unwarrantable attacks on himself, the man who makes the attack is not coward enough to claim the privileges of Parliament to protect him from an attack brought about by his own conduct!

MR. GARVAN: And in the same debate!

MR. CRICK: It was admitted by the Premier that in the course of a long speech made by me against this item he had nothing to complain of, whereas he expected—and I dare say many hon. members expected—a violent attack on him at my hands. I will undertake to say that he was surprised at the considerate tone of my speech. And, then, what does he come down and say the following night? After taking a day to consider, not stinging under anything said by any one, not smarting under the infliction of violent personal abuse, but having slept upon the matter and thought it out, next day he comes.

down to the House, and after attacking the gentleman I follow on this side in a long string of vulgar epithets unequalled in the history of the creature referred to by himself—an angry fish-wife—looking across to where I was sitting, he used these words, referring to other men who lived in days gone by :

They stood face to face like men, and did not, like those of a later day, crawl about the face of the earth, which they beslime with their unsightly and poisonous carcasses.

Mr. DIBBS : That is eloquent language !

Mr. CRICK : I crept about the earth ! I crawled about the face of the earth ! I beslimed the earth with my unsightly and poisonous carcass ! I am to sit here and listen to language like that applied to me, and when I get up to retaliate, I am to be tripped up by an hon. member who I venture to say during this session has done nothing but act as wet-nurse to the imbecile members of the Government.

Mr. TOOHEY : Not a wet-nurse ; a dry nurse !

Mr. CRICK : The Premier would not have dared to take this point of order. Having said his worst, he would not, if I know anything of him at all, have taken the point of order under the severest castigation which could be poured out on him. Probably he told this faithful gentleman to come and do his dirty work. Do not let the House think that I am asking for any consideration. I do not care a snap of my fingers if the House expels me, and the hon. member, or any hon. member who voted to-night on this question, can come to West Macquarie and fight it out. I should beat any man, from the Premier downwards or upwards, on this most scandalous proceeding, in any country electorate in the colony. I shall not deny that the words I used at the time were strong words—not so insulting as the words quoted in the motion ; but words justifiable, and brought forth, in my opinion, just after a division had been taken, and a vote recorded, which I, whether rightly or wrongly, looked upon as a vote which was a disgrace to Parliament—which I looked upon from my point of view as a dishonest vote. Feeling that, I spoke strongly, undoubtedlly ; but I did not, and I again reiterate my denial, use the words you have before you. I do not think I shall trouble the House with any reference

[Mr. Crick.

to the advocacy of the hon. and learned member on the occasion when the Premier was put out of the Chamber. But I shall refer to the course then taken, even after the disorderly words had been reported to the House. Mr. Speaker ruled that on the face of them the words were disorderly. What did the premier of the day do ? Sir Patrick Jennings said :

The hon. member for St. Leonards having declined to withdraw the words, and admitting them to be substantially correct —

What was he about to do ? After neither denying nor withdrawing the words, there was an end to the proceedings. But is that the case to night ?

Mr. BRUCE SMITH : The hon. member was asked to withdraw them !

Mr. CRICK : I was asked outside to withdraw them.

Mr. PAUL : I asked the hon. member across the table !

Mr. CRICK : I admit that the hon. member for Bathurst asked me privately, but it was done more out of personal friendship to me.

Mr. PAUL : I asked the hon. member both privately and publicly !

Mr. CRICK : While I was resting over there I heard an hon. member's advice to withdraw the words, and with as much bitterness as I could throw into my tone I said, "No."

Mr. PAUL : Both privately and publicly I asked the hon. member !

Mr. CRICK : I am pointing out the course which was offered to be taken in regard to the Premier when his denial would have been accepted, when his withdrawal would have been accepted. But that course could not be taken to-night. I have said all I intend to say ; I am perfectly indifferent what decision the House comes to. I think whatever may be the verdict of the House to-night, the verdict of the country will be with me, and although there may be many in and out of the House who may not approve of everything I may do, I can find a good many who approve of most of what I do.

Mr. McMILLAN : I am sure that the House will have too much regard for its own dignity and independence to take the irrelevant and angry tirade of the hon. member as a proper excuse and justification for his conduct to-night. The law of

Parliament allows, in outrageous cases, a certain course to be adopted. I think hon. members will allow that the expression used by the hon. member was an outrage on Parliament.

Mr. LYNE: Then the Premier has outraged Parliament very often!

Mr. McMILLAN: I may say that in my position as minister, being desirous to get on with the business of the House, I was waiting anxiously to see if the hon. member for West Macquarie, after the reflection which was allowed to him during the interval between the utterance of the expression and its being reported to the House, would come to a better frame of mind, and explain and apologise to the House. The hon. member says that the words taken down were not the words he used; but, in the first place, he does not tell us what words he did use, which would have been a candid and ingenuous way of dealing with the matter; and, in the second place, he does not, and he dare not, deny the absolute accuracy of the substance of the words. There is no doubt that though one or two of the words may not be the exact words used, the sentence embodied in the resolution is exactly the real substance of what he said; and twist it about as you like, it is a gross and malignant insult against the hon. member who is at the head of the House.

Mr. LYNE: And who has disgraced it!

Mr. McMILLAN: I do not think it is necessary to say anything more. We have, I am thankful to say, certain rules which govern us. The Committee allowed these words to be taken down and reported to Mr. Speaker, which I take it is a declaration that the House considers that the expression was an outrage on Parliament. I think it is absurd to debate the question whether it is or is not a disorderly expression. The only argument which the hon. member adduced on his own behalf was that other expressions equally disorderly had been used at other times by other members. But that is not a law to us—two wrongs do not make a right, and it does not follow that the other expressions would not have been ruled to be disorderly if attention had been called to them at the time they were uttered. I beg to move:

That Mr. Crick, the hon. member for West Macquarie, is guilty of wilfully and vexatiously

interrupting the ordinary conduct of the business of this House, wherefore this House adjudges him guilty of a contempt of this House.

Mr. TOOHEY: Before the resolution is put from the Chair I desire to raise a question of order. The resolution affirms a certain statement in regard to the hon. member for West Macquarie; but there is no proof before you that he is guilty of any conduct of the kind, either in Committee or in the House. The hon. member has denied the use of the words. According to the law of Parliament, the hon. member's denial should be accepted, and I contend that the reassertion in the resolution of the use of the words is not in order.

Mr. SPEAKER: There is no rule under which the Chair can decide that such a motion cannot be put; it is for the House itself to decide. The hon. member's reasons would be very good if urged against the adoption of the motion; but there is no reason why the motion should not be put to the House.

Question proposed.

Mr. WALL: I rise to order. The Colonial Treasurer says that the words in the motion were the words used by the hon. member for West Macquarie.

Mr. McMILLAN: I said nothing of the kind!

Mr. WALL: Well, the hon. member said something to the effect that they were substantially the same as the words which were used. We are called on to punish an hon. member for contempt of the House, for uttering words which are not covered by the motion. Certain words have been reported to the House. The hon. member for West Macquarie denies that he used the words, and the Colonial Treasurer will not assert that they were the words, but says, in effect, that they convey the same meaning as would be conveyed by some words—which we do not know—that have been used in Committee. Those words probably conveyed a very bad impression as to the character of the Premier; but we have to deal alone with the words which have been reported.

Mr. McMILLAN: I assert that they were the words used, to the best of my recollection!

Mr. TOOHEY: The hon. member has submitted a motion on his recollection only!

Mr. McMILLAN : I did not say that these were not the words used. I went on to argue, with regard to the position of the hon. member, that, in the first place, he did not tell us what the words he used were; and even if he did deny having used the words taken down he did not contend, although he denied them, that they were not substantially the same as those he used.

Mr. TOOHEY : Why should he so contend? He has only to deny the use of the words!

Mr. WALL : The Colonial Treasurer did not assert, I submit, that these words were the words used by the hon. member.

Mr. SPEAKER : Perhaps the hon. member will allow me to interpose? All his reasoning may be very good if used against the adoption of the motion; but there can be no question about putting the motion before the House: it is in the power of the House either to accept or to reject it.

Mr. TOOHEY : The resolution affirms certain conduct in respect to the hon. member for West Macquarie, which he denies. Surely the very putting of the resolution from the Chair is a reflection on the hon. member, without a vote being taken at all?

Mr. SPEAKER : I can see no force in the hon. member's reasoning. It is no reflection on the hon. member, or if there is any reflection, it will be removed if the House does not pass the motion. I repeat that there can be no reason why it should not be put to the House.

Mr. GARVAN : I think it is undoubtedly to be regretted that this extreme waste of time has occurred. As has been reported to you, sir, the very character of the debate from its inception up to the time it was interrupted has been to give a large latitude to each speaker, and after such wide latitude has been given, I maintain that no new rule can be set up during the debate in that respect. Even a sense of fair play must manifest itself if there was no rule whatever.

Mr. LYNE : The hon. member does not suppose the hon. and learned member for East Sydney has any sense of fair play!

Mr. GARVAN : I am not going to attribute that to any hon. member. My impression is that every hon. member has a sense of fair play, and if properly appealed to it will be shown.

Mr. McMILLAN : There is a difference between latitude of debate and latitude of license!

Mr. GARVAN : I maintain that the latitude of both language and debate which the hon. member for West Macquarie is charged with infringing, was allowed to a much greater extent during that debate, and permitted not to an insignificant member of the House, but to the leader of the House. Speaking on the same question, and in the same debate, in an attempt to reply to one of the grossest and most offensive attacks on himself, though in language not nearly so offensive, the hon. member for West Macquarie was most unfairly attempted to be stopped. I claim that the rules of Parliament have for their object the giving of the fullest fair play in debate, and no consideration will be permitted which violates the principle of fair play; and unquestionably it would be a grievous outrage on fair play, if after the language which the Premier used, the hon. member's mouth were closed in the same debate, and he were not allowed to reply in even less virulent language to his accuser. I regret myself, I must candidly admit, the character and tone of the debate right through. I think that in the best interests of the House the character of a number of the speeches is to be regretted exceedingly. But for that I am not responsible. If there is one member who is charged above all others with responsibility for the conduct of debate, it is the leader of the House. I claim that the hon. member for West Macquarie is only following the example set by the leader of the House, and in this very debate. Is it right then that you should be called on to put in force a rule which violates every instinct of fair play—that the hon. member for West Macquarie, replying, as was undoubtedly the right of any man with the instincts of a man, and hurling back the accusation of the leader of the House, is to be stopped from using lesser weapons than even that hon. member used? I ask you if that is what you are called upon to rule in this Australian Parliament, and at the instance of whom? A gentleman of undoubted ability, who has very frequently absented himself from the House, and particularly during this very debate. I am positive, opposed as I am to the other side, that had he been present and heard the lati-

tude claimed and exercised by the Premier, his sense of fair play would have prevented him from taking this point. There is nothing more cowardly, nothing more unmanly in the world than that, after the leader, and the able and undoubted leader of the House, has had the privilege accorded to him to attack his opponents, his opponents shall have a rule instituted which shall deprive them of that liberty which he was allowed to exercise against them. It is to the everlasting discredit of any hon. member who seeks to put in force any rule of that kind. If such a rule existed I should trample it into the very dust, and should put up with any consequences which could possibly follow from my act. Take the case where the present Premier was placed in a somewhat similar position, and compare it with what has taken place now. When the hon. member, Sir Henry Parkes, was accused of disorderly conduct, he had every latitude accorded to him; he had the privilege of withdrawing the words if he thought fit; he had the privilege of denying the accuracy of them, and either act would have been accepted at that time as full satisfaction of his obligations to Parliament. But neither of those conditions is allowed to the hon. member for West Macquarie. Is that honorable or fair treatment? Would it be an honorable precedent for you to set up in direct opposition to the treatment which was meted out to Sir Henry Parkes when he was placed in a similar position? A proceeding of that kind must savour of absolute cowardice—absolute unmanliness as against the hon. member for West Macquarie. Take the very words themselves? Who is to put the interpretation on them?

You cannot blacken the character of the devil, therefore you cannot blacken the character of Parkes.

Mr. LYNE: He did not use those words!

Mr. REID: Fortunately there is a *Hansard*. I shall be willing to leave it to *Hansard*!

Mr. GARVAN: I venture to say that in the opinion of any competent literary or teaching character in the colony, the words are fairly open to the very opposite interpretation to that which is put on them to-night. I claim that except the language used is clear and undoubted in its worst interpretation, then the House is not war-

ranted in adopting the worst interpretation. As you will remark, there are only two words in this expression which in themselves could be offensive—that is to say, the name of the devil on one side, and the name of Parkes on the other.

Mr. DIBBS: And the deep sea between them!

Mr. GARVAN: I presume that the name "Parkes" is not an outrage on Parliament; consequently the name of the devil is the objectionable term. The term "devil" is used in so many phases, that it is rarely, if ever, accepted in a very offensive sense.

Mr. DIBBS: It is a term of endearment in some cases!

Mr. GARVAN: It is used as a mere expletive frequently. Let me take the interpretation put on the word by most competent English authorities. In "Walker's Dictionary," for instance, "devil" is defined as

a being described in the Scriptures.

I do not know, to begin with, that it is any great offence to a man to be compared with "a being described in the Scriptures"; some are described in very much worse books.

As a fallen angel.

I do not know that "Parkes" was ever an angel, and certainly the comparison with an angel that had fallen is not in itself exceedingly offensive; many a good man has fallen.

An HON. MEMBER: But not many good angels!

Mr. GARVAN: The definition proceeds: Whose occupation is to tempt man.

I shall take the very antithesis of that—that the devil is a being whose occupation is to tempt woman.

Mr. DIBBS: That is what he does all his life!

Mr. GARVAN: If it is an offence in itself to charge the hon. member with being a man whose special province it is to tempt man, is it offensive to apply to him the very opposite interpretation of the term "devil"—that he is a man whose special province it is to tempt woman? You must put either one interpretation or the other on the term.

Mr. McMILLAN: That is a curious antithesis!

Mr. GARVAN: I claim that the same interpretation cannot be put on two opposite terms. This authority says:

It is also used adverbially and interjectionally with much looseness of meaning or as a mere expletive.

Where these varied interpretations are put on the term I claim that under that liberty of free speech which is permitted, you are not justified in putting an interpretation of the worst character on the word. I claim that where it is open to varied interpretations you must clearly give the person accused all the benefit of a doubtful interpretation. Let me now read the definition of the word "devil" from the "Imperial Dictionary":

Diawl, which, Owen supposes to be compounded of *Di*, a negative, and *Awl*, light—one without light.

There is a description given of an Irish devil.

The Irish is *diabhail*, which according to O'Brien is composed of *Dia*, deity, and *bhal*, air—god of the air.

Is it an outrage on Parliament to apply that interpretation to "Parkes"?

Mr. T. WALKER: He is god of the hair!

Mr. GARVAN: But perhaps the friends of "Parkes" do not look on him as an Irish devil. They choose to put another interpretation on the term; and perhaps their more particular knowledge of the hon. gentleman warrants them in applying that particular interpretation to him. I claim that you, who are not supposed to know any of the bad qualities of the gentleman referred to, will not see any special likeness between "Parkes" and the other gentleman. While it may be ludicrous, I claim that I am on strong argumentative ground. The first meaning of the term I see given here is certainly not a meaning which could be offensively applied to any one; and I claim that an offensive interpretation could only be put on it by people who saw a similarity by reason of their intimate knowledge of the persons compared. Now, that intimate knowledge, if it has given them the opportunity of knowing how like the hon. member is to that devil described here, will not warrant you in putting the worst interpretation on the expression. I claim that where it is reasonable and logical that a different interpretation can fairly be put upon the term, it is your duty to rule

[Mr. Garvan.]

within the privileges of free speech that the most reasonable and charitable interpretation should be put on the words.

AN HON. MEMBER: Have you any more devils there?

Mr. GARVAN: There are a few more here:

In our translation of the New Testament the word is frequently and erroneously used for demon.

Another definition is:

A very wicked person, and, in ludicrous language, any great evil.

I maintain that one is perfectly justified in this House in describing the leader of the Government as a "great evil" to this country. However offensive it may be, still it is undoubtedly within the province of free speech to describe him in even stronger language than that. I maintain that the interpretations put upon the term by these authorities should fairly guide you in your decision:

In profane language it is an expletive expressing wonder, vexation, &c.

Even with the previous interpretation put on the term, I ask you is it not in the province of any person using the term to adopt any of the interpretations I am putting on the word, instead of the worst which can be suggested? It is further described as "an idol." I ask you if the term "idol" were applied to "Parkes," would it be an offensive term, seeing that that meaning is given to the word by one of the best dictionaries in our language? The devil is also described as "a false god."

Mr. WILLIS: I rise to order. I desire to know if it is not distinctly out of order for hon. members to read newspapers in the Chamber during a debate?

Mr. SPEAKER: Some years ago the practice was held to be out of order; but of late years it has been held to be in order so long as hon. members, by their reading, do not interrupt the proceedings of the House.

Mr. GARVAN: I now claim that on a broad and generous interpretation of terms as based on the experience of this debate, it would be absolutely at variance with every principle of fair play to put into force a strict rule against the hon. member for West Macquarie during that same debate, when greater latitude was allowed the leader of the Government. If any latitude is to be allowed at all, it should be allowed to the humbler members of the

House, who, by reason of youth and inexperience, find it more difficult to choose language within the rules of parliamentary debate, and Parliament should not be prone to put the strictest and harshest interpretation on the language of any hon. member. I therefore trust that the House will negative the motion if it does not want to bring Parliament, and the party who are seeking to put the rule in force, into utter contempt before every man who honors manhood throughout the country. I feel that if the motion is not negatived, the rule is one which should be outraged and trampled under foot, and broken at any time.

Mr. REID : I think the fact that an hon. member like the hon. member for Eden, whom every one respects, could utter the speech which he has uttered to-night, is the most direct proof of the demoralising effect which seems to accompany an attendance in the House. The hon. member has had what in any other man who is not so earnest as himself would be the indecent audacity to enter upon a dictionary —

Mr. GARVAN : I claim that the words "indecent audacity," as applied to me, be taken down.

Mr. REID : I did not apply the words to the hon. member. I said, "in the case of any other man."

Mr. TOOHEY : I rise to order. I submit that the hon. member for Eden, having claimed that the words be taken down, and the words having been taken down, the hon. and learned member has a certain course open to him.

Mr. SPEAKER : I beg the hon. member's pardon. The words have not been taken down yet: the clerk has not been instructed to take them down.

Mr. REID : Hon. members with any sense of accuracy must know that I said distinctly that if it were the case of any other man but the hon. member for Eden I should consider it indecent audacity.

Mr. T. WALKER : The hon. and learned member referred to the hon. member for Eden.

Mr. REID : I said in the case of any other man.

Mr. SPEAKER : I understood the hon. and learned member to speak exactly in the sense he has explained. I would point out that even in the other sense they are

clearly words which may be used in the House in characterising the speech of another hon. member.

AN HON. MEMBER : Not two laws!

Mr. TOOHEY : I submit that you have decided that words of which you are not cognisant shall be subject-matter for debate.

Mr. SPEAKER : The hon. member is now discussing a ruling of the Chair which is not properly before the House, and, therefore cannot be discussed now. I gather from his remarks that he thinks I should have ordered the words to be taken down. There is no ruling of mine to the effect that words shall be taken down simply on the demand of an hon. member. I think it is the duty of the Chair, whether in the House or in Committee, to decide for itself as to the necessity for taking down words on the demand of an hon. member; and with reference to the words to which the hon. member has alluded, the Chairman, exercising that discretion, has, I believe, ordered the words to be taken down.

Mr. TOOHEY : I wish to put my point of order. The Chairman did not order the words to be taken down; but those words are now subject-matter for debate.

Mr. SPEAKER : This point cannot be taken now as to the question which has been before the House, and which has been decided. If the hon. member desires to insist that it was the duty of the Chair to order that the words used by the hon. and learned member, Mr. Reid, be taken down, and if he chooses to refer the point to the House, he may do so.

Mr. TOOHEY : I do take that point of order. We are discussing now a matter of which the Chair is not cognisant, except through the Chairman of Committees. But this is a point of order which embraces the whole subject-matter of the debate. The Chair heard the words used, and we claim that the words be taken down, otherwise the subject-matter of the whole debate is lost. I hold that the words then were used in a certain way.

Mr. T. WALKER : I submit it is now too late to take down the words. According to "May," page 377 :

The Commons have agreed that when any member had spoken between, no words which had passed before could be taken notice of, so as to be written down in order to a censure.

Which is precisely the case now.

Mr. GARVAN: No; I moved that they be taken down!

Mr. T. WALKER: I did not understand the hon. member to move that motion. Of course that disposes of my point of order.

Mr. SPEAKER: The Chair has ruled that these words are not of necessity to be taken down, because it is demanded by an hon. member. If the hon. member for South Sydney chooses to dissent from that ruling by a distinct motion, of course he will be in order, but not otherwise.

Mr. TOOHEY: I dissent from your ruling.

Mr. T. WALKER: Then I shall insist on my point of order. I submit that the Chair having spoken, and other hon. members having spoken, to the point of order, it is now too late to move that the words be taken down.

Mr. GARVAN: Immediately the words were uttered by the hon. and learned member for East Sydney I moved that they be taken down, and in order that no other business may intervene and put me out of court, I claim that that motion should be stated from the Chair.

Mr. REID: The hon. member for Eden seems to forget that before Mr. Speaker gave any ruling, or expressed an opinion as to whether the words should be taken down, I fortunately had an opportunity to point out that I did not apply the words to the hon. gentleman; but, on the contrary, I said, "If it were any other man but the hon. member I should consider it indecent audacity."

Mr. GARVAN: I will take the words exactly as the hon. and learned member used them. "If any other hon. member had the indecent audacity."

Mr. REID: Oh, no!

Mr. GARVAN: Those are undoubtedly the words which the hon. and learned member used, and he exempted everybody else from the term, and applied it to me.

Mr. REID: I was paying the hon. member a compliment all the time!

Mr. GARVAN: I claim that the term "indecent audacity" cannot, in accordance with parliamentary usage, be applied to any hon. member. Indecent behaviour is a crime under the law of the country; indecent audacity is even more offensive than indecent behaviour. I again move that the words be taken down.

[Mr. T. Walker.

Mr. SPEAKER: I must again say that the motion has not been accepted. It is laid down in "May" that no question need be put by the Chair. The question for the Chair to decide is whether it is the almost unanimous desire of the House that the words be taken down. I think the Chair has the right to exercise its discretion, subject, of course, to the approval of the House, as to whether the words are disorderly, and whether it is the general desire that they be taken down. I do not think that the words are disorderly, and unless the hon. member for South Sydney desires to dissent from the position I have taken up, not with reference to the words, but as to the discretion of the Chair, I think the question is not arguable.

Mr. GARVAN: As I was the prime mover in this matter, and as the words had special reference to myself, I beg to state that my desire was not to limit the right of the hon. and learned member in applying even more offensive terms to me if he saw fit, but only to emphasise the position taken up with reference to the other point which is before the House. My desire is to give the hon. and learned member the fullest liberty, and if he uses an infinitely more offensive term than "indecent audacity" I shall not claim any right to curtail his liberty of speech.

Mr. TOOHEY: I persist in my point of order for this reason: that the Chair can only be guided, as it has admitted, by the wish of the House as to whether the words be taken down or not. I have no desire to reflect on the conduct of the Chair; but there is an important element in the discussion, which for the moment is lost sight of by the House, namely, that certain words were heard by the Chair, and by the House; but certain other words, of which neither the Chair nor the House is cognisant, are the subject-matter of a resolution. I have been debating all night long the impossibility of arriving at a conclusion, unless some final authority shall be submitted to. You have undertaken the final responsibility in saying that these words shall not be taken down, because you do not think they are the exact words. The Chairman of Committees, in dealing with the other question, did not admit that the words were used, yet the very same words form the subject-matter of the resolution we are dealing with.

Mr. REID : The Chairman never questioned that the words were used ; but Mr. Speaker has !

Mr. TOOHEY : Mr. Speaker knows nothing of that ; the Chairman neither admitted nor denied the use of the words. I hold that your ruling is wrong, and if it is right, the hon. and learned member's resolution is altogether wrong. I move :

That the House dissent from Mr. Speaker's ruling, that words uttered by a member of the Chamber, reflecting on the character of another member, shall be taken down only by the will or vote of the House, or the judgment of Mr. Speaker.

Mr. T. WALKER : Four and a half hours wasted !

Mr. REID : It is the most orderly four and a half hours we have had for weeks !

Mr. TOOHEY : Mr. Speaker is under the impression that my motion is hardly a correct statement of the case. He holds that he can tell what is the will of the House. My contention is, that the will of the House is the voice or the vote of the House, not the suggestion of any individual.

Mr. REID : The hon. member assumes that the words reflect on the character of a member. That is the point at issue. Mr. Speaker says it is for him, to some extent, to consider whether they do reflect upon him.

Mr. TOOHEY : It is not the question of reflecting upon any one that I am discussing, but the question as to the words being taken down.

Mr. SPEAKER : Words uttered by a member of the House reflecting on the character of another member are taken down only by the will or vote of the House or the judgment of the Speaker. I should like to point out that I have not admitted that any words used did reflect on the character of an hon. member. In my opinion they did not, and for that reason I did not give instructions on the demand of that hon. member that the words should be taken down. If, in my opinion, the words did reflect upon an hon. member, and there had been a desire on the part of the House, expressed without dissent from any portion of the House, then, acting on my discretion, I should have ordered the words to be taken down. I cannot conceive that the motion represents the state of affairs at all.

Mr. TOOHEY : Suppose that a member uses words reflecting upon another, is that member not to be the judge as to whether the words reflect upon him ? One man may think that words are not offensive, whilst another may think the most delicate innuendo extremely offensive. You, sir, have held over and over again that if a member thinks words used respecting himself are offensive those words must be withdrawn. The hon. member, in this case, distinctly complained and asked that the words be taken down.

Mr. SPEAKER : I do not wish to enter into any argument with the hon. member, who is now speaking on an entirely different state of affairs. If an hon. member complains that any words used are offensive, the Chair always expresses a desire that the words shall be withdrawn. If the words are taken down, they come under quite a different rule of parliamentary procedure, and I think I have correctly laid down that rule. At any rate, I cannot accept the hon. member's motion as embodying the decision of the Chair from which the hon. member would wish to dissent.

Mr. TOOHEY : Will you write down your ruling, Mr. Speaker, so that I can have something to guide me ?

Mr. MELVILLE : It has been stated that the words were not at all offensive, yet the hon. member says in a resolution that they were.

Mr. TOOHEY : You hold, Mr. Speaker, that words which a member considers offensive shall not be taken down ?

Mr. SPEAKER : Unless in the opinion of the Chair they are offensive or disorderly. That is the reason which I have already given.

Mr. TOOHEY : I shall withdraw my resolution, and I shall now be able to discuss this question in a new light altogether. The hon. member for Eden himself is desirous that I should not proceed with the motion.

Motion, by leave, withdrawn.

Mr. REID : I can assure the hon. member for Eden—and it was the tenor of all my remarks the whole time that I was referring to him as a gentleman whom I believed to be in earnest, as earnest as any other member —

Mr. GARVAN : Does the hon. and learned member apply the expression to the other

136 members; because if he does that makes it 136 times more offensive?

Mr. REID: The hon. member is on the horns of a dilemma; but when he gets on the horns of a devil he will not refer to the dictionary for the name that he is known by. So far from having the slightest desire to interrupt the hon. member for West Macquarie, I had no idea of raising a point of order until I heard the words which have been taken down. They struck me as words amounting to the vilest attack on the character of any man which I ever heard. I have never taken a similar course during the whole time that I have been in this House. I admit that too often vile epithets are hurled from one side of the Chamber to the other; but we have come latterly to such a pitch that it is time some one stepped forward to protest against it. I think it is the most honorable thing that I could do for the people of this country. I was impelled to do it by my opinion of the words used towards the Colonial Secretary. Do not let us forget the words that preceded the language that was taken down. The hon. member was talking about a depth and a lower depth.

Mr. TOOHEY rose to order. He submitted that the hon. member was not in order in quoting words used prior to the words that were taken down:

Mr. GARVAN: I claim that the merits or demerits of the words taken down alone should be discussed now.

Mr. REID: The hon. member for Eden thought fit to go to the dictionary; but I am simply giving the words immediately preceding the words which were taken down in order to help us to understand those words. That is better than going to a dictionary for the meaning of the words.

Mr. SPEAKER: The hon. and learned member for East Sydney was replying to some remarks made by the hon. member whose conduct is under discussion, and I can scarcely rule him to be out of order in so doing. I would point out that the hon. member for West Macquarie, his conduct being under consideration, was entitled to greater latitude than would be allowed to any other hon. member. I would suggest to the hon. and learned member for East Sydney that it would scarcely be in order for him to refer at greater length than he has done to those words.

[Mr. Reid.

Mr. REID: It was only my desire that the hon. member for West Macquarie should be allowed to give the fullest explanation possible, and he entered into a number of matters not strictly relevant to the point. It struck me that the hon. member's language amounted to the vilest and most abusive attack that was ever made upon a human being, and it struck me also that some one ought to endeavour to prevent the House from being compelled to listen to language which, in my opinion, was a disgrace to the country. It is said on behalf of the hon. member, and he says himself, that he was replying to an attack made upon him by the Colonial Secretary. I was here last night, and heard every word of the Colonial Secretary's speech, as well as that of the leader of the Opposition, and it is astonishing that the hon. member for Eden, when he gets into a pitch of eloquent earnestness that he has never excelled, should so forget the initial facts of the case as to put the head of the Government in the position of a man who began these attacks. The head of the Government made no attack upon any human being. He made a few remarks on the vote that no human being could complain of. He made some remarks in reference to the leader of the Opposition.

Mr. DIBBS: Cannot the hon. and learned member leave me out of it?

Mr. REID: I cannot. I think the hon. member fired the first shot, and the Colonial Secretary's speech was in reply to that. I felt that some latitude ought to be allowed the Colonial Secretary on account of the aspersions made against him. I heard every word of the Colonial Secretary's speech; but I heard no words levelled at the hon. member for West Macquarie.

Mr. GARVAN: Did the hon. member hear the quotation from his speech read last night?

Mr. REID: When the hon. member read it from the *Daily Telegraph*, I had not the faintest recollection of it having been uttered. On the previous night the Colonial Secretary used a kindly expression in reference to the hon. member for West Macquarie, to the effect that his previous estimate of the hon. member had not been borne out. It was only the gravity of the words used by the hon. member for West Macquarie that brought me to my feet. I rose immediately, and asked that

the words be taken down. I gave the words as nearly as I could, and I believe they are substantially correct.

Mr. GARVAN: Did the hon. member give him an opportunity to correct them?

Mr. REID: There was no attempt to correct them. He did not point out where I was wrong, and my recollection of the words is not in the least shaken. The hon. member would not attempt to justify the words.

Mr. GARVAN: The hon. and learned member was a little over virtuous last night!

Mr. REID: I think it is time that these things were stopped.

Mr. GARVAN: Why did not the hon. and learned member stop the Premier?

Mr. REID: Because I considered that he was replying to an attack, a very bitter attack, attributing criminal misconduct to him. I am satisfied with what I have done. I am determined to lend all the influence that I possess to put down in this House gross personal attacks going beyond the bounds of decency.

Mr. WALL: It is much to be regretted that the hon. and learned member was not here at the previous sitting to take the virtuous stand that he has taken this evening. If he had been here, and had evinced the same amount of solicitude for the dignity of the House, in all probability the disorder which has taken place would not have occurred at all. I rather sympathise with the hon. member for West Macquarie, because, however disorderly he may have been, he had not an opportunity to explain what he said. I think, Mr. Speaker, you will agree with me that the Committee should have had an opportunity to say whether this matter should be referred to you at all. The hon. and learned member says that he moved that the words be taken down, and the Chairman of Committees ordered them to be taken down; but I submit that neither Mr. Speaker, nor the Chairman of Committees has such absolute power vested in him. The Committee were entitled to express their opinion as to whether or not the matter should be referred to Mr. Speaker. The hon. member for West Macquarie has denied having used the words that were taken down, and no member has distinctly stated that those are the words

which he used. I will call attention to what May says on the subject:—

Whenever any disorderly words have been used by a member in debate notice should be immediately taken of the words objected to, and if any member desire that they may be taken down, the Speaker or Chairman, if it appear to be the pleasure of the House or the Committee, will direct the clerk to take them down. Even the Speaker's own words have been in this way directed to be taken down.

It does not depend upon the pleasure of Mr. Speaker or the Chairman of Committees; but the words are taken down, if it is the pleasure of the House. The hon. and learned member admits that he moved that the words be taken down, and he says that the Committee acquiesced, because they did not dissent. The motion was moved, but it was never put by the Chairman.

Mr. SPEAKER: The hon. member is discussing a question which was decided when the matter was referred to the House by the Committee, therefore his remarks are not now pertinent to the question before the House.

Mr. WALL: I admit that the words complained of as having been used by the hon. member for West Macquarie are offensive and disorderly; but during my short experience in this House I have heard words used infinitely more offensive by the head of the Government without any exception being taken to them. I have seen hon. members on this side of the House pointed to and told that they had reptile souls in their miserable carcases. The excessive virtue which the hon. and learned member for East Sydney has shown to-night did not prompt him to take exception to the disorderly words which have been used time after time by the leader of the House. Had the leader of the House preserved the dignity of the House in the manner in which he should have done we should not have so many of these disorderly scenes. What is the position of the hon. member for West Macquarie now? He is to be tried by a packed jury. If a resolution were moved to expel him the supporters of the Government would not hesitate to vote for it. The spirit displayed in this House has convinced me that the object was to silence debate on the item which was under discussion in Committee. What a dignified position the hon. and learned member for

East Sydney has taken up in the Assembly! There was a motion before the Committee to pay Mr. John Davies a sum of money for services rendered; but we were not told, as we ought to have been, that it was for wages which that gentleman was entitled to receive, and the hon. and learned member proposed by an amendment to defraud Mr. Davies of half the sum which he is supposed to be entitled to.

Mr. SPEAKER: The hon. member is not now addressing himself to the question before the Chair.

Mr. WALL: The hon. and learned member for East Sydney in moving that the words of the hon. member for West Macquarie be taken down was simply attempting to stifle debate. We were asked to vote a very extraordinary subsidy, and to get that subsidy smuggled through Committee, no device was too despicable to resort to. The hon. and learned member has raised a question as to charges made against personal character by members on this side of the House; but members on the Government side of the House have made charges against members of the Opposition, which I venture to assert not one of them would dare to make outside. If they did I should reply to them with a horsewhip, no matter how high the position of the gentleman who made them. If unfounded charges are made against members on this side of the House they will provoke disorder. We are charged with what? With having a popish conspiracy, a sectarian plot.

Mr. REID: Surely the hon. member is going beyond the question before the House?

Mr. SPEAKER: The hon. member is taking a very wide latitude; but I do not know that he is going further than other hon. members, inasmuch as he is showing why the words used are not to be severely judged, on account of what led up to them.

Mr. WALL: I was referring to the charges that have been hurled against members on this side of the House—base and cowardly charges. It is only under the protection of the privileges of this House that such charges would be uttered. What is their object? They could only have one object. They require some justification for the course which they are going to pursue.

[Mr. Wall.

Mr. SPEAKER: The hon. member is scarcely in order now. He will be in order in stating what led up to the use of the words which were taken down; but he has no right to impute motives.

Mr. WALL: The disorder which has been complained of was provoked by the serious charges which had been made previously. The hon. member for West Macquarie was justified in using strong language in defence of his character. The language used by him was moderate and respectful, as compared with the language which has been used by members on that side of the House, who, by cowardly insinuations, attempted to asperse the character of members on this side. I shall endeavour before the debate is over to give expression to my opinion of some hon. members, and I shall not render myself unparliamentary. I shall not call them devils or blackguards; I shall deal with them strictly in accordance with the rules of Parliament; but I shall tell home truths, strictly in accordance with the rules of Parliament, which will compel hon. members, if they have one spark of honesty in them —

Mr. SPEAKER: The hon. member's remarks as to the course which he will take in Committee are not in order.

Mr. WALL: If I am not to have the same latitude as other hon. members I will let the subject alone.

Mr. SPEAKER: I must call upon the hon. member to withdraw those words.

After a pause,

Mr. SPEAKER: Do I understand that the hon. member will not comply with the request of the Chair?

Mr. GARVAN: I would suggest to the hon. member that however extreme our arguments against each other may be, we ought not to be guilty of disrespect to the Chair.

Mr. WALL: I ask your pardon, Mr. Speaker, if I have been guilty of any impropriety. As I find that I cannot give expression to what I wish to say on this motion, I shall reserve it till another occasion. I trust that the House will deal leniently with the hon. member for West Macquarie, considering the provocation that he received.

Mr. TOOHEY: It is unfair to enter upon a debate of this kind without understanding the preceding circumstances, and to

adjudge a man guilty of contempt without knowing anything of the provocation which has induced him to offend against the rules of debate. Does the hon. and learned member for East Sydney imagine that he alone has sat indignant at the conduct of hon. members who have used unparliamentary language? Does he imagine that he is the sole judge as to what is right and what is wrong? The object of the hon. and learned member was rather to stifle debate than to preserve the dignity of the House. How often has the hon. and learned member sat in this Chamber and heard far more outrageous language used than that now complained of, and never even blinked? The hon. and learned member for East Sydney not long ago charged the Opposition with attempting to cut the throats of the Government. The expression "the devil and Parkes" was not half so bad as the hon. and learned member's expression about cutting throats. He charged the Opposition with stabbing the Government behind their backs, and called the Opposition assassins. Surely language of this kind was calculated to cause a vindictive feeling in the Chamber. Can any one imagine that there was not some special object behind the action of the hon. and learned member for East Sydney? When was he ever known before to move that anything be taken down? The hon. and learned member stands convicted of having been associated with a villainous plot to exclude the hon. member for West Macquarie.

Mr. WILLIS: I rise to order. Is the hon. member in order in saying that the hon. and learned member for East Sydney is a member of a villainous plot?

Mr. SPEAKER: The hon. member is not in order.

Mr. TOOHEY: I withdraw the expression. The hon. and learned member has time after time heard language used in this Chamber twenty times worse than that used by the hon. member for West Macquarie; but he never moved that it be taken down. I have heard him characterise members of the House as assassins. And this is the man who stands up to protect the dignity of the House! If the resolution is carried, the hon. member for West Macquarie will not fear the consequences. None of those who are in the popish plot would fear the consequences.

When certain charges were made against the Opposition the hon. and learned member was not present; but he was here to stop debate when he feared the disclosures which might be made by the hon. member for West Macquarie. What are the words that are complained of? They do not involve any personal reflection upon the Premier.

Mr. T. WALKER: The words are: "You cannot blacken the devil, therefore you cannot blacken Parkes." The word "therefore" was inserted by the hon. member himself. I would remind you, Mr. Speaker, that the hon. member himself wrote down those words, and, on one occasion, wrote down different words.

Mr. REID: No; I did not!

Mr. TOOHEY: I heard the Chairman of Committees use the word "disorderly," and I rose to a point of order then, because the Committee had not decided it. After that the hon. member corrected it.

Mr. REID: The hon. member, as usual, is mixing up two things. I mentioned the words to the Chairman, who thereupon took them down, and in doing so he put in the word "so" instead of "therefore." The motion in which the word "disorderly" occurred was a subsequent motion entirely, and I had nothing to do with it.

Mr. TOOHEY: Here is the position: We are asked now to practically expel the hon. member for West Macquarie for the use of the following words:—"You cannot blacken the character of the devil, therefore you cannot blacken the character of Parkes." If you take the trouble to construe those words you will see that there is no reflection either on the devil or on Parkes. Suppose I were to say, "You cannot French polish the character of the devil, and therefore you cannot French polish the character of Parkes." Because the word "blacken" is used we do not mean "to injure, destroy, or affect injuriously"; to "blacken" may sometimes be to add to its beauty or glory. The blackening process the hon. gentleman speaks of simply means, of course, a new capacity for delight. You cannot take it in the sense put by the hon. member and those in favour of the resolution. If they persist in this course they will have to fight another battle very much bigger than they think. During the whole of this Parliament the members

of the Opposition have done all they could to promote the best interests and welfare of the country, and they have fought this question as fairly and generously as they could, and if one member of the party is to be submitted to any injustice by the members on the other side of the House, I tell them plainly I shall subject myself to the very same treatment for the very same words.

MR. T. WALKER: I take it that the exact words that were uttered have a great deal to do with this motion. The hon. and learned member for East Sydney himself is not quite sure that the words taken down are the exact words, and we have the express denial on the part of the hon. member for West Macquarie, who says that they are not the words used. Now, quite a different meaning can be got out of these words by the omission of one single word; for instance, "You cannot blacken the character of the devil," then omit the word "therefore" which the hon. and learned member has inserted, and the rest of it will read, "You cannot blacken the character of Parkes." It does not follow that you cannot blacken the character of Parkes for the same reason. You cannot blacken the character of the devil, for it may be assumed that his character is so black that you cannot make him blacker, any more than you can "gild refined gold or paint the lily." But "You cannot blacken the character of Parkes" may mean that his character is so above suspicion, so beyond reproach, that do all you can to impugn that character you cannot blacken it, inasmuch as it is irreproachable. I use that illustration to show how the insertion of one word may entirely alter the whole sentence. Something has been said by the hon. member who moved this resolution about the time having come for a step to be taken by some one courageous and high-minded enough to stop the current of abuse. Only in August last the hon. and learned member was making a speech in this House, and he spoke of members of the Opposition who differed from his views as "those would-be assassins." The hon. member for West Macquarie then drew attention to the words, and pointed out that

the hon. member throughout the whole of his speech had been using those terms "cut-throat" and "assassin" in the most insulting and impertinent manner.

[Mr. Toohy.

I wonder if that is anything at all to be taken exception to. I wonder the hon. and learned member did not move that his own words should be taken down. I would sooner be called a "devil" than a "cut-throat." The hon. member went further; he used these words: "Of course those hon. members were hysterical now"—how complimentary these words are, how considerate to the dignity of the House, and the fine susceptible feelings of others —

They had this sort of feeling, that if they had succeeded they would have been consoled by the prospect of political reward —

Imputing the basest and most sordid motives.

but as they did not succeed they had what he might call that sort of joy which a man felt who had tried to be a murderer, but did not succeed.

If language of that kind is not reprehensible; if it does not altogether eclipse the language of the hon. member for West Macquarie, I do not know how language of that kind can be eclipsed; but the hon. and learned member now charges the hon. member for West Macquarie with having violated the dignity of the House. On that occasion the hon. and learned member for East Sydney said:

He did not allow his public career to be influenced by a chance expression of any man. If a man was a great man and was conducting a great party, even if he did apply to him an expression which perhaps on reflection he would not apply —

MR. SPEAKER: I would remind the hon. member that quotations from a speech made in the same session of Parliament are not allowable.

MR. T. WALKER: I will not do more than allude to it then; but I will show that the hon. and learned member took advantage of an interruption in order to call himself a great man.

MR. REID: No; it was the hon. member at the head of the Government I meant!

MR. T. WALKER: No, it is here reported in *Hansard*. The hon. member said that if a man were a great man, he would not pay any regard to personalities of that kind, and if they indulged in them he would call them Tin-Pot Swamp politicians.

MR. WILLIS: Is the hon. gentleman in order in saying that those remarks have fallen from the hon. and learned gentle-

man opposite—that the hon. and learned member for East Sydney said an hon. member of this House was a would-be murderer or assassin?

Mr. SPEAKER: I understood the hon. member to be stating what he believes to be a fact, and I cannot say it was not relevant to the subject before the House.

Mr. T. WALKER: At the worst, the Colonial Secretary is alluded to as a wicked person. I should like an explanation from the hon. member as to which devil he means. We are told in a certain book that out of a certain woman there went seven devils. We want to know whether it was the respectable one out of the seven, or one of the legion that went into the herd of swine? It is absurd to take a point of this kind when for the sake of illustration a personage is introduced into debate who for the first time now has the honor of having a place in Parliament. What the hon. and learned member accused the hon. member for West Macquarie of he himself has been guilty of time after time, and what he has done to-night has every appearance of a design to close the mouth of the hon. member, who wished to go on with his speech upon the item to pay the Hon. John Davies. It appears he is carrying out the policy he has always carried out in this House—to allow himself every latitude, to come here when he is sent or telegraphed for, or when he “thinks there is something on,” as he said in one of his speeches, to swing his arms about like the sails of a windmill, and scream and abuse everybody all round; but the moment anybody else tries to adopt the same policy, to gag him. To-night he wants to gag the hon. member who is now under the ban of his opprobrium; he wants to close his mouth and prevent the speech he intended to deliver; but instead of effecting what he aimed at in this respect, he will create suspicion in the minds of the public. The hon. member for West Macquarie will be looked upon as one who was made a martyr in the endeavour to do his duty, and the opprobrium will rest entirely on the head of the hon. and learned member.

Mr. HAROLD STEPHEN: I indorse the remarks of the last speaker. It is a matter of surprise to me that an hon. member occupying the position of the hon. and learned member for East Sydney, Mr.

Reid, can come down here night after night, as he has done, without taking any part in the debate, when his advice might have been useful, sitting here stolidly listening when possibly his advice might have been valuable, and only intervening when he thinks he can pose as the champion of the winning side. That is exactly what it amounts to with regard to him. Now he has caused what I may call an almost senseless interruption of the proceedings by a motion which cannot commend itself to any man in this House, because I presume we are all sufficiently alive to the exigencies of the situation to know that a certain latitude of language must be allowed to every man, and that latitude was not exceeded by the hon. member for West Macquarie. Throughout this debate there have been accusations hurled here and there in the most reckless manner from side to side. I am among those who deprecate this class of work; I have never hurled an accusation against any member of this House, and I do not intend to do so until I have very good cause. I shall not do it until I am thoroughly well satisfied, from evidence brought before me, that the accusation is well founded. The work of a legislator has a higher scope than that, and every man ought to rise above the consideration as to whether a man is behaving himself or not, to consideration of the question at issue. I do most distinctly deprecate the action taken by the hon. member for East Sydney in coming down here at this late period of the debate, and attempting to exclude from it the hon. member who had shown the most patient industry and research as to the merits of the question. The speech of the debate has been the speech delivered by the hon. member for West Macquarie, whom the hon. and learned member now tries to exclude from the House. It is impossible to avoid the suspicion that the hon. and learned member sought to exclude this gentleman because he was frightened that at the last moment something else might arise—that that hon. member might come here again and deliver another speech of the same description, which might influence the votes of the Committee against the motion. It has been done in a manner which from my previous knowledge of the hon. and learned member for East Sydney I should scarcely have

thought he was capable of. I have estimated that hon. and learned member as being one of the ablest men in this House, and I do not hesitate to say that he now holds that position in my estimation; but at the same time he is one of those gentlemen whose vanity or personal conceit is killing him politically.

Mr. WILLIS: Is the hon. gentleman in order in saying that another hon. gentleman's personal vanity and conceit are killing him in this House?

Mr. SPEAKER: I do not think the hon. member said anything calling for the intervention of the Chair.

Mr. HAROLD STEPHEN: I am perfectly satisfied I did not do so.

Mr. REID: I am obliged to you for the hint!

Mr. HAROLD STEPHEN: The fact of the matter is simply this: that this hon. and learned member has been flattered so much by the press on account of his ability, and has been flattered by the House in such a way that he thinks he can, at any time, overrule the House—that he can do as he pleases on any occasion—and I believe that his action this night was occasioned by the fact that he came down here with an amendment which he saw would be ignominiously defeated, because his own side had to vote against it, and the Opposition would not accept it. If he had had a little more regard for the exigencies of the position, so far as it concerned the public service of the country, that hon. member would never have raised such a question as this at the moment he did. If he had not done so this debate would have been at an end, and the whole matter settled hours ago.

Mr. REID: No, it would not!

Mr. HAROLD STEPHEN: He has raised a perfectly trivial objection. He raised it without, I presume, a word of encouragement from anybody. I should be sorry to think that the Ministry encouraged him in this matter.

Mr. REID: Rather too quick for consultation, I think. It was instantaneous!

Mr. HAROLD STEPHEN: I advise the hon. and learned member to restrain his instantaneous ebullitions, for they are not of a good sort. Give him some time, and he might be able to bring out something worth consideration; but when he gives way to the impetuosity of his youthful

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character—well, at any rate on this occasion, it has ended in a disastrous fizzle. What the hon. member for West Macquarie said pales into utter insignificance as compared with what was said during the debate by other men. From one side or the other accusations of the grossest character were hurled during the late debate. I do not want for one moment to stand here in the position of taking one side or the other; but I simply say this: That from one side or the other were hurled accusations of a far grosser character than what was said by the hon. member for West Macquarie; and here at the last moment, when the hatchet was buried, and we were prepared to settle the whole matter at a minute's notice, the hon. member for East Sydney gets up and makes all this trouble by an attempt to exclude from the House the one man who throughout the debate had shown himself to be the master of the situation—the one man who addressed the Committee in such terms that it was impossible to doubt that he had a thorough grip of the situation, and knew what he was talking about. I do not mean to say that hon. members on each side who addressed the Committee did not know what they were talking about, and did not have full cognisance of the facts of the case; but the speech of the hon. gentleman whom it is now sought to exclude was an admirable exposition of the reasons why a certain vote should not be passed; and it seems to me that an attempt on the part of the hon. and learned member for East Sydney to exclude this gentleman from the debates savours a little of envy. Somehow or other, it generally happens that at the last moment, just before we are going to division, down comes the hon. and learned member for East Sydney with a speech that electrifies his audience, and carries the day; and the next morning's papers say that his speech was the speech of the occasion; therefore he could not stand some one else jumping his claim. One of the most mysterious parts of this business is that we do not find the members of the Ministry getting up and defending their actions; we do not find them addressing the House, but only interrupting other members who are speaking. But now coming to the question raised by the hon. and learned member for East Sydney, we have to deal with the position of the devil,

which is a matter worthy of considerable consideration. As the devil is an unknown personage to most of us, it must be a matter for consideration as to the position he occupies in the estimation of society at large; and if Mr. Speaker is to pronounce a decision on this matter, it is perfectly right that he should be placed in possession of the opinions of the world at large with regard to the position that the devil occupies. I will read a small quotation from Heine. It is possible that some hon. members may be ignorant of that poet. Heine is probably the greatest poet of our century, a German poet, and a man who is looked upon as a profound thinker as well. He says:

I call'd the devil, and he came,
And with wonder his form did I closely scan;
He is not ugly, and is not lame,
But really a handsome and charming man.

Of course the hon. and learned member for East Sydney intended to draw the inference that the hon. member for West Macquarie meant to liken the Premier to the devil. But we must at once admit that the Premier is not ugly, and that he is not lame. And who would deny that the Premier is a handsome and a charming man? Is there a man amongst us who would say that he is not a handsome and a charming man?

A man in the prime of life is the devil,
Obliging, a man of the world, and civil;

We are perfectly well aware that that is a fact with regard to the Premier. He is a man of the world and he is civil.

A diplomatist too, well skilled in debate.

Does not that apply to the Premier? Here is another view of the devil. It comes from a very quaint old author, who has been recognised by the best minds of our age as being amongst the best minds of the past, and that is Ben Jonson, "rare Ben Jonson":

The devil is an ass, I do acknowledge it.

If we should compare the honorable the Premier to the devil, as being an ass, then he has shown himself in that capacity more or less by permitting such a resolution as has now been submitted to this House, because none but an ass would think that the expulsion of a member of this House would be accepted by the public at large as other than an attempt to crush him for a moment, and to prevent his ability from being brought to bear on the question at

issue. Now, here we have a quotation from Longfellow—a man whom we must all admire, as a poet of our own time—a man who has certainly not written very high class poetry, but still a man who has somehow or other wound himself round our hearts. We may not think he is a very great genius, but we may at the same time admire and love him. Longfellow says:

Lucifer,
The Son of Mystery.

Is not our Premier a "son of mystery"? Is it not a fact that he is the most mysterious man in this country? Can we ever say what he is going to do? Is it possible for the very men who are sitting with him in Cabinet at this moment to say what he will or will not do? He is the most "dark and bloody mystery" of this country.

MR. SPEAKER: Order. I do not know whether I properly heard the hon. member; but if he spoke of "bloody mystery" he must know that it is most disorderly to apply those words to the hon. member.

MR. HAROLD STEPHEN: I would point out to you, sir, that the words in question bear their literal meaning—not the meaning ordinarily attached to them by people of a grosser mind.

MR. SPEAKER: I rule that the words are out of order, and that the hon. member should withdraw them.

MR. HAROLD STEPHEN: I withdraw them.

MR. REID: Withdraw yourself!

MR. HAROLD STEPHEN: I am not going to suffer the dictation of the hon. and learned member for East Sydney. He comes here and thinks he can move a resolution which will be accepted at once, and carried without a dissentient voice, and if any man rises up in opposition to him he attempts to look upon him in the light of an imbecile.

MR. REID: We shall be very patient of any lesson!

MR. HAROLD STEPHEN: We have been patient with his foolish diatribes when he has thought it right to come here late at night from some little party to give us his speech, and his little theatrical display. As far as I am personally concerned, I am not intruding my own personality on the House for any object. I have always striven to do my duty and attend the

House. I have sat through the proceedings from beginning to end, as a rule; but the hon. and learned member has not done so; he has merely got off his flatulent effort in order to appear before the public in a theatrical scene next morning. I do not deny his ability; but it is a matter of surprise to me that he should so prostitute his intellect to the base uses he does at present. Longfellow says:

Lucifer,
The Son of Mystery;
And, since God suffers him to be,
He, too, is God's minister,
And labours for some good
By us not understood.

Is not that the position the hon. the Premier has occupied for many a year? He is always striving to do some good which we cannot understand. He is above us, he is elevated so far above us in intellect that his doings are a mystery. Next I come to this statement, by Milton:

His form had not yet lost
All its original brightness —

I am quite sure that the House will concede that the hon. member's form has not lost all its original brightness.

nor appeared
Less than Archangel ruined, and th' excess
Of glory obscured.

The hon. member appears before us this morning, as he always has, in the full glory of his presence. We do not see his intellect obscured in any way whatever. His gigantic intellect has towered above the country for many years past, and we approached him with all fear.

Into the wild abyss, the wary fiend
Stood on the brink of hell, and looked awhile,
Pondering his voyage.

As a matter of fact, this House is well aware that the hon. and learned member for East Sydney has never been outspokenly and publicly an admirer of the Premier; but at any time the Premier has been in difficulties he has come up to the scratch.

Mr. REID: That is my great offence!

Mr. HAROLD STEPHEN: No; not in my estimation, and not in the estimation of any honest member of this House. The hon. member's great offence is not that he comes to the rescue of the Premier, and, on this occasion, it would be perfect nonsense to say that there is any rescue needed. Probably, at this time, the Premier occupies as secure a position as he ever did before the public of this country, and I, for

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one, would be very loath to detract from his merits. There are only two positions that the Premier ought to occupy in this country—one is where he sits now, and the other is at the head of the Opposition benches. I would prefer to see him sitting at the head of the Opposition benches, for, unfortunately for me, while I admire the hon. gentleman's intellect, I am, on account of political differences, separated from him. I will quote one more instance of the estimation in which poets—and I think that poets generally represent the highest minds of every age—regard the devil:

The Prince of Darkness is a gentleman.

I warn the Ministry that if they are abetting the hon. and learned member for East Sydney in his action on the present occasion they will do themselves more damage than they can at present calculate. They are at present jubilant in possessing a majority in this House—in possessing a subservient following, all ready to obey them at any moment when a critical vote is at issue. They are in that position, and therefore probably they are led away; but I warn them that they will do themselves no good, nor the cause they pretend to advance, by lending any assistance to a motion which has for its object the exclusion of an hon. member who, as I said before, delivered the ablest attack upon the position of the Ministry in this matter, for his was the most direct and able accusation made throughout the debate. It did not convince me, however, and probably if a division had been taken immediately after his remarks, I should have voted with the Ministry; but as it is, I shall be found resisting the vote to the last.

Mr. CRICK (*speaking from behind the bar*): I claim to be heard!

Mr. SPEAKER: Perhaps, as the hon. member desires to be heard, the House will allow him to make a further statement.

AN HON. MEMBER: Is the hon. member in order in speaking from behind the bar?

Mr. SPEAKER: I have a recollection of such a proceeding taking place during the time my predecessor occupied the chair, and I think that, if the hon. member desires it, and the House concur, he will be quite at liberty to speak from where he now stands.

MR. CRICK: I should not have troubled the House at all did I not, in the interests of the country, deeply regret what I conceive to be the great waste of time which has taken place; but I wish to say that I was most grossly misrepresented by the hon. member who moved the resolution. The Colonial Treasurer said I did not attempt to deny that the words taken down were substantially correct. I denied that five times. I said, with a certain amount of caution, of course, that it was not for me to say what were the words I really did use. After stating what I am about to say, I am going to walk away from the House—not that I care a snap of my finger for what the House does, and therefore I am not asking for consideration. What I said was this: In referring first of all to the conduct of the Premier and certain references of his, I said, “It is generally said there are depths beyond depths; but there are depths beyond which you cannot go. You cannot blacken the character of Satan or the devil. You cannot hurt the character of Parkes.” Then I was stopped by the hon. and learned member for East Sydney before I could say what I intended to say. There was no “therefore,” or “so,” there was no connecting link between the two sentences. I say this deliberately, for I had prepared what I was saying, and I have as good and retentive a memory as any man in the Chamber. I do not care how the vote goes, and am not attempting to dictate to the House; but I say that in the interests of legislation it would be far better to expel me, or give me into the custody of the Serjeant-at-Arms, if my conduct deserves it, and go on with something else. Why should I take up the time of Parliament? Hon. members have been discussing since 12 o'clock last night whether I shall be given into the custody of the Serjeant-at-Arms, and what I shall pay for it. The House is wasting valuable public time by discussing whether it will lock me up for saying less than what the Premier himself has said. Speaking from this position, I do not wish to cast vituperation upon anybody. It seems to me that this is an unjustifiable and unwarrantable waste of time at the close of the session. I leave it to the House to judge what has been my conduct since I first became a member of this Assembly. I feel that I have

never done anything that anybody could point to as being mean or small. I have always hit straight, and that is what I complain has not been done in this matter as regards myself. I do not care a snap as to what the result may be, but I would like the House to wind the matter up and proceed to do something of practical utility. If hon. members think I am such a vile character that I should be locked up as a prisoner, let them take a vote and lock me up, but let the matter be settled at once. I know that party feeling is so strong that Government supporters will vote for the Government, and those who are on my side will vote for me. I wish to say that the Colonial Secretary has improperly misrepresented me. I do not know whether he did it intentionally or not; but what I have to say with regard to him will be said privately and elsewhere. At present I only say that the statement is incorrect.

MR. DIBBS: I wish to be allowed to say a few words. We have been sitting for many hours listening to a debate which has been provoked by the hon. and learned member for East Sydney, and which, if carried on to greater lengths will render the existence of this Parliament an impossibility. We, on this side of the House, and the country at large, think that the Governor will be pleased to terminate the existence of a Parliament which within the last few days has done so much to render itself contemptible. What have we done to-night? The hon. member for East Sydney called attention to certain words said to have been used by the hon. member for West Macquarie in the course of debate. That hon. member was not allowed the privilege he ought to have been allowed, of being asked to withdraw the words and apologise for them. The hon. and learned member for East Sydney comes down with a sword in his hand, as it were, and demands that the forms of the House shall be carried through, so as to enable the hon. member for West Macquarie to be brought before the House and placed in the custody of the Serjeant-at-Arms. I have been in Parliament a good many years—there are only two or three older members in the House besides myself—and during the whole of my parliamentary career I have never seen so frivolous a waste of time as on the present occasion, nor any incident more deliberately taken

in hand for the purpose of degrading Parliament, than the one which has been witnessed during the last few hours. We are bringing ourselves gradually into contempt, and for what purpose? I am not going to accuse hon. members opposite by saying that this action has been taken for the purpose of closing the mouth of the hon. gentleman behind the bar. It has, however, all the appearance of being a systematic attempt to close the mouth of the hon. gentleman, who, in the hastiness of youth on a previous night, stated that when he spoke of the Premier he would speak of him with that license which the Chairman of Committees has permitted during the debate upon the Davies vote, and that he would scathe the hon. member's life from the day he was born down to the present time. Was it to close the hon. member's mouth that this conspiracy—for it looks like one—was formed; and is it an attempt made to exclude him from the presence of the House, and to leave him in the custody of the Serjeant-at-Arms during the remaining short hours of the session? What I wish to point out to you, Mr. Speaker—for I believe you are the only one in this House at the present moment who has any dignity and calmness remaining about him—is, first of all, the manifest wrong that has been done to the hon. member for West Macquarie. The wrong is that he should have been treated differently to any other person. The words he is charged with uttering are mildness itself compared with the language used by the Premier last night. They are mildness itself compared with the language I also used on the previous night, and which I shall use again whenever the opportunity is given me. The words complained of are mild as compared with the language used by the leaders on both sides of the House. My young friend, because of his undoubted ability, is singled out for the purpose of being thrust out of the House for the rest of the session. If hon. members on the opposite side of the House, thirsting for blood, demand his expulsion for a short time, they will commit a wrong which will stain the last few hours of this session with infamy. I use strong words; but I speak with a strong feeling with regard to the wrong that this young man is labouring under. I have within the last month heard the hon. and learned member for

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East Sydney use language which was ten thousand times stronger than that which has been alleged to have been used by the hon. member for West Macquarie. We have been called vandals, cut-throats, and assassins by the the hon. and learned member, who comes here and complains of the use of certain language—language in regard to which, if I were to discuss the matter, I could show there was nothing of an offensive character. I have heard the “devil” described as a person of great personal charms, and I have heard the word defined in all shapes and forms. What I complain of is that a gentleman who has been fifteen years in Parliament should come down to the House and drop down on a gentleman who has only been in Parliament six months, for using language which was mild compared with the language used by the hon. and learned member himself. Here is a sample of the language used by the hon. and learned member for East Sydney.

Mr. GARRETT: When was the language used?

Mr. DIBBS: On the 13th August last.

Mr. GARRETT: Then I object to it being read.

Mr. SPEAKER: I have previously ruled that quotations made from members' speeches made during the present session are not admissible, and the same rule is applied to the hon. member.

Mr. DIBBS: The hon. and learned member for East Sydney called gentlemen on this side of the House, “These would-be assassins.” We were also called burglars at the same time, and all that kind of thing. Mr. Speaker was in the chair at the time.

An HON. MEMBER: It was in Committee of Supply!

Mr. DIBBS: Then Mr. Speaker was not responsible; but the Chairman allowed language of that kind to pass, and the hon. and learned member who used it was allowed to walk out of the House, because there was no one on this side sufficiently mean to cavil at it. He spoke, I imagine, from a feeling of bitterness, because he thought that the government for the time-being was in a hole. What has the hon. member for West Macquarie done, that he should not have displayed towards him that courtesy and fairness which would be displayed to any hon. member of the House

with greater experience? Why, when the words alluded to were used, was he not called on to withdraw and apologise? Had he refused to withdraw the words and apologise when requested, I should not have been found supporting him. What we are asked to do is to say that the hon. member for West Macquarie is guilty of having wilfully and vexatiously interrupted the ordinary conduct of the business of the House. I should like to know where is the interruption? He has, in the heat of the moment used two or three words, the utterance of which occupied about one second of time. Where, then, is the vexatious hindrance to business? Had the hon. member been called upon at the time to withdraw and apologise, the difficulty would have been solved in a moment. Had the hon. member repeatedly refused to withdraw and apologise, this motion would have been a proper one, and one which I should have been bound to vote for myself. The hon. member is supposed to have interrupted, by the words used, the business of the House; but what position does the House occupy? The standing order under which this motion is made states:

Any member who shall wilfully disobey any lawful order of the House —

No order of the House made by Mr. Speaker, or the Chairman of Committees, could bring the hon. member within the meaning of those words. The order continues:

and any member, or other person, who shall wilfully or vexatiously interrupt the orderly conduct of the business of the House, shall be guilty of contempt.

I may, even now, whilst speaking, use a word which, to the fine sense of hon. gentlemen opposite, would grate on their feelings. For instance, I may use words which would result in my being expelled from the House, and being carted up to Darlinghurst Gaol. And because I used that language, am I to be seized by the would-be assassins on the other side of the House. The would-be assassin, the hon. and learned member for East Sydney, would seize me by the throat, and rush with a bit of paper in his hand into the presence of Mr. Speaker, and endeavour to exclude me. That is what you are doing now in reference to the hon. member for West Macquarie.

Mr. McMILLAN: Who said there was to be a motion to exclude the hon. member from the House?

Mr. DIBBS: If this motion is worth the paper it is written on, it means that. Let the House agree to the motion, and what follows:—

Every member guilty of contempt shall be committed, by the order of the Speaker.

Mr. McMILLAN: I will tell the hon. member what is intended to be done, and it will show that there is no animus in regard to the hon. member for West Macquarie. The next proposal has been written out, and it is to the effect that for the contempt aforesaid, the hon. member for West Macquarie be called upon by the Chairman to apologise to the House for the language used.

Mr. DIBBS: You are taking the matter beyond the power of Mr. Speaker. If Mr. Speaker will tell the hon. member for West Macquarie that the words are disorderly, and he refuses to withdraw them, then he is guilty of contempt.

Mr. MELVILLE: Will the hon. member allow me to interpose a word? In the haste which has occurred it is quite evident that the object desired will not be attained. I suggest that the proper course to be followed is that the House call upon Mr. Speaker to decide whether the words are disorderly or not, and then an apology can be accepted, but certainly not under that standing order.

Mr. DIBBS: The mistake that has been made is this: The hon. member should have been called upon by the Chairman of Committees to withdraw the words, and to apologise. The hon. and learned member for East Sydney should not have endeavoured to take the hon. member for West Macquarie by the throat, and by the legal machinery of Parliament to leave Mr. Speaker no other alternative but to order an arrest by the Serjeant-at-Arms. Does the House mean to leave Mr. Speaker, by voting for this motion, no other alternative than to order the arrest of the hon. member?

HON. MEMBERS: No!

Mr. DIBBS: Let us make no mistake about our position. We are dealing with one of our own members, and what has happened in regard to him may happen in regard to the hon. and learned member for East Sydney, or in regard to the hon.

member for Camden, or myself. The Committee has made this mistake: It has been unjustly led away by the hon. and learned member for East Sydney. If the hon. member for West Macquarie had refused to withdraw and apologise I should have been compelled, and the House would have been compelled, to vote for a motion declaring him guilty of contempt, and he would then have to be punished. Unfortunately the hon. and learned member for East Sydney, not knowing the course he was taking, seized the opportunity of moving that the words be reported to Mr. Speaker, and then the Colonial Treasurer brings forward this motion and asks hon. members to place at the disposal of Mr. Speaker no other alternative than to commit the hon. member for West Macquarie to custody. The House wants fair play, and nothing more.

AN HON. MEMBER: It wants the course suggested by the Chairman of Committees!

MR. DIBBS: It is a terrible insult to charge a man with a crime for which he never had the opportunity of apologising and withdrawing. I do not plead for any man's vote on this matter; but the hon. the Colonial Treasurer must see himself that the course he proposes is contrary to law.

MR. MELVILLE: I am willing to appeal to Mr. Speaker to see if there is any way out of this difficulty. The only intention in the action taken was to demand an apology from the hon. member for West Macquarie for the language used. I would ask you now, seeing there has been some mistake made, and because there was no intention to take a course which would render absolutely necessary the committal of the hon. member—and I trust the request will be received in a friendly spirit on both sides of the House—if there is any way at the present stage of the proceedings by which we can ask the hon. member for West Macquarie to apologise for the language used, and thus end this unfortunate discussion?

MR. O. O. DANGAR: I would point out that the hon. member has not admitted the insolent language. He distinctly and clearly stated he had not used it.

MR. DIBBS: Before you give your decision, Mr. Speaker, I wish to desire an honorable settlement of this dispute. I can see the easiest way out of the difficulty

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without compromising Mr. Speaker or any member of the House. Let the House go back again into Committee, and let the motion be withdrawn.

MR. ABIGAIL: That is exactly what I suggested!

MR. DIBBS: The sooner we retrace our steps the better. The easiest way is for the House to resolve itself into Committee of the Whole, and for the hon. and learned member for East Sydney to withdraw his motion. Then the hon. and learned member will call attention to the fact that the words are disorderly, and the Chairman will compel a withdrawal and an apology. Then we shall be on the right track. If the hon. member for West Macquarie refuses to apologise I will vote for this motion. If we continue as we are doing we shall do Parliament no good; but we shall embitter the last hours of the session, and also when we meet again after the recess. We have rushed along, regardless of the precipice at the end of the journey. I make this suggestion in all good faith. If the hon. member for West Macquarie does not withdraw the words imputed to him, whether they were the exact words he used or not, he will be ruled out of order by the Chairman of Committees, and then he must take the consequences of the standing order, even if it leads to his expulsion.

MR. REID: The hon. member for The Murrumbidgee, Mr. Dibbs, has just stated what, in his opinion, would be the consequence of this motion. It has been imputed by several hon. members opposite that I moved the motion with the intention of excluding the hon. member for West Macquarie from the House. I will not say anything with reference to the speeches which have been made, because I do not think it desirable to do so. In personal explanation, however, I wish to state that, as the Colonial Treasurer knows, from the very first inception of this difficulty, there was never the slightest idea or intention of taking the step to which hon. members have referred. All that is expected or wished for is a withdrawal of the words and an apology in this House. The reason I took the course I did—a course which has brought the matter before the House—was because, as it seemed to me, of the gravity of the offence committed. I thought the words

used were not words which could be met in the ordinary way by a withdrawal in Committee and an apology. The only object I had in desiring that the matter should come before the House was that the withdrawal and apology should be made in the House.

Mr. SPEAKER : I have been asked by an hon. member on the Government benches if I could suggest a way out of the difficulty. Unless any other hon. member desires to say something in reference to that question, perhaps it is well that I should make a statement on the subject now. One way out of the difficulty would be that suggested by the hon. member for West Macquarie ; but I think there is another way which I would suggest, and which would be the easiest way. Supposing no other course were taken, the standing orders would make it compulsory on me to give the hon. member for West Macquarie in charge of the Sergeant-at-Arms for contempt ; but if the House interposes by carrying a resolution such as that which has been suggested, it would relieve the Chair of the strict necessity of carrying out the standing order, simply because the House would have taken the matter into its own hands. I make the suggestion, and it is for hon. members to say whether they will carry it out or not.

Mr. DIBBS : I also wish to make a suggestion. If the course suggested by Mr. Speaker were carried out, the House would stultify itself. If the hon. member for West Macquarie is guilty of a wrong we ought to find him guilty, and he ought to be punished. The House ought not to go to the length of finding him guilty, without his being prepared to take his punishment. I think the better course would be to let the motion be withdrawn and for the House to go again into Committee, and then we shall be as we were. The words will be held to be disorderly, and the hon. member must withdraw and apologise.

Mr. MELVILLE : I propose that we take the course suggested by Mr. Speaker.

Motion (by Mr. WILLIS) proposed :
That the debate be now adjourned.

Mr. ABIGAIL : I submit it would be an improper proceeding to adopt the suggestion made by Mr. Speaker. The proper plan would be to go back into Committee,

and do what ought to have been done at the time the offence was committed.

Mr. REID : That is a nice thing to do now !

Mr. ABIGAIL : No doubt, what has transpired shows that we have made a mistake. If a disorderly remark was made it ought to have been dealt with as I was dealt with on the night before. The hon. member for West Macquarie should have been called upon to withdraw the remarks and to apologise, and we should have saved all these hours of trouble. We have wasted several hours, and now we are to admit that we made a mistake. If the offence is of the grave character we are led to believe it is, we cannot stop at carrying the motion, and asking for an apology. As I understand that there is a disposition on the part of the Government to accept in some measure the suggestion of the Opposition, I submit that the proper plan would be to go back into Committee, ask the hon. member for West Macquarie to apologise and withdraw, and thus settle this most unseemly proceeding.

Mr. LYNE : If the course suggested is taken, and if the motion which is before the House is carried, Mr. Speaker will have no other course open but to place the hon. member for West Macquarie into the custody of the Serjeant-at-Arms. The standing order is very peremptory upon this point. It says :

Every member adjudged by the House, for any of the causes hereinbefore mentioned, guilty of contempt, shall be committed by the warrant of the Speaker, to the custody of the Serjeant-at-Arms, and shall, by the Serjeant-at-Arms, be detained in custody until released by an order of the House, upon such conditions for payment of fees as to the House shall seem fit.

Presuming the motion before the House is carried, and also the other motion indicated by the Colonial Treasurer, what power has the House to call upon the hon. member for West Macquarie to apologise ? He can turn round and say, "You have adjudged me guilty of contempt ; there is a punishment for that offence ; give me that punishment." We shall then have no more power. Not only will the House have no power ; but the action proposed will form such a dangerous precedent, that we shall be able to upset the standing order at any time we like. I submit that the suggestion made to go back into Committee, and there adjust the

matter, as it should have been adjusted in the first instance, is the only proper course we can take in receding from the improper position we occupy at the present time.

Mr. MELVILLE: I would like to suggest to you, Mr. Speaker, and through you to the House, a precedent for a course by which, on a previous occasion the House relieved itself of a difficulty similar to the present one. I quoted this morning in Committee what I am about to quote now. A case of disorder had arisen, and the matter was referred to the House. The course suggested by the leader of the Opposition cannot in the present instance be carried out. We cannot go back into Committee and commence where the disorder is supposed to have arisen; but the resolution that is now before you can be withdrawn, and by the unanimous desire of the House you will be placed in the position of offering an opinion upon the conduct of the hon. member for West Macquarie, and if, in your opinion, upon the words reported, the hon. member has been disorderly, you will be empowered to exercise your authority and call upon him for an apology, or whatever else you may deem to be necessary. That, I submit, is the only way to meet the difficulty.

Mr. TOOHEY: The only course open to us is to go back into Committee. A resolution has been submitted to the effect that the hon. member for West Macquarie is guilty of having wilfully and vexatiously interrupted the ordinary conduct of the business of the House, and that therefore the House adjudges him guilty of contempt. The question is one between the hon. member and the Committee. The House itself, of its own actual knowledge, has no cognisance of any disorderly conduct on the part of the hon. member. Consequently if the difficulty is to be overcome it must be overcome in Committee. You cannot give judgment upon words you do not hear, or which you know nothing about. I am quite satisfied that we ought to get back into Committee, and I have no doubt that the hon. member for West Macquarie will treat the House as generously as the House has treated him. He will recognise that even though he may not be altogether wrong he owes a certain duty to the House. Certainly you cannot take the House out of the difficulty by this resolution, be-

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cause the resolution affirms something of which the hon. member says he is not guilty.

Mr. SPEAKER: I desire to say a few words. There is no doubt a difficulty in the course I have previously suggested, and if hon. members will allow me, I will suggest another one. I suggest that the motion of the hon. member for Northumberland (Mr. Melville) should be withdrawn, and that then the hon. member whose conduct is in question should take the course which has been suggested by his own friends, and which he might have taken before. As I understand hon. members think he should apologise to the House without going back into Committee, probably no resolution need be moved. The hon. member might have taken the course suggested, and had he done so at the commencement of these proceedings, the resolution now before the House would probably not have been moved. If the hon. member for West Macquarie had been asked by the Chairman to explain the conduct attributed to him he might have explained it or have apologised for the words he had uttered, even though they were not the exact words which he was alleged to have uttered. I suggest that as the most easy and most pleasant way out of the difficulty.

Mr. GARRETT: Before the suggestion is acted upon we must look one probability in the face, and that is that the hon. member may not apologise. What shall we have to do then?

Mr. TOOHEY: Then we can move the other resolution.

Mr. GARRETT: Can we move this same resolution over again?

Mr. SPEAKER: If the motion is allowed to be withdrawn it will be in the same position as if it had never been moved, and it can be moved again. The motion of the adjournment of the debate must be withdrawn before anything is done.

Mr. GARRETT: Is it competent to move an adjournment of the debate on a point of order?

Mr. SPEAKER: There is no point of order before the House, it is a motion, and the discussion upon that motion is quite capable of being adjourned.

Mr. DIBBS: With reference to the suggestion to go back into Committee, I would

point out the words of the motion would absolutely preclude our dealing with the matter in Committee. The terms of the motion are that we should go back into Committee after the matter has been disposed of. We shall then begin a fresh sitting of the Committee altogether. I believe the suggestion to withdraw the motion is one which every member of the House is prepared to support.

Mr. HAROLD STEPHEN: I distinctly object to the withdrawal of the motion. I object to compromises which are simply for the convenience of hon. members. I am perfectly willing to accept a compromise in the interests of the country at large; but I will not accept any compromise which is for the convenience of hon. members. If I were in the position of the hon. member for West Macquarie, I should accept no compromise whatever. He has been accused of being guilty of a disorderly action, and he has been no more guilty of such action than have the leaders of the House on both sides for the last three or four nights without a single word being said. Night after night we have had to listen to accusations levelled from one to another—accusations painful to listen to. Some of those who occupy the Treasury benches may sneer at me; but I say that I dislike to hear accusations brought against hon. members. Even if the accusation is true, I object to it, and more especially do I object to an accusation which has not the slightest foundation. There seems to be a determination on the part of several hon. members to stop the matter at this stage. My opinion, however, is that the matter has arrived at a stage from which, if I were in the position of the hon. member for West Macquarie, I would refuse to recede. The action of the hon. and learned member for East Sydney was calculated to engender bad feeling. It was against the interests of the country, against the interests of the House, and in view of the fact that throughout the debate most gross aspersions upon members' characters have been hurled from one side to the other, it ought never to have been taken. The hon. member for West Macquarie, having been excluded from the proceedings of the House for the last three or four hours, ought now to insist upon his right to be heard, and his right on any occasion to appear in the House.

Mr. REID: I rise to a point of order. I wish to ask whether the hon. member's remarks are in order upon a motion for the adjournment of the debate?

Mr. SPEAKER: The hon. member must confine his remarks to the question of the adjournment of the debate.

Mr. HAROLD STEPHEN: I think we have arrived at such a stage that the adjournment of the debate would be a mere farce. We ought to arrive at a decision at once. All this trouble might have been avoided had it not been for the inopportune action of the hon. and learned member for East Sydney. The result of his action has been a prolonged debate. I am not actually aware what the result of the adjournment of the debate will be. I am sure the country will not respect men who, for their own convenience, after having fought a hard fight, suddenly succumb, because they feel inclined to go home. There is no reason for a compromise. It is simply a question as between white and black, and any position which simply alleges that the colour is grey is, to my mind, an erroneous one.

Mr. WILLIS: I believe that the Government intend to withdraw the resolution. I want to know if that is a fact? Any action on the part of the Government will be the means of curtailing any remarks I may have to make.

Mr. SPEAKER: The hon. member cannot make any remarks excepting as to the withdrawal of the motion for the adjournment of the debate.

Mr. WILLIS: I ask permission to withdraw the motion for the adjournment of the debate.

Motion, by leave, withdrawn.

Mr. McMILLAN: In asking leave to withdraw my motion, I may be allowed to state that Government members are only too anxious to receive any suggestion which may lead to good feeling in the House. The hon. member for West Macquarie himself, I believe, will be willing to apologise, for no matter what may have been the language used, whether it was as stated, or whether it was as he states himself, it was of a disorderly character, and, with a full conviction that the hon. member will withdraw it, I withdraw the motion.

Motion, by leave, withdrawn.

Mr. CRICK: The position I occupied at 12 o'clock last night was, that I had commenced to reiterate a most emphatic denial of those words. The House, it seems, is not prepared to accept my word. It is the first time since I have been in Parliament that I have seen the acceptance of a direct and emphatic declaration of any hon. member refused. It is my first experience in that respect, and I do not know why the House took up this particular attitude towards me. I will state to the House what I did say. The Colonial Secretary had said in his speech, "I stand in a position in which no one can injure me." I said that was quite true. I also said that it was generally stated "there are depths beyond depths; but there is a depth beyond which you cannot go. You cannot blacken the character of the devil." Then I stopped. I will be candid, and I will admit that I was about to introduce a most scathing comparison, and I had got as far as "You cannot hurt Parkes," when the hon. and learned member for East Sydney sprang up and asked that the words be taken down. If I had been asked by the Chairman of Committees to withdraw those words and apologise, I should at once have withdrawn any imputation or disorderly remark; but I was never given the opportunity of doing so. I say again that I see no reason why the House should not accept my disclaimer. I say again that the words I have just mentioned are the words I used, and now, Mr. Speaker, I will take your ruling after all these long hours have been wasted, as to whether you must not accept my declaration that the words I have referred to are the words I used, and I ask you whether in those words there was anything disorderly? If you rule that in the words I have quoted there is anything disorderly, I will withdraw them and apologise to the House.

Mr. SPEAKER: I think that even the implication which is to be drawn from the hon. member's words suggests that it is a disorderly expression which ought to be withdrawn and apologised for. I am sure the hon. member will take that course. I need not assure him that he will suffer no loss of dignity in withdrawing and apologising for the use of words which may convey to other minds a different impression from what he himself

intended to convey. I hope he will both withdraw the words and apologise for having used them.

Mr. CRICK: Now that my account of the words I used has been accepted by you and by the House, and as you rule that there might be a disorderly inference, I have no objection to withdraw them and to apologise, as I should have done seven hours ago if I had been allowed. I should have done that without being asked; but what I did insist on was that even if the House expelled me I would not consent to words being forced down my throat that I did not utter. I have a wonderfully retentive memory, and can generally remember the whole of a speech. I shall not allow the House or any hon. member to force words down my throat that I did not use. As you rule that the words I used are disorderly I am not going to take up any time in cavilling at the Chair. I withdraw the words and apologise to the House if there is anything offensive in them, though, for my part, I do not see any offence in them at all.

In Committee:

Mr. CRICK: When I was interrupted about eight hours ago—and perhaps I had better intimate that I shall require two hours to finish my remarks—

The CHAIRMAN: I think it right now to state that the latitude which, by the unanimous consent of the Committee, was conceded on a previous occasion during this debate is at an end. I shall feel it incumbent on me to adhere to the strict rules of Parliament during the rest of the debate.

Mr. CRICK: I am quite agreeable that the debate shall be drawn within as fair limits as possible; but are you going to outrage the rule of debate, which says that any member who has been attacked shall have full opportunity to reply to the attack? I have been attacked, and I claim on the first rights of my position here to have the same liberty as my accuser was allowed, so that I may reply to his attack.

The CHAIRMAN: I shall stick to the law.

Mr. DIBBS: You cannot do it. We dare you to do it!

The CHAIRMAN: I intimate now to the Committee and to all hon. members who

may feel disposed to address themselves to this question, that the law of Parliament will be strictly adhered to.

Mr. CRICK: I shall certainly reply to the statements made against me.

Mr. DIBBS: The announcement from the Chair —

The CHAIRMAN: The Chair declines to hear any discussion on its intimation to the Committee.

Mr. DIBBS: Then the Chair has admitted that the debate has been irregular from start to finish.

Mr. CRICK said that when he was interrupted in his remarks that morning he was making a certain reference to some remarks by the Premier in a previous debate. It seemed to him that hon. members might not have come to the consideration of the question in a candid spirit; and it would be as well to refer to what had been said by the Colonial Secretary, with whom he should deal somewhat lengthily further on. It would be as well to lay before hon. members somewhat exhaustively the terms of the royal commission appointed to inquire into this particular case. But he would take up at once the report of the royal commission. Of course it was addressed to the Governor; and that was a fair answer to the taunt made by the hon. member for Camden last night, that hon. members on this side who were so anxious to prosecute this matter to a termination did not move the adoption of the report; there was no necessity.

Mr. GARRETT: I was alluding to the report of the select committee!

Mr. CRICK said the fact that a committee of the House inquired into the matter and reported in the last Parliament, would suggest want of sincerity on the part of the committee, or of any members of the committee, if they did not take up the inquiry in the new Parliament at the point where it was stopped. But they were relieved from any such duty by the fact that a royal commission had been appointed, which, with regard to its constituent parts, had more capacity and facility for taking evidence than a committee of Parliament. And the report of the royal commission read as follows:—

May it please your Excellency,

We, her Majesty's commissioners, appointed by letters patent under the great seal of the

colony, dated the 20th day of February, 1889, have the honor to submit to your Excellency the following report:—

Our commission authorised and appointed us, or any two of us, to make a diligent and full inquiry into the working of the Casual Labour Board, consisting of the Honorable John Davies, C.M.G., M.L.C., Frederick Wells, Esquire, and David Houston, Esquire, from the time of its appointment until the 23rd day of January, 1889.

The board, he might inform hon. members, was appointed, on the 2nd May, 1887, so that the duties of that royal commission were to investigate the working of the board between the 2nd May, 1887, and the 23rd January, 1889, a period of about a year and ten months. Although the board was in existence for that time, and although every argument advanced in favour of Mr. Davies during the course of the debate was advanced on the ground that his remuneration was for the whole period that the board was in existence, the Government dared not to say so. They said it was only for seven months, because during the balance of the time he was a member of the Upper Chamber. He was not going to express an opinion on the abstract point of law as to whether the position of Mr. Davies as a member of the other branch of the legislature was in any way affected by his being chairman of the Casual Labour Board, and as such entitled to payment from the Government. That would be a matter for the Legislative Council to deal with; it did not concern this House. He had been charged in another place with officiousness—he thought the word used was impertinence—because he had said that he intended to take steps to see that the House would indorse an opinion which he held, that the Hon. John Davies ought to be removed from the Upper House. The argument urged against him was that the other House was quite capable of looking after its own dignity. He admitted that that was a good argument as far as it went. If the other House was not capable of looking after its own dignity it was not for this House to look after it. But this Chamber was affected in the matter, inasmuch as the vote of Mr. John Davies might make or mar a bill sent up from this, the popular branch of the legislature. His vote might throw a bill out, and it had put a bill through—the Payment of Members Bill. He regarded that as an unpardon-

able affront, a deliberate insult to the House. After Mr. Davies had been charged at the Water Police Court as an ordinary criminal he did not dare to record a vote in the Upper Chamber until he voted for the payment of members. Mr. Davies recorded his vote on that occasion under the belief that this House would accept it in good part, and say, "Well, hang it all, he went there to vote us £300 a year, and the least we can do is to vote him £1,100 altogether." He mistook the independence of this Chamber, however, if he thought that a thing like that could make them give way. He had spoken of this matter before, but he had an excuse for repeating what he had said, because the hon. member for West Sydney the other night repeated almost *verbatim et literatim* certain statements that he had made before. He interjected, "We have had that before," and the hon. member said that that was quite true; but there were several hon. members in the Chamber then who were not there when he spoke before. He did not object further, because he thought that in dealing with a subject like this, we should approach the question with a proper sense of the interests involved, and the facts at stake. He cared not what would be said of him outside, or of what had been said of him. He came to the consideration of Mr. Davies' claim with two facts strongly impressed upon his mind—one, that Mr. John Davies, irrespective of his character and antecedents, was not entitled to any money at all; and the other, that the character of the man was at stake. The novelty of expression, if he might be pardoned for using the term, which characterised certain utterances of his before he felt the weight of the responsibility which he now felt, had departed from him. He referred to certain remarks which he made about the hon. member for West Sydney, Mr. Abigail. He made certain statements about that hon. member—not here, so that cowardice could not be charged against him, but outside, and he made them relying on what had been repeated in this House. He had not looked into the merits of the case; but when the hon. member instructed his solicitors to commence an action against him, it was his duty to do so; and seeing that the evidence to hand would not bear out the statements which he had made, he at once retracted them,

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apologised to the hon. member, and paid the costs. As he stated afterwards, it taught him a lesson, and that was, that when a man's character was at stake, no matter what animus he had against him, it was the duty of any man worthy of a seat in this House to inquire into all the facts of the case before he made a deliberate statement. He contended that in this case he had done so to the best of his lights. He might be wrong; but he had taken a strong and decided view of the matter. Here he wished to refer to a letter which the Colonial Secretary attempted to read the other night. Objection was taken to the hon. gentleman's doing so, and he could not read it; but as the letter affected himself personally, he transgressed no rule of the Committee in reading it. He did so in vindication of himself and of his leader. The letter, of which he had a copy by the courtesy of the Colonial Secretary, was as follows. [*Quotation not supplied.*] When the hon. member for St. Leonards attempted to read that letter, he at once asked him for a copy. The hon. gentleman said that he had anticipated his request and prepared a copy. At the time it struck him that it was a remarkable thing that the Colonial Secretary, having received this voluntary letter, as he described it, from Mr. John Davies, should have had a copy of it written out in his office and presented to him; but he was prepared to accept it in good faith, and to say that the action of the Colonial Secretary was that of a cautious man. When the hon. gentleman gave him the letter, he said that he would afford Mr. Davies the opportunity which he desired. His statement was clear and distinct, although he had not seen it in *Hansard* yet, and he would make it again. His statement was that Mr. Davies, being a member of this House, said to the Premier, "I have documents of yours in my possession which, if published, would cause you to fly from the country." The Premier then said, "I have also documents of yours." Mr. Davies said, "Produce them," and there the matter dropped. The Premier did not dare Mr. Davies to produce his papers. That was his statement, and he had published it in a way that would give Mr. Davies the necessary opportunity to prosecute him if it was not correct. As he had stated to the House, he read that in the *Dubbo Despatch* long

before he had any thought of being anything but what he was then—a farming lad. To the best of his recollection it was eleven years ago. He was very small at the time, and was shepherding his father's sheep. He told the Premier that he could produce the paper, and he there and then wired to the office. That was the necessary publication if Mr. Davies wanted it. A telegram was not a privileged communication. He wired to the editor of the *Dubbo Despatch*, asking him to forward a copy of the newspaper containing the statement referred to. He admitted that up to the present time he had not received an answer to his telegram; but he had received the authority of the Hon. Richard Hill and the Hon. John Macintosh, members of the Upper House, to state here that they themselves had heard John Davies say what he had stated; but, whether they had heard him or not, there was his telegram, and that was a publication. Mr. Davies need not have waited all these years to vindicate his immaculate character. If he had wanted to take any proceedings in a court of law with that object, he could have done so as far back as the year 1883. In that year, a paper was published, called the *Bulletin*, and it contained a cartoon showing Mr. John Davies and the Colonial Secretary, tied together, a sword above them, threatening to cut them asunder, and underneath the words, "Don't cut; it will kill us both." He had here the picture of the immaculate individual who now led the Government, and of the much-injured John Davies clinging to him. If Mr. Davies had wanted to show that he was indeed that noble, pure-minded individual that the Premier and the hon. member for West Sydney—but not the hon. member for East Sydney, who would not state that he was anything good—asserted that he was, why did he not take action about that cartoon? Why did not Mr. Davies take the same steps against the *Bulletin* as he had himself taken in regard to a publication in Sydney that had spoken of him in a way he considered libellous and slanderous. He had now an action against the *Dead Bird* for £5,000. He did not wait for years in a matter of that sort. If he was wrong, there was no man more ready to admit it; but he contended for his rights to the utmost of

his ability. At the time of which he was speaking, there were rumours about that Mr. Davies had taken tram tickets, and had even gone the length of stealing buns. He had here a cartoon in which the Colonial Secretary was shown clinging to power, with John Davies at his coat-tails holding a basket of buns, and underneath was an individual about whom we had heard a good deal this morning—the devil, waiting for them both. He had another, showing Mr. John Davies being kicked off the licensing bench of the colony. Perhaps that was a slander; but if it were, it was a great pity that it had taken Mr. Davies six years to find it out. There was no doubt that he was removed from the licensing bench of the colony, and his great champion and warm friend, the hon. member for East Sydney, was one of those who was instrumental in bringing that about. He had here several other cartoons showing that illustrious politician who had objected to his name being used in the same sentence with the name of the devil. He had no desire to compare the Colonial Secretary with the devil; comparisons were at all times invidious. Whether Mr. Davies did threaten Sir Henry Parkes, as was stated, was not a matter for him to decide; but it was a fact that of those hon. gentlemen, the Premier, the hon. member for West Sydney, the hon. member for East Sydney, and the Secretary for Mines, who got up to speak on behalf of Mr. Davies, all denounced his conduct in regard to the three cheques.

Mr. ABIGAIL: It was an irregularity!

Mr. REID: A gross irregularity!

Mr. CRICK liked to hear the hon. member for West Sydney say that. If he always acted in that way, he would not be like a scorpion without a sting, as he had called him the other night, but a scorpion with a dozen stings. He thought it would be an unpleasant thing for him if he had dealt with three cheques in that way. We knew what the hon. member for West Sydney did in regard to the wool frauds; but it was a curious fact that although he investigated those cases with relentless determination from beginning to end, as soon as the Government of which he was a member came into power the prosecution ceased.

Mr. ABIGAIL: That is hardly correct!

Mr. CRICK said that it was a fact. He did not say that it was stopped from any unworthy motive; but it was stopped. He had never spoken to Mr. John Davies in his life, and he had some doubt whether he would know him, if it were not from the cartoons. He knew his brother, and was on friendly terms with him; but on this case he took a very strong view. He would not pursue the matter any further, though it was a strange thing that Mr. Davies to-day wished to prosecute a man who was standing up here to oppose a vote of £1,100, to be given to him as a return for services which he had rendered to the country, and asked him, in a letter to the press, to say what he had said in the Chamber, outside. That letter was an impertinent insult to the House. To his mind, it was a great infraction of parliamentary privilege. Why were we given that privilege? Certainly not to abuse it; but so that we might state what we conscientiously believed to be true without fear of the libel law. The leader of the Government came down here and read that letter, and asked that it should be laid on the table of the House and printed at the country's expense; he could conceive of no greater outrage of our liberties. He claimed, without the slightest doubt of what the answer would be, that from the time when the Dibbs Government, whom he was returned to support, were defeated, every measure of good and patriotic legislation which came before the Chamber received from him, irrespective of party feeling, an honest support. When he said that, he defied contradiction. He had been as much a supporter of the Government as if he had sat on the Government benches, because they had brought in no legislation affecting the tariff, and their measures had, as a rule, been of a good and wholesome character. But at the tail-end of the session, when all were harmonious and prepared to pass the estimates introduced by the Government, and go into recess—as was shown by the way in which the first part of them were hurried through—the Government came down and invited opposition. They must have been aware of the opposition which the item for remuneration to Mr. Davies would provoke. They must have known that many hon. members sitting on this side of

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the Chamber regarded all the transactions of the Casual Labour Board as of a very doubtful character. While he had had every confidence in the Government —

Mr. O. O. DANGAR: Oh!

Mr. CRICK said that there was no necessity to say "Oh." There was no man who had been returned as an oppositionist who had given the Government a better support than he had given them. He might be wrong—he might even be taking a prejudiced view of the matter; but so strongly did he feel about it, that he could not regard any man as sincere who voted for the payment of this money to Mr. Davies. He should, in future, regard the Government with suspicion, and he should be their bitter and relentless opponent.

Mr. BRUCE SMITH: Not on good measures?

Mr. CRICK: On any measure. He had just cause to be so. He had just cause to view with doubt every member who voted for this item. He might be wrong; but still he stated what to him was a positive fact. If he was in order in so doing, he should like to say a word or two with reference to the proceedings of the previous night. He regretted that a division was not taken, so that there might be given to the country a list of the names of those who were prepared to shut him out from continuing the debate.

The CHAIRMAN: Order.

Mr. CRICK would proceed no further if he were not in order. He could not regard the Government any longer with the kindly feeling with which he had regarded them in the past. He had had every kindly feeling towards them, and was prepared through the next session and the session following that, if necessary, to support them until this question became a fact in the politics of this country which he could not ignore. The proceedings of the Government during the last week, and especially in connection with this item, had so shaken his confidence in them that he should be as bitter and as uncompromising an opponent of theirs as it would be possible for them to have. With reference to the challenge recently thrown out by John Davies, that if those who had spoken here would only give him an opportunity outside he would clear his character, he deeply regretted

that he did not see in his place the hon. member for St. Leonards, Mr. Burns. He had to make a statement of a somewhat important character. He was glad the hon. and learned member for East Sydney was present, so that he might have the words taken down. The hon. member came in here last night, and had succeeded by his action in covering the Government with dismay. Let the hon. and learned member listen carefully to the words he was about to utter, and then let us have another seven hours wasted, when we should see once more how great a fool a wise man might be. The statement he had to make was this : that while the proceedings against John Davies in connection with the operations of the Casual Labour Board were going on a collection of money was made among men who had benefited by Davies' robbery of the state to pay the cost of his defence. The sum of £300 was subscribed ; and if the hon. member for St. Leonards (Mr. Burns) were here he would ask the hon. member if he was aware of any one who had paid anything to the fund. He was not going to mention any names now, as he intended to speak upon the question at some length, and would have a better opportunity later on when the hon. member for St. Leonards, Mr. Burns, might be present. He made this statement, however, that money was subscribed to pay the cost of the defence of John Davies, and there was now a committee in existence prepared to subscribe money to pay the cost of any libel action or other proceedings Davies might bring against those two notorious villains, Dibbs and Crick. These were facts which he stated deliberately and without hesitation, so that the aristocratic and refined member for East Sydney, Mr. Reid, might again try his hand at having the words taken down. He did not think the hon. member would attempt to play the fool again.

The CHAIRMAN : The hon. member will please withdraw the expression.

Mr. CRICK would withdraw the words, although he did not think he was out of order in saying that an hon. member would not attempt to play the fool. This immaculate individual, Davies, had not only got money subscribed to pay the expenses of any lawsuit, but he had been canvassing members of this House for their votes

in support of this item. His banker had been sitting here for the last two nights, while this debate had been going on.

Mr. GARRETT : There is not a more respected citizen in the colony than Mr. Neill !

Mr. CRICK had not mentioned any name.

Mr. GARRETT : But it has been known all through the proceedings that Mr. Davies paid the cheques into the City Bank, of which we know Mr. Neill is the manager !

Mr. CRICK would implore the hon. member to leave him alone, because he was not in the best of humours.

Mr. GARRETT : I will leave the hon. member alone if I like !

Mr. CRICK said that if the hon. member did not he would make him. He had had no desire to say anything unpleasant of any member of this House, with one exception, and he would again ask the hon. member to leave him alone. The hon. member's conduct last night was not so gracious as to lead him to feel kindly disposed towards him this morning. We had the fact not only that Mr. Davies had canvassed members of this House himself, but that his friends had been round on his behalf. He had been approached with a view to ascertain if he could modify his opinion in regard to Mr. Davies. A nice time the man would have who tried to get him to modify his opinion in that direction ! He might as well try to squeeze water out of a handful of sand gathered in the midst of Sahara. He supposed he had done what no other man in this House had done. He had read the evidence taken by the royal commission from beginning to end, so that he had formed no hasty opinion. He would here reply to a most ridiculous and unworthy argument which had been advanced by the Premier. He had said that if Davies had a claim, and if there was any dispute with regard to its justice, the proper and orthodox method of settling the matter was by a suit in the law courts of the colony. The Premier came down and asked why the hon. member for West Macquarie should not be obliged to sue for the £300 a year which Parliament had voted him. He was glad to observe that the Premier's argument was not greeted by a single cheer. There was no analogy whatever between the two cases. He regretted that

the Premier was not here. He did not want to be excessively bitter, but as the hon. gentleman had attacked him he ought to be here to hear what he had to say in reply. There was no analogy between the two cases, as he had just pointed out, because in the one case members of this House were remunerated by act of Parliament, and in the other case there was a contract of this kind—the man was to get remuneration, no fixed sum being agreed upon, if he performed his work well. That being so, let us bring the matter down to commercial principles, and here he claimed the support of the Secretary for Public Works, and he thought he should obtain it even if the hon. member had to give a vote out of the Ministry. He might state he was bitterly disappointed in the hon. gentleman. In view of the high opinion which he had formed of the hon. gentleman, he regretted to see him sitting where he was sitting this morning.

Mr. BRUCE SMITH: The hon. member accused me of jobbery the first week I was in Parliament!

Mr. CRICK admitted afterwards that the purchase of Darling Island was a good purchase, and that what he had said arose from impetuosity. No man had ever made a more full retraction of what he had said than he did.

Mr. BRUCE SMITH: I never heard it!

Mr. CRICK had made it to the hon. member's face when he was sitting where he was sitting now.

Mr. BRUCE SMITH: I do not remember it, but I accept it!

Mr. CRICK had admitted that he was wrong. He had afterwards admitted that what he had said on the night to which the hon. gentleman referred was not justified in view of what subsequently came to his knowledge. He admitted that the purchase was a good one, and he expressed deep regret for the course he had taken on the occasion referred to. He was surprised that the hon. member did not remember it, because he was not often given to making retractions.

Mr. BRUCE SMITH: I am much obliged to the hon. member for his retraction!

Mr. CRICK did not care whether the hon. member was obliged or not.

Mr. BRUCE SMITH: I know the hon. member does not—that is just the position!

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Mr. CRICK had made the retraction in the performance of a duty which he owed to himself. He was surprised to see the hon. member sitting where he was; but he would not give his reasons. He was surprised to see the Minister for Public Instruction sitting where he was; but he would not give his reasons. He was surprised to see the Secretary for Lands sitting where he was; and he would say no more with reference to individual members of the Ministry. He believed they were actuated by feelings of loyalty to their chief, feelings which, not having been a minister of the Crown himself, he perhaps could not appreciate. He should not say anything offensive to ministers, excepting, of course, the Minister whom he regarded as the arch-sinner, and he must say something in reply to what that gentleman had said about him. He did not know what value the leader of the Opposition would place upon his counsel; but he had counselled him not to say anything whatever outside in reference to John Davies, because Sir Henry Parkes had himself convicted John Davies of being a liar. When the hon. gentleman was speaking, he made an interjection for the purpose of drawing him out. The old parliamentary hand, as he was called by the *Daily Telegraph* one morning, while he was damned by the *Herald* on the same morning as being a fool —

The CHAIRMAN: The hon. member is not in order in quoting any paper or any extract from any paper in reference to this debate.

Mr. CRICK said he was about to read, not from a report of a debate, but from some comments on the proceedings in Parliament. He thought it was ruled in this Chamber last night that it was perfectly in order to do so.

The CHAIRMAN: The Chair has no desire to draw an exceedingly strict line; but the hon. member is not in order in quoting from any leading article, newspaper comment, document, or letter, remarks upon the present debate during the currency of that debate. The hon. member will see that if he were permitted to do so it would be equivalent to giving the writer of the article or document power equal to that of members of this Assembly to express his opinion. The case to which the

hon. member refers was a quotation having reference to something which took place in the last Parliament. It had no reference to this debate.

Mr. CRICK said the Premier, at all events, had been variously described as the old parliamentary hand, and as a blunderer in parliamentary tactics. The hon. gentleman, when speaking, said that he had brought forward remarks which were alleged to have been made by Davies many years ago—some twenty years ago the hon. gentleman said. He then interjected, "No, ten years ago." The hon. gentleman then turned round and said, "It was more than ten years ago," thereby admitting at once that the remarks were made, and that it was only a question as to the time at which they were made. Here we had the old parliamentary hand falling into a trap not prepared the day before, not prepared by a man who had his speech written a fortnight before, but a trap prepared on the spur of the moment, by one whom the hon. gentleman had been pleased to describe as being in want of advice. This being so, why should we trouble about Davies, who was convicted of being a liar out of the mouth of the Colonial Secretary. The hon. gentleman came down here to read a letter received from this immaculate gentleman, and then out of his own mouth we found the diamond pin, *Coonanbara* hat, iron-railing Davies convicted of being a liar. Why should men like that engage a second thought? Why should we stoop to the pity urged by the hon. and learned member for East Sydney last night? When the question of voting this person £1,100 was before Parliament, we found him with an audacity which could only be accounted for by unlimited ignorance writing a letter to the very tribunal which was trying his case. Why, a tribunal of inferior standing to this, a tribunal known as the Supreme Court, would have sent this man to gaol for contempt for no less a term than six months, if he had dared to write a letter of that description during the time any case of his was under investigation by the court. This man, who invariably betrayed the trust reposed in him, brought such a mysterious influence to bear upon this House, that hon. members forgot what was due to the country. Under all the circumstances of the case, he had strongly

advised the leader of the Opposition to disregard this person altogether, and to let him take his own course, this person, who could exercise so mysterious an influence over people, that £250,000 was allowed to pass through his unhallowed and dirty hands—hands so dirty that in the transit a vast amount of the coin could not help sticking. How greatly was the process of sticking facilitated, when we found that there was no audit of the accounts, when we found that through the culpable negligence of the Colonial Secretary there was no person to check them, the whole of this vast sum of money being allowed to pass unchecked through the hands of a man who, upon the testimony of his own officers, was so ignorant that he knew nothing whatever of figures. To take notice of the challenge which this person had inserted in the various newspapers would be the act of a madman. He wound up his challenge by stating that of course he need hardly say that the malicious and brutal slanders were without foundation—that the charges made were utterly false. False upon the testimony of John Davies! False upon the testimony of a man who swore that while keeping a banking account he kept 500 sovereigns in a bottle beneath the floor of his house, and who, to substantiate this marvellous and incomprehensible statement, brought female members of his family forward to swear what could not possibly be accepted as truth! Before he would bring his wife, if he had one, his daughter, if he had one, into court to perjure herself in this manner, he would lose all the £500 the world could give him. We were asked to consider the feelings of this man who had never been connected with any office of trust in the country, but that he had emerged from it with suspicion, this man who was a living embodiment of all the worst characteristics which degraded and vilified human nature, who combined in his person the vices of Noah Claypole and the "kinchin lay" of the snivelling and sniggering Uriah Heap, and of that other impersonation of humbug and villiany, Pecksniff. John Davies was *facile princeps*, an embodiment of the three. The conduct of the Colonial Treasurer in the discussion of this question, and his interruptions strongly suggested to his mind a

character in one of Disraeli's novels. It was not altogether an offensive character, but —

The CHAIRMAN: I must ask the hon. member to discuss the question before the Chair.

Mr. CRICK would proceed at once to a proper consideration of the matter; and in order that hon. members might be able to form a proper judgment, he thought they ought to be seized of the contents of the published report of the royal commission. He found that the Casual Labour Board lasted from May, 1887, to January, 1889. The report said that the commission made diligent and full inquiry into the mode in, and purposes for which public moneys have been expended by the board, or any members or member thereof, or under their or his authority.

The manner in which the said board and the members thereof have performed their duties in that behalf.

And to include in such inquiry, but not by way of restriction of the terms or scope thereof,—

An examination into the truth of all charges and statements which have been made before Parliament, or before any select committee thereof, touching any alleged improper expenditure by the board, or any members or member thereof, or under their or his authority, of any public moneys in the improvement of or the making or construction of roads or other works upon the property of any person, partnership, or company.

And, we were by such commission enjoined, within a time therein named, to certify what we should find touching the premises.

The commission was forwarded to us on 22nd February last —

He drew attention to this fact because an attempt had been made to show that the members of the commission had purposely prolonged the inquiry. Hon. gentlemen would perceive that they received their commission on the 22nd of February last, and having regard to the report and the voluminous evidence which had been placed in the hands of hon. members he thought they had worked hard and well. [*Committee counted.*]

As it was not accompanied by any reports or particulars that would instruct us as to the nature or history of the case submitted for our investigation, we addressed the Principal Under-Secretary, requesting him to obtain for our information any departmental reports, letters, books, and accounts bearing on the inquiry, or any documents he might have that would assist us in carrying out the investigation.

Various returns and letters were subsequently forwarded to us. For the rest, we were referred to the records and papers then in the office, in

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Goulburn-street, which had been occupied by the department known as the Casual Labour Board.

It became, therefore, necessary for us, as a preliminary, to examine into the mass of records, books, plans, and documents that had been collected during the existence of the board, selecting such as then appeared to us to require special attention, and instructing ourselves as we proceeded with their perusal sufficiently to acquaint ourselves with the history of the department, and to enable us, as well to decide as to what witnesses should be summoned, as to conduct their examinations without being at a disadvantage.

It will, we think, be conceded that this was no light task —

He thought the task before these commissioners was really a very heavy one, and that they had performed their duties in a very satisfactory and painstaking manner.

especially in view of the importance of the interests involved, and the commands laid upon us to make "a full and diligent inquiry," and it will, we hope, coupled with the large number of witnesses whom we have found it necessary to examine, sufficiently account for the time which we have occupied in the matters and concluding our labours under the commission.

During the session of the commission forty-seven meetings have been held, at which the evidence of eighty witnesses has been obtained.

We have, in all respects, prosecuted the inquiries intrusted to us with all the diligence and care that we could bring to bear on the matter.

From the large range of inquiry indicated by the commission, it might be claimed, that our investigations should have extended to a close examination of every item of the board's working during its existence—such for example as the scrutinising of and taking evidence on all the pay-sheets, vouchers, and similar transactions. But, as the time and expense which such an investigation must have involved, would have been very considerable, and more, perhaps, than the results might have justified, we have, in the exercise of our judgment, confined our attention to such features as we believe will answer the ends of our inquiry.

[*Committee counted.*] He did not think the hon. member for Camden, Mr. Kidd, was justified in saying that these gentlemen had unnecessarily extended their sittings, or that they had charged the Government more than they were really entitled to receive. Hon. members who made this statement could not have read the paragraph of the report which he had just quoted. He might contend with equal force, that John Davies unnecessarily extended the operations of the Casual Labour Board in order that he might receive more pay.

Mr. KIDD: The hon. member cannot say that, because for fourteen months he got nothing!

Mr. CRICK said that he probably worked double time for the seven months. During that time, at all events, his hands were unusually greasy. [*Committee counted.*] It had also been said of the commissioners that they were partisans, and that they were appointed to make a conviction. The report was a complete and ample refutation of the charges hurled against the commissioners. They simply set to work to carry out their duties. He believed that if ever there was an honorable, trustworthy, and patriotic commission appointed, it was that which was comprised of these three gentlemen. They had entered upon their task with diligence and with a regard for justice which had characterised no other commission which had sat in this country.

Our report will, we think, be found to embrace the more important questions involved.

During the conduct of the inquiry, several voluntary statements were made by different persons, in the form of letters addressed to us, alleging irregularities in pay-sheets, disposal of stores and rations and such-like, and involving other matters of complaint similar in their features to those we have investigated in other districts, and which were said to have occurred at Rookwood, Eckersley Road, Narrabeen, and other places where the relief works had been carried on. We have not attempted to investigate every one of these, nor indeed could it have been properly done within the time that has been allotted to us.

Hon. members were aware that anonymous letters making complaints were no infrequent visitation of members of Parliament. Surely, because the commission took the course they did in regard to these letters, they were not to be charged with being partisans and with sending to the Governor a report which could not be borne out by the evidence. The report went on to say:

In considering at the outset of our labours, the best and most expeditious course of procedure, and after reading the evidence of the various witnesses that had been examined before the select committee of the Legislative Assembly, appointed on 15th November, 1888, we determined, wherever the same witnesses came before us, and the circumstances appeared to us to justify the course, to incorporate their previous evidence in our proceedings.

Here was another clear and ample refutation of the statement of the hon. member for Camden, Mr. Kidd, so glibly indorsed

by the hon. member for West Sydney, Mr. Abigail, and cheered by that gigantic intellect of the Ministry, the Secretary for Mines. The commissioners would have been strictly carrying out their commission if they had examined every one of the witnesses who came before them, but what did they do? Let hon. members turn to the evidence. Let them look for instance at the evidence of Mr. Burrowes. The evidence which he had given before the select committee was read to him, and he was asked whether it was correct, or whether he desired to make any alterations. The evidence given before the committee was then accepted as his evidence. If these commissioners had worked to loot the country, and had followed in the footsteps of the man into whose conduct and misdeeds they had been appointed to inquire, they would have been sitting now. If this commission of worthy individuals had brought themselves down to the level of this person, Davies, no doubt they could have received a decent sum in the shape of remuneration. He would not say who would have offered it to them; but there was very little doubt but that it could have been obtained. The report went on to say:

This appeared to us a desirable course, as well on the score of economising time and expense as for the purpose of enabling us to contrast their testimony and report on the whole evidence.

In such an investigation as this, partaking of an inquiring nature, it was obviously impossible to confine witnesses to strictly legal evidence. Considerable latitude had to be allowed them in giving their evidence, and many documents were produced in the course of the evidence for their assistance and for facilitating reference.

We have not deemed it necessary to include in the appendix to this report, copies in full of all the exhibits that were put in. Those only that appear to us important for a proper apprehension of the evidence are fully copied. Others have been shortly particularised.

In many cases as we proceeded, and evidence was given, making various disclosures, we deemed it our duty to call all necessary witnesses on the point, with a view, if possible, to clearing up the matter and to elicit the truth before we came to deliberate on our report.

We now proceed to the subjects of inquiry, dealing with them according to the order indicated in our commission.

[*Committee counted.*] The first portion of the report dealt with the working of the board. If hon. members were as interested in the character of John Davies as they professed to be, surely they could sit here

while 530 pages of this report were being read. We had heard a good deal of prate about the duty of hon. members in this matter. Where now were the bell-mouthed bawlers of last night who were so ready to tell us that we should not hurriedly take away the character of any man? Where were they now? What did they care? They cared nothing. They had probably gone away to a tea-party, or to see "Julius Cæsar," and by-and-by, when there was a probability of their being reported in the press, they would return and bleat about honesty and honor. We should have the Premier coming down talking about his character. He certainly hoped the hon. gentleman would put in an appearance. He had something to say about his character. He had a list of the men he had robbed by his various insolvencies. He had a list of the workmen he had robbed of their wages by his insolvencies. In one particular insolvency the hon. gentleman, who was such a good friend to the working-classes, was found to owe £4,138 in wages. This was the man who attacked the character of the leader of the Opposition. The report went on to say:

The department, which afterwards became known as the Casual Labour Board, appears to have come into existence in the month of May, 1887.

The members constituting the department—Messrs. John Davies, Frederick Wells, and David Housion—rely on a document directed to them, and signed by Sir Henry Parkes, dated 2nd May, 1887, as evidencing their appointment and authority.

Now, it had been contended on behalf of the Premier that it was an exhibition of moral courage on his part that he should have taken upon his own shoulders the whole of the responsibility for the appointment of the board. But what virtue was there in the enunciation of the Premier that he took the whole of the responsibility, when we found the aristocratic Secretary for Public Works saying last night when the bell kept ringing for a quorum, "It will be all right when the division comes"? Of course it was all right. They had counted noses. The bell wether was about, and the lambs followed. God never intended them to have an opinion of their own, and in pursuance of the divine decree, they followed the bell wether. They were told that if the vote were not agreed to, Parliament would be

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dissolved. It was whispered in the lobbies yesterday that the old boy was taking it as a party vote. Where was the old boy now? Where was this curious individual who boasted eternally of his courage, and said that no one could injure him? He should have something to say directly about the man who boasted that he never bent the knee to any one, although he apologised to him the other night. [*Committee counted.*] There was no courage, none of that lionlike, indomitable pluck—

Mr. SCHEY: There is no quorum present, Mr. Chairman!

The CHAIRMAN: The hon. member must be aware that it is disorderly to call attention to the state of the Committee, and then to leave the Chamber. It is also exceedingly discourteous on the part of the hon. member to continually walk up and down the Chamber. Hon. members are supposed to be seated, and to walk to and fro only when necessity compels them to leave the Chamber. The hon. member's conduct during the last half-hour in walking up and down the Chamber is not only disconcerting to the member who is speaking, but is disorderly and discourteous.

Mr. SCHEY had no intention of being discourteous; but after the protracted sitting we had had, it was exceedingly irksome to be compelled to sit still in the Chamber.

Mr. CRICK would direct the attention of the Committee to the document of the Premier appointing the Casual Labour Board. It appeared that the hon. gentleman desired that the establishment should be placed under the care of a careful and trustworthy person. Now, the last person the Premier could have looked to in these circumstances was a man who was always before the courts of the country, who had never had any connection or association with any office of trust; but that he had been accused of jobbery and corruption, a man whose name stank in the nostrils of the people, a man who could not be trusted by his most intimate friends, a man who had an established reputation as a pilferer and a perjurer. This was the careful and trustworthy person selected by the Premier. Would the most ardent and incorrigible liar dare to say that the Premier did not know when he was appointing this person, Davies;

that he was appointing a man who pilfered whenever he got the chance? Only three cheques, forsooth. What number of cheques did this ardent and magnanimous admirer of John Davies want to see stolen? What was the limit to the number of cheques John Davies was to steal? Did the hon. gentleman want him to steal fifty? He would appeal to the hon. member for The Macleay, Mr. O. O. Dangar, a man who could not bear to hear a harsh word said in this Assembly, and who informed us the other night that when walking down the street he was horrified at seeing boys smoking cigarettes, and hearing them say "By gosh"——

THE CHAIRMAN: The hon. member is scarcely in order in making these references to the hon. member for The Macleay.

MR. CRICK was glad to hear the Chairman interpreting the rules of debate so strictly; but he regretted that it had not been done earlier. Surely hon. members did not want him to read the whole of this report without comment. [*Committee counted.*] The whole object of the argument was to win across hon. members opposite. He was sure that if he could show even a taint of impropriety in this claim made by Davies, the hon. member would not vote for a shilling of it. A man who would flog a boy for smoking a cigarette, or would flog a man who said a word of three letters with a harsh accent, would certainly vote against an embezzler. We were told that Davies was a careful and trustworthy character. No doubt he was, so far as he himself was concerned. Not only did he embezzle three cheques, but he got them drawn in two names, so that they could not be traced as Government money. Not only that, but one day wanting a hamper, he went down to McLean & Rigg and bought a hamper basket for £3 10s. To show what a careful man he was, he put it down to the state; and in case the voucher might be traced, he put it down "six coils of manilla rope." Now, Davies might be a fool; he might not have the marvellous faculty for organisation that he was credited with by the simple man on the Government benches who wrote about froggie, doggie, and loggie; but he was cute enough to put down "manilla rope" instead of a hamper basket. Perhaps he intended to have a good

ficed at the expense of the country, and then do the country the best service in his power by hanging himself; but he was so trustworthy and careful that he forgot that part of it. This was the man to whom hon. members like the hon. member for The Macleay, Mr. O. O. Dangar, the hon. member for Grenfell, and the hon. member for Central Cumberland, Mr. Dale, voted to give £1,100. He did not know why the Postmaster-General voted for it; but, of course, the members of the Government must vote for it or the "old parliamentary hand" would send them scooting all over the place. He had the life of the Ministry in his hand. He had only to write his resignation, and what became of their £1,500 a year? The marvellous document prepared by the hon. the Colonial Secretary went on to say:

I assume that a suitable office may be obtained in Hyde Park Barracks.

The green, innocent lamb! He knew it well. They had talked it over before, and arranged it. Davies and Parkes were as thick as two thieves. It was shown by the evidence that Davies used to visit Parkes's house. They had been intimate for a great number of years, and no doubt they sat down and talked it over. He could imagine Old Iniquity sitting beside Shaved Simplicity——

THE CHAIRMAN: If the hon. member applies the first of those terms to the Colonial Secretary it is certainly disorderly.

MR. CRICK: It would be as well to ask me if I applied it to the Colonial Secretary first.

THE CHAIRMAN: There can be no doubt about the application.

MR. CRICK said that in a novel with which he thought most hon. members were acquainted, the characters were described in that way. If the Colonial Secretary were in the Chamber, and took it as applied to himself, no doubt it would be out of order.

THE CHAIRMAN: It is the duty of the Chair to more zealously guard the honor of members who are absent than those who are present. The hon. member's explanation makes it more apparent what he intended by the expression. I ask him to withdraw it.

MR. CRICK withdrew the expression. He could imagine this man, Sir Henry Parkes; this great model character, this

model of propriety, this fit companion for virtuous women, sitting down with this trusty John Davies, and saying, "There is a quarter of a million of the people's money to be looked after. How is it to be looked after best? By conserving it for the people. Who are the people? We, Parkes and Davies. Whose hands are the most sticky?" John would say, "Mine." Now he had finished the 25th page of the report, and there were only 522 more pages. After going through that, he would go through the list of the Premier's creditors, and show that he was a good moral man as compared with the hon. member, Mr. Dibbs, and a man worthy of the confidence of the country. He would also show that he was the man who ought to have the handling of a lot of public money, because he had never been in want. During the time he had been in public life he had only gone up to the tune of £100,000. After that he would give the Committee some information as to the antecedents of some members who voted to give that money to John Davies, and he would also be able to give some interesting information as to some outside sources from which the Premier got money. There was a man whom Sir Henry Parkes met in Adelaide not so very long ago, and it had been asserted that he had got £500 from that individual; at any rate, that individual was now in the civil service of this colony in the receipt of £700 a year. He was sorry that so good a man as Sir Henry Parkes was not here to deny it. The other night Sir Henry Parkes, in referring to the action of Mr. Dibbs in moving the reduction of this item, told us that Salisbury never did a thing like that, and Gladstone never did a thing like that; but, in God's name, had either of those men to meet such an opponent as Parkes? Search the House of Commons through, search England through, search East End through, you could not find a man like the Premier. He had been said by his admirers to be a man of his time. He admitted it. He did not believe the world contained such another. His deliberate opinion of the Premier was, that he was a colossal and craven cur.

The CHAIRMAN: The hon. member must withdraw that expression.

Mr. CRICK withdrew the expression. He would like to say that the Premier was

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a man without courage, and he would like to call him a contemptible coward, if the forms of the House would allow him.

The CHAIRMAN: The hon. member is not justified in doing indirectly what the forms of the House would not allow him to do directly.

Mr. CRICK did not call the hon. member a contemptible coward, because he did not wish to break the rules of the House. He desired before he sat down to say a few words on an unclean subject. There was a man who at one time ran a journal in Sydney and obtained a living by going to various people and getting orders to write accounts and puffs of themselves and their businesses under a threat of what he would do if they did not give him orders. In some unaccountable way that man got himself returned for a certain electorate. Immediately afterwards bankruptcy notices became as frequent as flies in summer; but by some mysterious process this pauper, using the term both in a monetary sense and with reference to character—had managed to stave off those bankruptcy proceedings. He had been all things by turns, and nothing long. He had tried journalism; he had tried every possible thing. He was once a Roman Catholic, then he became an Orangeman.

HON. MEMBERS: No!

Mr. CRICK: Well, he tried to become an Orangeman. He applied to be admitted into an Orange lodge; but they did with him what the licensing bench did with Mr. John Davies, they gave him the "boot"; they refused to admit him. This man had once made insulting reference to a physical defect from which he suffered. Unfortunately, from his childhood he had suffered from an affection of his eyes. It was something he could not control, and medical skill could not cure it. An individual who would refer to a man's physical defects was beneath contempt. This hon. member, honorable by courtesy of Parliament, Mr. Haynes, had thought fit to taunt him with that defect. Well, he was not going to take much notice of a man of the character and antecedents of Mr. Haynes. There was only one form of argument that a man of his stamp could understand and appreciate. But in vindication of an assertion made by the hon. member for Queanbeyan, Mr. O'Sullivan,

he might state that he had in his hand proofs that the hon. member sent his children, Charles Haynes —

The CHAIRMAN : The hon. member cannot refer to a debate which took place in the House.

Mr. CRICK, without referring to any debate, would state for the information of the Committee that he had in his hand proof that Charles Haynes attended St. Francis' Roman Catholic Boys School, Paddington, from the 8th April, 1889, to the 8th July, 1889 ; and that Horace and Bertie Haynes attended St. Francis' Infant School, Paddington, a Roman Catholic school —

The CHAIRMAN : The hon. member must see that this has nothing whatever to do with the debate before the Committee.

Mr. CRICK had achieved his object. He merely wished to show the value of any statements made by the hon. member for Mudgee, Mr. Haynes. That was one of the apologists for Mr. Davies. It was men like that who supported Mr. Davies. There were some men who voted because they were forced to vote for Mr. Davies ; there were others who voted because they did not know what they were voting for ; there were others who voted for party reasons. He wanted one man of intellect, independence, and character to stand up and justify a vote given to put public money into the pockets of Mr. Davies. He had heard nothing except from men who were forced to speak for Mr. Davies. He had heard Sir Henry Parkes, but he dare not do anything else, because of that mysterious bond. He had heard the hon. member for West Sydney, Mr. Abigail ; but on the faith of an Orangeman Mr. Abigail must vote for Mr. Davies. He did not know the rules of the lodge, but he believed they were very severe and binding. One of the most independent and straightforward men in the House, Mr. Kidd, voted for Mr. Davies, and when he knew that Mr. Kidd belonged to the same lodge he could only conclude that Mr. Kidd must vote for Mr. Davies.

The CHAIRMAN : The hon. member is out of order in imputing unworthy motives.

Mr. CRICK would say nothing more on that point. He would like to hear the hon. member, Mr. Greene, justify the vote he had given. He took no notice of the speech of Mr. Reid ; he looked upon

that as a paid speech. Why should we take any notice of an hon. member who had not the courtesy to come and listen to the previous debates, but simply took the garbled reports in the free-trade press—a press that gave *in extenso* the nonsensical utterances of the Premier, and gave an inch and a half to the magnificent reply of the leader of the Opposition, which was admitted by both sides of the House to be the most effective retort ever heard inside these walls. The *Herald* and the *Telegraph* gave about two columns to the dirty drivel of the head of the Government.

The CHAIRMAN : I trust the hon. member will endeavour to couch his ideas in orderly language. Mr. Speaker has given a ruling which I, as an officer under Mr. Speaker, am bound to follow. The language the hon. member is using is outside the limits of reasonable debate.

Mr. DIBBS was not aware that Mr. Speaker had given any ruling to alter the decision that the Chairman had given, with unanimous consent of the House, that every speaker was allowed the same license as that with which the debate had been commenced.

The CHAIRMAN : Every hon. member is cognisant that the hon. member used language this morning to which exception was taken. It was brought under the notice of Mr. Speaker, who held that it was certainly disorderly. It devolves upon me, as an officer under Mr. Speaker, to confine this debate within fair limits, as laid down by May. Any license or liberty given before that, as the hon. member himself admits, was far outside the rules of debate. I ask the hon. member to withdraw the expression he has used.

Mr. DIBBS did not wish to argue with the Chair ; but he wished to state that so far as he understood Mr. Speaker's ruling it referred to certain language which was undoubtedly disorderly. He presumed the Chairman would not allow disorderly language to be made use of ; but the question of latitude was a different matter.

The CHAIRMAN : I have not ruled on that point. The Chair has offered no opinion as to the matter referred to by the hon. member. Latitude within fair rules of debate will be in no way interfered with. I ask the hon. member to withdraw the expression.

Mr. CRICK withdrew the expression. When he spoke again he proposed to show what the Premier's life had been in the past as compared with the life of the leader of the Opposition. He would not have done that had not the Premier raked up every possible thing against Mr. Dibbs. The Premier was the first to introduce personal abuse. He was followed, of course, by the hon. member for West Sydney, Mr. Abigail; but he did not blame that hon. member, because he could not help it; it was part and parcel of his nature. We might have a very good indictment against his Creator; but we could not blame him himself for having been sent into the world with a vast amount of bitterness, and with very little of the milk of human kindness. He would resume his remarks at a later hour.

Mr. GREENE rose to answer the challenge thrown out by the hon. member for West Macquarie. However much he might differ from that hon. member, he admitted that he had approached the subject with care and diligence, with a boldness worthy of a better cause, and with an intensity and fervour which showed that every syllable he uttered was honest. But the hon. member went beyond the bounds of legitimate statement when he put himself forward as a man holding strong views, and denied that it was possible for others to be honest if they differed from him. In this matter he meant to take a moderate course. It was all very well for men to take strong views, and the men who succeeded best in political life were those who took the most extreme views. The public at large was apt to condemn those who acted in what was called a milk-and-water way; but he looked upon that man as essentially weak who would subserve his own views to those of a class, and would seek to gain a certain amount of power and notoriety by indulging in extreme views. There were plenty of men yoked by bonds of party to those with whom they could not ally themselves. The moderate man often reaped abuse from both sides, and was held to have no opinions, although his opinions might be of such a character that they would bear the strain of time and result in the ultimate appreciation of the man who had the courage to hold them. He would not therefore shelter

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himself under the wing of one side or the other; he was prepared to accept the amendment which had been proposed by the hon. member for East Sydney, and he would give his grounds for supporting it. If it were possible to escape this difficulty altogether; if it were possible to eliminate from the history of the past the whole story of John Davies, he would be delighted. But we were here as practical men to deal with the case as it stood. The country had a duty to perform, and it should perform that duty in a way consonant with the dignity of the country, and the aspirations of the general public. He might say at once that although he had never seen Mr. John Davies he could not conceive that under any circumstances he would be a party to an appointment such as that under which John Davies rose and flourished. He would do everything in his power to relieve this country from the stigma of having appointed such a man. But the fact had been accomplished. John Davies was appointed as chairman of the Casual Labour Board; the work had been done, and it was absolutely necessary that that work should be paid for. Some hon. members had said that as there was no agreement Mr. Davies could not have compelled payment. But he would ask, if any man accepted the service of another, with or without an agreement, and the servant had done his work, what defence could be set up if he sued for remuneration? The question would be asked, "Did you tell this man to go on with this work?" "Yes." "You were aware that he was going on with it?" "Yes." "Did you superintend his work?" "No." Would not the answer be, "If you have made a bad bargain you must stand or fall by it"? If any one were to try and shelter himself behind the fact that there was no agreement, was it likely in this prosaic age that it would be believed that anything was to be given for nothing? This man whether he was good or bad, undertook to perform certain services, and were we to expect that the work would be done for nothing? No man outside a lunatic asylum would undertake work involving anxiety, trouble, and expense, expecting to get nothing for it. The position, therefore, was not weakened in the least by the fact that there was no special agreement. If the House refused to sanction the payment, and John

Davies took his case into court, who could deny that he would get a verdict, and who could deny it, that the country and the Ministry would be covered with obloquy? Was it a right thing that the Government should refuse to pay its debts, and tell the person demanding payment to go and seek his redress in court? That would be an unworthy and cowardly act, and would stamp the Government as being incapable of carrying on the business of the country. We must pay something, and if we only paid the amount suggested by the hon. member for East Sydney, he considered that we would be getting out of a very bad job very cheaply. A great deal of irrelevant matter had been introduced into this discussion. We had John Davies criticised in every possible way. We had been told that the vote he gave in the Upper House on the bill for payment of members was an absolute insult. If it were so, nine members out of ten seemed to pocket the insult very complacently. They reminded him of the official in the "Mikado," who wished to be insulted again. There were several other points to consider. If Mr. John Davies did not do his work properly in connection with the Casual Labour Board, somebody blundered, and it was a terrible shame that a man should be allowed to go on performing his work badly, and then be brought up with a jerk. In any business transaction, if a man you employed did his work badly, you had your redress against him in a certain way, but that way was not to refuse payment. Even if he robbed you, you had redress in the courts of law; and it would be a high-handed, as well as a useless and futile proceeding to condone the greater offence, and recoup yourself by refusing him his emolument which he had earned, whether he had earned it well or badly. It must be clear to every man, whose natural intelligence had not been warped by strong party ties, that something must be paid, and the sum suggested in the amendment was a small sum by which we might possibly get rid of this very great difficulty. From first to last the whole business had been most unpleasant. A great many hon. members had directed their remarks almost entirely against the previous history of John Davies; but he could not help recognising that every blow at John Davies was a

blow at Sir Henry Parkes. If the appointment of John Davies was a disgraceful one Sir Henry Parkes was answerable for it. Although he was willing to give the Government any reasonable and fair support, he was not prepared so far to sink his individuality, or to give up his liberty, as to uphold everything that had been done by the hon. gentleman at present presiding over the destinies of this country. There had been culpable wrong done; but the matter had been condoned, and the only way out of the difficulty was to vote a fair and reasonable compensation. There was one expression that he must take exception to, that it was "looting the Treasury." He would ask hon. members whether we could do the thing cheaper? The way to save the country from being looted was to settle the matter with as little expense as possible. If the matter went to law a larger sum would be awarded, over and above that would be law costs, and over and above that would be the loss of dignity and prestige to the Government of this country and every one connected with it. Under those circumstances, as a practical man, not bound to one side or the other—not constrained by any of those ties to which the hon. member for West Macquarie had referred, he wished to impress on hon. members with all the force he was capable of, that they should take that means of solving the difficulty, cut the gordian knot once and for ever, and get rid of this thing, which stank in the nostrils of the people. He had given this matter the fullest consideration—he had put forward his views in a way which would admit of no misunderstanding, and he was sure that every hon. member would admit he had spoken without fear of one side or the other, and that he had spoken that which he believed. He had great hope that the Committee would accept the amendment proposed by the hon. member for East Sydney.

Mr. DICKENS thought that it was the feeling of the Committee that we should settle this matter as soon as possible, and it was our bounden duty to settle it quickly. We must finish the work of the country, and the civil servants must be paid. He regretted very much that so much personal feeling had been introduced into the debate. No doubt there had been very grave faults on both sides;

but he wished to say, as a member of the Opposition and as an independent member of the House, that he could not take the charges hurled against Sir Henry Parkes as true. The hon. member might have been guilty of great indiscretion; but history told us that during the time Sir Henry Parkes had stood in this House, politically his soul was pure and his hands clean. Then, on the other side, as to the charges made against his leader, Mr. Dibbs, he was confident that the hon. member was the last man in the whole world to do a dirty or dishonest action. He thought that these personalities should be dropped at once, and that we should divest ourselves of all party feeling. If he was sitting behind Sir Henry Parkes he would vote against this item, as he intended to do now. If the item had been brought forward by Mr. Dibbs he would have voted against it in the performance of what he considered his duty to himself, to his constituents, and to the country. He could not accept the amendment of the hon. member for East Sydney. If we accepted any amendment at all; if we voted for 10s. or £1, or £5, we would be expressing the opinion that Mr. Davies was entitled to something, and he contended that he was entitled to nothing. He had no doubt whatever that the general opinion of the country was dead against this vote being passed. He did not give his vote through fear; but he was certain that if he voted for this £1,102 10s., he would have very great difficulty when he went back to Wilcannia in explaining his action to his constituents. If Mr. John Davies was entitled to this amount let him seek redress in the law courts. He again appealed strongly to hon. members to settle this matter one way or the other as soon as possible, and let us finish the business of the country.

Mr. GARRETT wished to deal with the question of putting Mr. Davies in the position of going to a court of law. How could he get into a court of law? The defendants, that was to say, the Government, did not dispute his claim; they had proposed to pay it; but not being able to pay it without the sanction of the bankers, that was to say, this House, they had come to the bankers to ask for the money. They were willing to pay it, so how could Mr. Davies get into a court of law? Now, with regard to the amendment of his hon.

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friend, the member for East Sydney. If the claim was a good one, a fair payment for it should be made. He thought it was a good claim, because very valuable services had been rendered by Mr. Davies in this matter, although there might have been some irregularities. He had conducted transactions involving a quarter of a million of money, and if you went to any broker and sold a quarter of a million worth of shares you would have to pay £2,500. The amount could not be reduced therefore, on the ground that it was too much as a matter of business; it was to be reduced because of some other consideration, and the consideration put forward by those who challenged the vote was of a criminal character. If we reduced the amount we should be condoning a crime. That was the condition of affairs as stated by those who objected to the payment. There was another way of judging whether the amount was too large. Let us take the case of the payments to other people who had been engaged in this case—the members of the commission and the accountants who were appointed to aid them in examining the accounts. Mr. Franklin charged at the rate of 10 guineas per day, which came to £462, and also for professional work as engineer and surveyor—though it was as an engineer and surveyor that he was appointed—he made a charge of £178 10s., making a total of £640 10s. that Mr. Franklin claimed.

Mr. A. ALLEN: For how many days' labour?

Mr. GARRETT said that he commenced his labours on the 25th of February, and completed them on the 3rd of June. The number of days had been mentioned in the debate; but he had not worked it out.

Mr. DALTON: He had a number of hands employed in making surveys!

Mr. GARRETT said that he was trying to show that the amount claimed by Mr. Davies was not excessive as compared with the demands of other persons for similar services.

An Hon. Member: The other demands were excessive!

Mr. GARRETT said that they had been paid without challenge by the hon. gentleman who challenged the item now before the Committee.

Mr. DIBBS: Those items were postponed!

Mr. GARRETT said that Mr. Waller had made a charge of 10 guineas a day for forty-four meetings of the commission, making a total of £493 10s., and he had also charged for extra services rendered in "reading up the evidence, checking accounts and vouchers, writing up correspondence, examining and checking books, drawing up report on same," £210.

Mr. A. ALLEN: These are the men who get at the public purse!

Mr. GARRETT never knew of a more flagrant instance in which the public purse had been got at.

Mr. DIBBS: This House has not voted the money yet!

Mr. GARRETT was only showing the charges that had been made. The gentlemen whom he had mentioned were appointed by the hon. gentleman who was interrupting him. The president of the commission made no claim; but in a letter dated the 19th of July last he stated:

When I accepted the duty as president, the late Colonial Secretary, Mr. Dibbs, at an interview I had with him, other members of the Cabinet being present, intimated to me that fees would be paid, and as to the amount I could trust to the liberality of the Government to recompense me for my services and time in connection with the commission.

Mr. A. ALLEN: Liberality of which government?

Mr. GARRETT: The late Dibbs Government.

Mr. DIBBS: There is no agreement mentioned in that letter!

Mr. GARRETT said that the hon. gentleman had promised to pay liberally, so that he supposed he was not going to act stingily; but that payment would be made at a similar rate to that made in other cases. On the 22nd of July last, Mr. Cape again wrote:

In view of what the late Colonial Secretary stated to me as to amount of fees, as mentioned in my letter of 19th instant, I submit hereunder, for the purpose of affording some guide to a fair assessment of my remuneration, memorandum from my diary showing the time in which I was exclusively occupied in connection with the duties as president of the late commission, outside the time I was engaged in conducting examinations of witnesses on the actual sittings of the commission. I add also from the printed records note of time I was engaged on the sittings. The work outside the sittings consisted of the necessary perusal of evidence —

Here was another gentleman who made an extra charge for perusing evidence,

work for which he was paid, and which he had undertaken to perform.

and examination of a mass of records, vouchers, and books of the Casual Labour Board; also the many numerous printed and parliamentary papers bearing upon this matter—preparing a special and final report—particular work as president, special correspondence with various Government departments, and arranging as to witnesses to be examined. I was obliged to devote myself to the work on Sundays and public holidays, and generally at night, to meet the demands.

Duties as president individually in work of the commission exclusive of the time of the actual sittings of the commission, 502 hours. Forty-seven sittings at commission, 200 hours. Total, 702 hours.

Mr. Cape represents this as being 117 working days. No mention of the amount of fees to be paid was made by Mr. Cape, and as the other members of the commission claimed £10 10s. per sitting, this has been computed at the same rate, making in all £1,128 10s.

Mr. A. ALLEN: But he is a professional lawyer!

Mr. GARRETT said that it was because of that that he was appointed president. He was only looking at these facts, as they bore on the amount claimed by Mr. Davies.

Mr. DIBBS: Did Mr. John Davies ever earn 5 guineas a day in his life?

Mr. KIDD: How much did he earn a day when he was a member of the Ministry?

Mr. STEVENSON wished to take the Chairman's ruling as to whether the hon. member's remarks were relevant to the subject under discussion?

Mr. GARRETT said that there was an item of £1,100 upon the estimate as a reward for Mr. Davies' services. It was proposed to cut that down by £600 odd. He was quoting these figures to show what had been paid to other persons for similar services, so as to prove that Mr. Davies' claim was not excessive when compared with them, and he was giving reasons why the item should not be reduced.

The CHAIRMAN: The hon. member is perfectly in order in incidentally referring to items further on; but he is not in order in going into details, because the items will come up for discussion at a later period.

Mr. GARRETT said that these sums amounted altogether to £2,472, and there were only forty-four days expended upon

the work. Mr. Davies was eighteen or twenty months in doing that for which he claimed £1,100. He, therefore, thought that the hon. member who had moved the reduction of the item must be considered entirely out of court. He also pointed out that the reasons given for the reduction of the item were criminal charges against Mr. Davies, so that if he were paid a less amount than he claimed it would be compounding a felony.

MR. PAUL : Mr. Davies only claims for eight months !

MR. GARRETT said that perhaps that made the case of the hon. member for East Sydney somewhat better ; but if a party made a charge before a court—and we were now practically a court trying the charges brought against Mr. Davies—and while the case was proceeding went up to the defendant and said, “If you take half we will drop the prosecution,” it would be a clear case of compounding a felony, and that was what was being done by the amendment. There was another phase of the matter. Endeavours had been made to involve the Government in it—statements having been made that they unduly favoured Mr. Davies in creating the appointment in the first place, and in the way they treated him afterwards. Whether the appointment of Mr. Davies was right or not, he had not been treated properly by the Government since. When the report of the commission was brought up the Government should have dealt with the matter there and then. It was by no means necessary for them to send him before the criminal courts of the country in the most undeserved manner. There were many other ways in which it could be shown that the Government had not favoured Mr. Davies. They had not favoured him by putting this amount on the estimates—they could and should have paid him without putting it there. In the way in which they treated Mr. Davies they almost committed themselves to a belief in the charges brought against him, and he was hardly contented with the way in which they had treated him. He did not desire, nor was he very well able on account of the state of his health, to prolong this matter. He thoroughly indorsed what had been said by one or two hon. gentlemen, especially by the hon. and learned member for East

[Mr. Garrett.

Sydney, in reference to the utter unmanliness, un-Englishness, of bringing up past episodes in the history of Mr. Davies. Every one of the charges brought against him had been tried before the constituted tribunals of the country, and in every case Mr. Davies came off scot free, and they should not have been brought in to sway the judgment of the Committee. He said that those charges were a party move in order to damage the head of the Government. How did they bring him into immediate connection with this matter ? He did not care how it was done ; but statements were made that Mr. Davies threatened the Colonial Secretary that he had papers in his possession which, if published, would drive him from the country, and it was insinuated that to prevent those papers being produced Mr. Davies had been favoured whenever the Premier had an opportunity of doing it ; in other words, that public funds had been given as hush-money to a man who, it was alleged, was in a position to bring a charge against the Colonial Secretary that would drive him from the colony. Could any more serious charge be made against a public man than that ? Attempts had been made, insidiously or boldly, as the case happened, to connect the Colonial Secretary with these transactions ; and it was hinted that for fear of Mr. Davies the head of the Government had appointed him to the position of chairman of the board, and had subsequently made him a member of the Upper House. That clearly showed what was the real object of the action taken by the Opposition, because the amendment which was defeated last night was moved by the leader of the Opposition ; and we knew, as regards Mr. Davies, that the present action was being taken through political feeling. We could not forget that he had been for twenty years in politics. He had been called an underground engineer, and similar expressions had been used about him, because he had always taken an active position as a party man.

AN HON. MEMBER : The last time he was in Parliament he supported the Premier !

MR. GARRETT supposed the Premier took him as a colleague because of the damaging papers which he had in his possession. These charges were really made

against the Colonial Secretary, and we had heard them before when Mr. Davies' appointment to the Upper House had been spoken of. These charges had been brought up over and over again by hon. members opposite.

AN HON. MEMBER: Why go over the matter again?

MR. GARRETT wanted to show that this was really a party matter. He was not on his trial.

MR. SLATTERY: The hon. member was, once in his life!

MR. GARRETT said that he had been; but the House did not send him to the court before taking the opinion of Parliament. He was tried directly on resolutions based on the report of the commission.

MR. SLATTERY submitted that the hon. member's remarks were irrelevant. We were not trying the acts of a preceding parliament; we were dealing with an item in the estimates.

THE CHAIRMAN: The hon. member was drawn into making those remarks by the interjection of the hon. member for Boorowa. He did not think that the hon. member would digress further from the subject.

MR. GARRETT only referred to the matter to show what had been the procedure before in dealing with these cases. With the result of that case he was decidedly satisfied. Instead of the Government sending him to a police court, and employing eminent lawyers to prepare informations and give opinions about his case, they moved a motion condemning his action; and the same course should have been taken in the other House in reference to Mr. Davies. He ought not to have been put on his trial before a tribunal before which all the low thieves and vagabonds of the city were tried. While speaking of the amounts that had been paid to members of commissions, he had omitted to mention the amount paid as fees to Messrs. Mason & Miles, who were mere accountants. They claimed £5 5s. per day each for 142 days' services on the special commission—in all, £1,491. The Committee must be convinced, after hearing the figures which he had read, that Mr. Davies' claim was a very moderate one; because members of commissions were generally paid at about the same rate as

he had mentioned, and he thought that Mr. Davies' work was of much greater, or at least of as great a value as that done by ordinary commissions. Something had been said about the high character of the members of the commission which had inquired into the working of the Casual Labour Board. His hon. friend yesterday spoke in the highest possible terms of Mr. Cape, and he thoroughly indorsed what he had said as to that gentleman's character; but he did not know that Mr. Cape had ever given any proof of his ability to act in the capacity of president of a commission. He had not been a judge, and therefore had not had any experience in the weighing of evidence. But let us inquire into the character and conduct of another of the commissioners, and see whether he was not appointed on the principle of setting an ill-doer to catch an ill-doer—

MR. REID extremely regretted having to rise to order; but he wished to know whether the hon. member would be in order in inquiring into the character of one of the commissioners, as he proposed to do?

MR. GARRETT had no desire to do it; but it had been stated that the report of the commission could not be questioned, because of the character and ability of the commissioners, and no doubt if he liked to claim his right to do what he proposed, the Chairman would decide that he could do it. He was not going to say anything, except what was on the records of Parliament, and he would leave hon. gentlemen to form their own conclusions.

THE CHAIRMAN: The hon. member will only be in order in referring in general terms to these gentlemen. They have already been referred to in general terms; but their conduct or capabilities cannot be discussed in detail, because the item has been postponed. When it comes on again, it will be open to the hon. gentleman to make any remarks about them he may think fit.

MR. GARRETT would postpone his remarks until then. The gentleman to whom he had referred was not Mr. Waller. Before sitting down, he would like to say a word or two as to the effect of the debate on the reputation of the House, and of the country. Whichever side was to blame for what had occurred,

everybody must admit that the proceedings which had taken place must be in disparagement of the reputation of Parliament and a disgrace to the country itself. Of course the strong expressions used must fall on the heads of the hon. members who used them. Hon. members must see that the way in which the charges had been dealt with would be an eternal disgrace to Parliament. If we paid the money a million times over, it would do less injury to the country than this debate had done. If we did that, it might be a reflection upon our common-sense; but it would not be a reflection upon the character of the colony. As far as his own feelings went, he thought that it was the worst debate which we ever had in the history of Parliament. He had been here for thirty years, and had taken an active interest during that time in parliamentary proceedings.

Mr. DIBBS: I remember a worse!

Mr. GARRETT said that he knew what the hon. member referred to, and he thanked the hon. gentleman for the generous way in which he had acted on that occasion; but he did not think that he would have brought it up again like that.

Mr. DIBBS: The hon. member provoked me by saying that this was the worst debate which had ever taken place in Parliament. I said that there had been debates a great deal worse.

Mr. GARRETT said that the debate to which the hon. gentleman referred was conducted on very good principles; there could be no fault found with it on that score. There was a great deal of party and personal feeling, and the reputation of two men was at stake; but the proceedings were conducted with moderation and decorum as compared with those which had just taken place.

Mr. DIBBS: Did the Colonial Secretary act with moderation?

Mr. GARRETT would not be drawn into any discussion that would involve the reopening of those charges, which ought never to have been brought up. The question was, whether we should give Mr. Davies £1,102 10s., or only £500, and he thought he had fairly and fully shown that the amount claimed for services rendered, irrespective of the way in which the appointment was made or the work done, was insignificant as compared with the payments made to other persons who did

not do one-tenth of the work. He had also shown that if anything less than the full amount were paid it was compounding a felony. For that reason he hoped that the Committee would, by a decided majority, reject the hon. member's amendment; and, by a still more decided majority, reject any attempt to prevent the granting of the item as proposed.

Mr. COPLAND said that several of the speakers on the other side of the Chamber had endeavoured to prove that hon. members on this side were making this matter a party one. As far as that was concerned, he was perfectly free from any party feeling, and simply acted upon the conviction in his own mind as to the justice of the claim. He thought that it was not just, because of the facts mentioned in the speeches which had been made; he thought it had been shown that this man was not entitled to £1,100, and that he was not entitled to anything. As to the comparison of the hon. member for Camden, Mr. Garrett, of the amount claimed by Mr. Davies with the charges made by other commissioners, he said it was perfectly futile to endeavour to raise that question, because if Mr. Davies had done his duty properly, and had acted honorably and justly towards the state, the amount he claimed would have been immediately voted. The question was: did this £1,100 come on the estimate as a claim by him, or was it placed there by the Government? If it was placed there by the Government they were playing false with the people. Mr. Pilcher, in giving his opinion on the case, said that Mr. Davies not having received money from the state, or being a paid servant, could not be convicted, so that if this amount was placed on the estimates after he had been tried, it was condoning a wrong. He thought the Committee would decide the question on its merits; and as John Davies was the man who committed the wrong, the money should not be paid to him. He was perfectly satisfied that the majority of hon. members were thoroughly of that opinion, if they could only set aside any party bias. He thought every man in the Chamber should be guided by that idea. He was not going to make a party question of the matter. He knew nothing of Mr. Davies, excepting what he had heard about him during the debate; but if we

[Mr. Garrett.]

eliminated the facts in the speeches which had been made, we should find that John Davies was guilty. He thought it was quite apparent, looking at the question from a business point of view, that if a man were intrusted with the collection of moneys for another, and he paid them into his own credit, he was to all intents and purposes a thief. It was not one cheque only that Mr. Davies had dealt with in this way; if it had been it might have been passed over—but when it came to three, and the matter was only found out by a commission, his action was still more a theft. You might talk about this gentleman's want of business knowledge; but it was well known that if a man received trust money, and paid it into his own account, he was a thief, and any business man would have dismissed an employee for so doing.

Mr. BRUCE SMITH: They would have to pay his wages up to the time of dismissal!

Mr. COPLAND: If the man paid three cheques, which were not his own, into his own credit, he acted wrongly.

An HON. MEMBER: The money has been repaid!

Mr. COPLAND said that Mr. Davies had no justification for placing the money to his own credit, and that it was only when he was forced to refund it that he did so.

Mr. A. ALLEN: Better have him tried over again!

Mr. COPLAND had no wish to go over the matter again. He simply rose to say that he should record his vote against the passing of the item. After giving a great deal of consideration to what he had heard, he thought it had been clearly shown that Mr. Davies had committed a wrong, and, if he had, the Committee should not pay him a shilling. He did not think any stigma attached to the Premier in this matter other than the blunder of its conception. The hon. gentleman blundered in not entering into a proper contract with Mr. Davies. A proper contract should have been entered into with him, and a proper check put upon him. It was a blunder on the part of the Colonial Secretary to place a man of the John Davies stamp, who had no business knowledge, in a position like that, where large amounts passed through his hands, without

putting a check upon him. He did not think that the Colonial Secretary had been associated with Mr. Davies in any wrongdoing; but he should have had more caution before placing Mr. Davies in the position which he held.

Mr. HASSALL said that if there was one feature in the debate which he regretted more than anything else, it was the fact that personalities had been introduced into it, that the past careers of men holding high positions in the Parliament had been alluded to—things which we had had raked up over and over again. He, for one, would like to see parliamentary debate carried on on different lines. Surely if a man committed a wrong, or made a mistake, and you dealt with him for it, the matter ought to be let rest. It must be evident to all honorable or right-thinking men, that if what had been done was to continue to be done, good men were better out of Parliament than in it. It was like dealing with a criminal who, having been sentenced by the judge, and having served that sentence, was taken up when he came out of gaol and tried again. He regretted that this, the highest deliberative assembly in the land, could not deal with these matters in a fairer, juster, and more impartial way. Surely we could set a better example, than rake up all these past episodes in the careers of our public men, making the Assembly a place for washing dirty linen. We had sufficiently broad grounds on which to attack John Davies in regard to this item without referring to anything in his past history, and going back to the *Coonanbara* hats or the diamond ring. We could prove, without that, that we were perfectly right in contending that this money should not be paid. When we considered that an enormous amount of money passed through his hands, and that during the time that he had control of it a great portion of it was spent in the improvement of private estates, and that he paid Government cheques into his own credit, we had sufficient grounds for saying that he was not entitled to this remuneration, because it had been admitted by the Premier that it was in consideration of his performing the work in a satisfactory manner that payment should be made. He failed to see that Mr. Davies had performed his work in a satisfactory manner. Hon. members on the other side of the Chamber were not satisfied that he

had done so. They were not satisfied to pay him £1,100, and the hon. member for East Sydney, Mr. Reid, asked us to reduce the item by £602 10s. His argument was that John Davies was either entitled to £1,102 10s., or he was not entitled to a farthing. He voted last night against his being paid the money, believing that he did not deserve it; but supposing the amendment of the hon. member for East Sydney were carried, in what position would the House be placed? We were asked now to present Mr. John Davies with a sum of £500 in recognition of his services on the Casual Labour Board. But was he entitled to receive £500 if he was not entitled to receive £1,102 10s.? If he had the slightest chance of getting £1,102 10s. he would take the matter into the law courts. That was his opinion of Mr. Davies. He would say that the Parliament had admitted that his services were deserving of some remuneration, and he could turn that to his own advantage; because the fact of our paying him £500 would be proof positive that we considered that he had carried out his duties in a certain sense in a satisfactory manner. Mr. Davies would refuse the £500 and sue for the £1,102 10s. If he was entitled to £1 he would be entitled to the full amount, and if we agreed to give him £500 he would be able to get a verdict in the law courts for the whole sum. The Committee would only stultify itself in trying to reduce the item. It would be far better to say either that we would give him the whole, or we would give him nothing at all. It had been said that this was not a debate on Mr. John Davies, but that we had been stabbing the Premier through him. He did not intend to inflict any stabs on the hon. gentleman; but he wondered that such an old and wily parliamentary hand had laid himself open to such an attack. The hon. member must have known when he made the appointment that it would not give satisfaction to the Parliament or to the country, and if he were possessed of that great cleverness which his friends imputed to him he would never have become connected with this dishonorable transaction. The evidence taken before the royal commission proved that the business was dishonestly conducted, and we were now asked to condone that. We should be whitewashing the character of

[Mr. Hassall.

Mr. Davies if we paid him the money. He believed that he was not entitled to it, and intended to vote against the item. Although the hon. member for Camden, Mr. Garrett, had accused us of bringing this matter forward as a party charge he thought there were men in the House possessed of sufficient conscientiousness to give a vote irrespective of party. It might have been made a party move, but not by this side of the Chamber. He heard last night that it had been made a party move by the Government themselves.

HON. MEMBERS: No!

Mr. HASSALL said that when he looked at the phalanx of faithful supporters last night he thought it gave some colour to the rumour. A vote was taken last night to reduce the item altogether. The Opposition entered their protest against the money being paid; but their amendment was defeated, and we were now asked to vote for an amendment reducing the vote. His opinion was that any compromise of that sort would only stultify the Committee. With regard to the remarks made by the hon. member for Camden as to the debate being a disgrace to Parliament, he hoped to see the day when our aspirations would be a little higher than trying to throw mud. The man who stood here and cast a slur on a fellow-legislator only cast a slur upon himself. Parliament was what we made it. If we acted as straightforward gentlemen, and treated each other as gentlemen, the country would never have to complain of such scenes occurring as we had seen in the past. If we were here to legislate for the benefit of our fellow-creatures, let us behave ourselves as men, and if we had to fight let us hit straight from the shoulder, but never behind the back or below the belt. He would fight a man honestly and conscientiously, but he would never lend himself to such tactics as raking up the past history of any man, more especially when he was not here to defend himself. He was not in a position to speak very well. He had had to take care of himself lately, and he did not feel equal to making a long speech; but he could not help letting the occasion pass without saying the few words that were in his mind. He hoped we should soon go to a vote on this matter. There were other people to be considered besides Mr. John Davies. He

trusted that, whether Mr. Davies got £1,102 10s. or nothing, those who opposed the granting of the item would give their votes honestly and conscientiously.

Mr. PAUL, although so much time had already been spent in discussing this matter, felt that he would not be just to himself if he did not give some reasons for the way in which he intended to vote. Business of importance took him home last week, and he had no intention of returning to Parliament unless he was specially called upon to do so. He was asked to pair, but he declined because this vote was to be under the consideration of the Committee, and he felt that he could not give a vote or pair unless he was present to hear the arguments used for and against. When Mr. Davies was appointed the chairman of the Casual Labour Board, he understood that it was to be an honorary position; but he found from the speeches that had been delivered in the House that on one if not on two occasions the Premier had publicly stated that Mr. Davies was to receive remuneration for his services. Mr. Davies before the commission was asked if he had received any salary or emolument of any kind. He replied that he had not. He was then asked did he expect to receive any, and his reply was, "Certainly I do, the ordinary fees given to members of boards of inquiry." He must admit that when the sum of £1,102 10s. was put down on the estimates, he thought that it was a large amount to pay for the services rendered by Mr. Davies during his eight months' connection with the board; but he found that immediately afterwards the hon. member for The Murrumbidgee appointed two gentlemen to supersede Mr. Davies, and under very different circumstances. Mr. Davies, he understood, accepted his position on the board when there were over 4,000 men to be looked after—that number increased to 7,000. If he remembered rightly, when Messrs. Miles and Mason were appointed, the number of men to be looked after was reduced to a few hundred.

Mr. DIBBS: A minute of Sir Henry Parkes, published on the 31st December, stated that there were fully 1,000!

Mr. PAUL understood that the number was reduced to 410, although the leader of the Opposition seemed to think differently.

Mr. DIBBS: The hon. member for West Sydney said that was the number; but I took the trouble to ask the Principal Under-Secretary, and he said that it was 1,500!

Mr. PAUL said that the hon. member for Eden had stated that we were voting this sum to do honor to Mr. Davies, but we were asked to pay it to him for services rendered under a contract entered into with the Premier. From the amounts paid the members of royal commissions, ranging from £10 10s. to £5 5s., Mr. Davies' claim was not excessive. He must say that in going through the evidence he did not approve of all the actions of the board, nor did he approve of the appointment of Mr. Davies to the position of chairman. He thought that the Premier should have found a responsible person in the Government service, whom he could have placed in the position—one in whom the country would have had full confidence, and who would be directly responsible to the Colonial Secretary or some other minister for the way in which he performed his duties. But the Premier had explained that his sense of Mr. Davies' ability to manage men and deal with a matter of this kind warranted him in asking him to accept the position. That being so, he could not for the life of him see why the matter should be further referred to. He certainly felt strongly opposed to giving Mr. Davies anything when he found that so much public money had been paid for the improvement of private property. Some of the work no doubt was necessary, but some of it he believed was not; but we had no evidence to prove that Mr. Davies received any consideration for the money that had been expended. We heard this morning from the hon. member for West Macquarie that certain gentlemen who had received these benefits had subscribed a sum of money to defend Mr. Davies in his late law action. That might be like many of the rumours which originated in the House; there might not be any foundation whatever for it, and his short experience in the House had made him take with a great deal of reserve any statements made from one side or the other against the character of hon. members. He had heard charges brought up by older and leading members of the House again

and again, which, if substantiated, ought to hurl any man from the position of a representative of the people. He was surprised at the way in which Mr. Davies had been spoken of by the hon. member for East Sydney. With all Mr. Cape's abilities, he was struck with the fact that he seemed to be a prosecutor. He seemed, if possible, determined to have a conviction. In addition to that, he was informed that people who were interested sought to be represented, or to be present while evidence was taken; but that permission to attend was refused. If such a refusal was given, it was most un-English, and the thing ought not to have occurred in this country. Men whose character and liberty were at stake should not have been prevented from being heard at the bar, or from being present to hear the evidence given. In conclusion, he wished to deprecate the conduct of many hon. members who had tried to drag the Premier through the mire, and whose object in opposing the vote, he believed, was to injure the hon. gentleman in the eyes of the country. Charges had been made against him which, during his short experience, had been made scores of times, and answered over and over again. He hoped, for the honor of the House, that the character of Parliament would be different in the future from what it had been lately. He was glad that he was not here during the first three nights of the week to listen to the vituperation that had taken place. He would support the Government in this matter.

Mr. WALL said that in the few observations he was about to make he should endeavour, as far as possible, to avoid any reference to Mr. John Davies' past career. He would endeavour to deal with that gentleman's claim and with the merits of the case in a calm and dispassionate manner, and in doing so his first inquiry would be as to the contract entered into between the head of the Government and Mr. John Davies, and as to the duties he was supposed to discharge to entitle him to the remuneration which the Committee was now asked to grant him. After the appointment of Mr. John Davies to the position of chairman of the Casual Labour Board a question was asked in the House by the hon. member for Hartley, Mr. Hurley, with a view to elicit information as to the arrange-

[Mr. Paul.

ment that had been made between the Premier and Mr. Davies. In answer to that question the hon. gentleman said :

In my communications with Mr. Davies and the other two gentlemen who form this board nothing was said about remuneration, and I imagine that they understand that their duties are not to be recognised as entitling them to a salary. But to be candid with the House, I may state that it is only just that if they discharge their duties satisfactorily some allowance should be made to them.

Now, this appeared to him to narrow the case down to the simple and practical question—had these gentlemen discharged their duties satisfactorily? Had Mr. Davies discharged his duties in such a manner as to justify the Committee in voting £1,100 out of the public funds for his services? It was contended by those who advocated the payment of the money that the duties had been satisfactorily discharged by Mr. John Davies. A number of hon. gentlemen who had voted for the payment of this money to Mr. Davies, had candidly admitted that the duties had not been satisfactorily discharged; they admitted that irregularities had occurred—irregularities of such a character that it was almost a stretch of the imagination to confine them to that term. A statement had been made to the effect that a conspiracy had been at work to destroy the reputation and character of Mr. Davies. It was also stated by the hon. member for West Sydney that Mr. Davies was tried by a tribunal to whom special instructions were given. Now, this was a very serious charge, and if it applied to the gentlemen who constituted the board of inquiry it applied also, and even more forcibly, to Messrs. Rogers and Pilcher, who, on the evidence taken at the inquiry, arrived at exactly the same conclusion as that reported by the board. If the members of that board received special instructions to convict Mr. John Davies, then it must be inferred that similar instructions were given to two gentlemen, whose character in the city and throughout the country was such that no man would believe for a moment that they would accept a brief to examine into the evidence in this case, convict the accused even at the request of such an exalted personage as the Hon. G. R. Dibbs. Those gentlemen, on the facts adduced before the inquiry board, arrived at exactly the same conclusion as

that at which the members of the board arrived. Therefore this at once dispelled the baseless and discreditable charge that had been hurled against the gentlemen who formed the commission of inquiry. He did not know any of these gentlemen, nor what their position was; but he knew perfectly well the position held by Mr. Rogers and Mr. Pilcher, and it sufficiently exonerated them from any base aspersion of that kind. It had been said that a conspiracy had been at work to ruin the character of Mr. John Davies. Well, personally—he could only speak for himself—he had entered into no such conspiracy. He had met Mr. John Davies; he had been on terms of friendship with him, and at the present time, as far as his knowledge of that gentleman went, he knew nothing about him but what had been straightforward and honorable. He knew nothing of his past career; he did not inquire into it; but if his own brother was in the position occupied by Mr. Davies, he would consider it to be his duty to vote against the payment of one shilling of this money for the discharge of duties which were performed in a very perfunctory and unsatisfactory manner. That was the position he took in connection with this case. Other charges were made against the members of the Opposition, so worthless that it was not necessary for him to refer to them. He regretted that these charges had been made, because they had created an angry feeling on both sides of the House that could not be productive of good results either in this matter or other matters that were to follow. It was very much to be deplored that in a deliberative assembly like this, where we were supposed to co-operate with each other and exercise what ability we possessed for the advancement of the country, any foreign subject should be dragged in that was likely to engender hatred and bitterness, and prevent that unanimity which should prevail in the interests of the country. The hon. member for Grenfell, Mr. Greene, in justifying the vote he was about to give, said that the labourer was worthy of his hire; and a similar sentiment was given utterance to by the hon. member for East Sydney. He quite concurred in that. If this gentleman had discharged his duties in a satisfactory manner, the Committee would have no

right, under cover of an amendment, to rob him of that to which he was justly entitled. If this gentleman had fulfilled the undertaking he entered into when he accepted the position to discharge the duties satisfactorily, then we had no right to reduce the amount by one shilling. He was entitled to the whole or to none. If he had betrayed the trust reposed in him, as had been alleged, and if he had not discharged his duties in a satisfactory manner—and this was the conclusion arrived at by the inquiry board—then the Committee should not grant him one shilling of this money. If Mr. John Davies was legally entitled to remuneration, he should either receive the whole of this amount, or failing that, he should bring his claim in a court of law. He had no evidence before him to assist him to a conclusion in this matter apart from that which had been adduced by the inquiry board, whose verdict was indorsed by two eminent legal gentlemen of great ability, who had separately inquired into the matter. With the previous history of Mr. John Davies, the Committee had no concern. If he were the greatest criminal that ever disgraced the records of the colony, if the Premier entered into an arrangement with him, that arrangement should be carried out in its integrity. If it had been carried out on Mr. Davies' part, we should give him the full remuneration for his services. The hon. member for East Sydney admitted that Mr. Davies had been culpable. If he was culpable at all, why should we vote him a sum of money from the public funds and condone his culpability? He could not arrive at any other conclusion, from the evidence before him, than that the duties which Mr. Davies undertook had not been performed in a satisfactory manner, and that consequently that gentleman was not entitled to a payment of money out of the public funds. Other hon. gentlemen might feel justified in coming to an opposite conclusion; that was a matter which rested entirely with themselves. If their responsibility as representatives of the people was not sufficient to induce them to arrive at an honest determination, nothing that he could say would have the slightest effect upon them. He was content to leave the matter in the hands of the Committee. He had fought it out, and if there was any chance of

negating the vote he would not hesitate to stand on the floor of the House for the next forty-eight hours and exhaust all the forms of the House for that purpose. But from the divisions that had taken place, and the expressions of opinion that had been given, he felt that it would be impossible to prevent the vote from being carried. It would, therefore, be a wilful waste of time, in view of the more important matters that claimed the attention of the House, if this debate were prolonged to a much greater extent. Considering the acquaintanceship—he might almost say the friendship—that had existed between himself and Mr. John Davies, he regretted that he was compelled to take the position he intended to take on the present occasion. But he had nothing to guide him but the evidence. He might, perhaps, possess a perverted intellect, and if so the force of logic was powerless; but the arguments of hon. gentlemen who advocated the payment of this money, if they had any effect at all, had simply tended to confirm him in his conviction that this gentleman was not entitled to the money which the Committee were asked to vote. The hon. member for Camden said that in estimating the remuneration that should be paid to Mr. Davies we should be guided by that which was paid to other commissioners. The hon. gentleman, however, in making such a comparison, omitted to state that the other commissioners had faithfully discharged their duties, and that no charge was brought against him.

Mr. FRANK SMITH said that last night he told the Committee that he had not made up his mind which way he should vote in regard to this item. Since then a mass of evidence had been placed before him and before other hon. gentlemen who were in the same position as himself. The principal matter that troubled him was the sincerity or otherwise of the leader of the Opposition in dealing with the question in the way in which he did. He had carefully digested as much of the evidence as he was capable of digesting, and had dissected it as far as he possibly could, and taking into consideration the vote which was given last night, and the fact that the leader of the Opposition gave his vote for the payment of a certain sum of money, at any rate, to a man whom he described several times during the debate

[Mr. Wall.

as a thief and a scoundrel, he could only come to one conclusion. If the hon. member sincerely believed that this man was the despicable character he described him to be, he could not, with any really honest intention, have voted him one shilling. Therefore, being in doubt up to a certain point as to whether or not this was a party move by the Opposition, he had taken the whole of the evidence into consideration, and he had come to the conclusion—

Mr. CRICK : Has the hon. member read all the evidence since last night?

Mr. FRANK SMITH said he had read most of it. He had not been out of the Chamber for half an hour during the whole debate, and had heard every speaker who had addressed the Committee on the question, and he had come to the conclusion that this was nothing but a party move on the part of the Opposition. The evidence commenced with the vote that was taken last night. Not one single member, other than those members of the Opposition who had been fighting this question through from the start, was found voting in the division which took place last night, and that division took place on the motion of the leader of the Opposition to pay a certain sum to the man whom he had described in the terms just mentioned. If the hon. gentleman had been sincere he would not have been in favour of voting a single shilling to Mr. Davies. And the hon. gentleman's supporters, if they believed in the sincerity of his condemnation of Mr. Davies, would not have voted to pay that gentleman any sum whatever. He could come to no other conclusion than that they followed their leader in a party vote.

Mr. TOOHEY : The hon. member voted without being convinced!

Mr. FRANK SMITH said he voted against the amendment, and he intended to vote now with the Government, and in favour of the whole item.

Mr. CRICK : Nobody doubted that!

Mr. FRANK SMITH said he would show that in doing so he was acting in the interests of the country. The leader of the Opposition had spoken about the waste of time, and had endeavoured to cast the blame upon the Government; but he was sure the Opposition would admit that they had occupied most of the time.

Mr. CRICK : No ; we have legislated for the country !

Mr. FRANK SMITH said if the hon. gentleman knew the effect of the non-payment of the salaries of the civil servants, in the case of the poorer paid members of the service, he would think twice before he gave utterance to such an opinion.

Mr. CRICK said the hon. member and the Government had tried to make out that the Opposition were delaying the payment of the civil servants' salaries. The Opposition had offered that if a temporary supply bill were brought in it would go through in ten minutes. Now what became of the charge ?

Mr. FRANK SMITH said it could not go through, because the Legislative Council was not sitting.

Mr. CRICK : It is not necessary to have a bill at all, if the Government wished to pay the salaries !

Mr. FRANK SMITH said that if Government supporters voted for the payment of anything at all to Mr. Davies, they must vote in favour of the whole sum, because that was the amount fixed by the Government, and surely hon. gentlemen could trust the Government to properly value the services rendered by this gentleman. The hon. member for East Sydney should show the Committee how he arrived at his valuation. Who was in a better position than the Government to say whether or not the services had been faithfully rendered ? He could not conceive how any supporter of the Government could take it upon himself to say that the valuation of the Government was too high, and fix a valuation of his own, and ask others to support him in an amendment. But the Opposition having taken the course they had in making this debate a party question —

Mr. CRICK : No, no !

Mr. FRANK SMITH said that if any hon. member on the Government side were to go the length of supporting the amendment of the hon. and learned member for East Sydney, the Opposition would at once claim the vote of that hon. member. It was as plain to hon. members as it was to the public outside that if the Opposition should defeat the Government upon the main question, a motion of want of confidence would be given notice of in a very short space of time. This being given, the

Opposition would claim the support of every hon. member who had voted for the amendment of the hon. and learned member for East Sydney. He did not think any supporter of the Government would support this proposed reduction in the estimate. At all events, he desired to place on record the fact that if this were not a party question, he might give a vote different from that which he was prepared to give on the main question. He did not wish to be misunderstood. He had a duty to perform here to his constituents and to the country. Although he had been but a short time in Parliament, he was sufficiently clear-sighted to see this—that any other course of action would simply amount to laying the carcass of John Davies upon the table of this House so that those seeking office in the new ministry might walk over it and grasp the spoils of office.

Mr. CRICK thought the hon. member was disorderly in imputing to hon. members a desire to see the body of this person Davies laid upon the table of the House, and that he was also disorderly in imputing to hon. members a desire for the spoils of office. There was no such thing as the spoils of office to honorable men.

Mr. FRANK SMITH said he used the expression with regard to the body of John Davies metaphorically, and with regard to the spoils of office if, as the hon. member suggested, there were none, he could not be out of order in using the expression.

The CHAIRMAN : I think the hon. member is quite in order. The sense in which he used the words will be thoroughly understood by the Committee.

Mr. FRANK SMITH desired to put himself right. This was rather a tough nut to crack, and he did not want to be misunderstood.

Mr. REID : The hon. member would find it easier to crack one-half of it !

Mr. DIBBS : The hon. member had better go to Balmain and consult his constituents !

Mr. FRANK SMITH said he might be wrong, and it was quite possible, as the leader of the Opposition suggested, that some of his constituents might think him unworthy of their confidence.

Mr. SLATTERY : I never saw the hon. member stuck up before !

Mr. FRANK SMITH thought he owed it to his constituents and to the country

not to allow any party move of this kind to result in the Opposition taking the place of the Government now in power. The effect of voting with the Opposition in this matter would compel him, and, he believed, every member who had the well-being of the colony at heart, to vote with the Government, and to refuse to allow such a matter to bring about a dissolution of Parliament.

Mr. SCHEY: The hon. member knows the amendment cannot have that effect!

Mr. SLATTERY: Why, the amendment is moved by a supporter of the Government!

Mr. FRANK SMITH said the circumstances were somewhat different now from what they were before a certain parcel of envelopes was delivered the other day. There were gentlemen sitting opposite for whose opinion he had the highest respect. He should like to give a vote which would concur with their opinion; but there were solid reasons why, on this occasion, he should, in the interests of the country, give a vote in the opposite direction. The matter was reduced down at last to a simple party fight.

Mr. CRICK: Not at all!

Mr. SCHEY: That is what the hon. member is trying to make it!

Mr. FRANK SMITH said that if the Opposition were to defeat the Government upon this question, the effect would be to bring about a state of chaos as regarded public business.

Mr. SLATTERY: If this were a party vote the Government would be defeated; but it is not a party vote!

Mr. FRANK SMITH had only desired to put himself right before giving a vote. The Government, with all the facts before them, had seen fit to place upon the estimates £1,100 as a fitting remuneration for John Davies. The amendment was moved in face of the fact that this was a party question, and as a supporter of the Government he wished to warn hon. gentlemen of the effect of their votes. How could we possibly find a true verdict with regard to the actual value of Mr. Davies' services. If we admitted the principle of payment, he thought the whole amount proposed should be given. He did not know why the hon. member for East Sydney, Mr. Reid, should have proposed that the sum be halved. On what principle

[Mr. Frank Smith.

had the hon. member acted? He thought the best course to adopt was to admit that the principle of payment was correct, and to have faith in the Government, who had proposed the amount, leaving it to them to take the responsibility. When we came to the main question, he asked hon. members to have some regard to the effect of the vote they gave, not only in its bearing upon this particular matter, but upon the financial policy of the country.

Mr. DIBBS said the last speaker had apparently, within twenty-four hours, changed his opinion on this question, because he told the Committee yesterday that he intended to vote for the amendment which had then been moved.

Mr. FRANK SMITH: No!

Mr. DIBBS: The hon. member went on to say that by reason of the strong language used by the Opposition he had changed his mind, and should vote for the Government; he thought the hon. member would have a little difficulty in offering an explanation which would be satisfactory to his constituents at Balmain. On behalf of hon. members on this side of the House, he desired to say that they thought the time had arrived when they should come to a vote upon this question. Hon. members on this side thought they had done everything the country could expect of them. They had entered a strong and emphatic protest against the expenditure of this sum of money, and they had also in view the fact that the prorogation of Parliament was to have taken place yesterday week, as announced by the Government, and also that other business of a very debatable and important character would come before hon. members before the House adjourned. The Opposition also had in view the fact that the Government were carrying out a little move in order to obtain sympathy for a certain class of civil servants. Whenever a difficulty arose, whenever the head of a government desired to drag his colleagues through the mire, word was passed round that the question was a party question, and we saw a party vote. The Opposition were quite content. They had made their protest in a legitimate and constitutional manner, and they felt that they had no right to continue to delay public business. At the same time, they could not vote for the amendment of

the hon. and learned member for East Sydney, because they did not intend to allow themselves to be trapped into a partial recognition of the distinguished services of John Davies. They were not to be tempted into that medium course which they were told was the happy solution of the difficulty. The Opposition condemned the Government for daring to put this amount upon the estimates, and they would not recognise that John Davies was entitled to a shilling. He ought to think himself the happiest man alive that he had escaped the punishment he so richly deserved; but, no doubt, he would be still happier in pocketing at the hands of the present Government £1,100 steeped in filth and villainy. This question would not be forgotten. The protest of the Opposition had gone forth from one end of the country to the other. He believed they had the country with them in the protest they had so emphatically offered. They had protested against this great public wrong, and the Government and their supporters must take the consequences of their action. The hon. member for Balmain, Mr. Frank Smith, and others would discover when the day of reckoning came that these consequences were very serious. He hoped the day was not very far distant when hon. members opposite would have to explain before their constituents what he did not hesitate to describe as rascally support to a rascally vote to condone a felony.

Mr. HAYNES said that although he had refrained from making any remarks, he had by some hon. members been made almost as much the subject of this debate as was John Davies. Every man in this Parliament knew that there could not be a more consistent and bitter opponent of John Davies than he was. He took up that ground long before many persons who now objected to John Davies ever spoke of him. He then dealt with him, and attacked him in the press in every conceivable way, because he felt him to be a man who was untrustworthy as a politician, and whose presence in political life was injurious to the country. He had never changed that opinion, and he held it to-day. As long as he remained in political life, he should never be associated with John Davies in any political work, unless his character underwent a

great change. He distrusted him, and he believed him to be the greatest political trickster and shuffler this country had ever produced. But the question of John Davies had long ago sunk out of sight. The question for the consideration of this Parliament was whether it should tolerate a man being tried by a tribunal outside as John Davies had been tried and found not guilty, and being afterwards tried before this tribunal. This was a course of persecution which would not be tolerated in any police court in the country. In a police court, the moment a man was charged with an offence, the prosecutor was confined to that offence. John Davies, however, had been arraigned on one offence, and fifty others had been brought against him. If hon. members were successful in this effort, there would not be a man whose property or person would be safe if certain persons in political life chose to set their death-mark upon him. He had heard some persons condemn the leader of the Opposition, saying that he was perfectly untrustworthy, and that he was a dishonest man. He had known the hon. gentleman for a long period of time. As regarded his private and commercial character, he stood second to no man in this country; but his political character was an entirely different matter. He was quite prepared to go to a vote, since hon. members were anxious to do so. He should be quite prepared to defend his vote on behalf of John Davies in every constituency of the colony.

Mr. CRICK: Will the hon. member come to West Macquarie and fight me on the question? If so, I will write out my resignation at once!

Mr. HAYNES would do nothing of the kind. He would not put the country to the expense. He would challenge the best man in the House to come to his own constituency.

Mr. CRICK: I will go!

The CHAIRMAN: I must ask the hon. member to address himself to the question before the Chair.

Mr. CRICK: I would not fight a dirty hound like the hon. member!

The CHAIRMAN: The hon. member will at once withdraw the expression.

Mr. CRICK: Out of deference to the hound I will withdraw it.

Mr. HAYNES : I call the attention of the Chair to the terms of the hon. member's withdrawal.

Mr. CRICK : I said out of deference to the House !

The CHAIRMAN : I must request the hon. member to withdraw the expression and to apologise to the House for having used it.

Mr. CRICK : I withdraw the expression and apologise to the House.

Mr. HAYNES said that if this vote had been proposed some months back, he would have voted against it, and he would have voted against it on the present occasion but for the new phase the question had assumed.

Mr. REID had only two observations to make. He very much regretted that the proposal he had made had met with so little favour on both sides of the House. It was, however, a matter for hon. members of the Committee to consider. All he had to say further was this : that he believed something was due to Mr. John Davies. He believed the sum of £500 would be a very liberal amount to pay him, and he was equally certain that the proposal of the Government to pay him £1,100 was one he could not support.

Amendment negatived.

Original question again proposed.

Mr. HAYNES : I move :

That the question be now put.

Mr. DIBBS : The gag on a money vote !

Question—That the question be now put—put. The Committee divided :

Ayes, 43 ; noes, 31 ; majority, 12.

AYES.

| | |
|---------------------------------|-------------------|
| Abigail, F. | Martin, J. |
| Allen, A. | McCourt, W. |
| Bowman, A. | McMillan, W. |
| Brown, H. H. | O'Connor, D. |
| Brunker, J. N. | Parkes, Sir Henry |
| Carruthers, J. H. | Paul, W. H. |
| Chapman, M. | Reid, G. H. |
| Clubb, G. | Ritchie, R. A. |
| Cooke, H. H. | Scobie, R. |
| Dale, D. | Smith, Bruce |
| Dickens, E. B. L. | Smith, Frank J. |
| Fuller, G. W. | Smith, S. |
| Garrard, J. | Stokes, A. |
| Garrett, T. | Street, J. R. |
| Greene, G. H. | Taylor, H. |
| Gould, A. J. | Teece, W. |
| Hawthorne, J. S. | Waddell, T. |
| Haynes, J. | Wilshire, J. T. |
| Hutchison (<i>Canterbury</i>) | Woodward, F. |
| Kidd, J. | <i>Tellers,</i> |
| King, R. J. | Dangar, O. O. |
| Lees, S. E. | P'umb, J. |

[Mr. Haynes.

NOES.

| | |
|---------------------------------|-----------------|
| Barbour, R. | Schey, W. F. |
| Barnes, J. F. | See, J. |
| Brown, A. | Slattery, T. M. |
| Chanter, J. M. | Stephen, Harold |
| Clarke, H. | Stevenson, R. |
| Colls, T. | Toohy, J. M. |
| Copland, D. | Torpy, J. |
| Creer, J. | Traill, W. H. |
| Crick, W. P. | Walker, T. |
| Dibbs, G. R. | Wall, W. C. |
| Gormly, J. | Wilkinson, J. |
| Hayes, J. | Willis, W. N. |
| Howe, J. P. | Wright, F. A. |
| Hutchison (<i>Glen Innes</i>) | <i>Tellers,</i> |
| McFarlane, J. | Dawson, H. |
| Nicoll, B. B. | Lakeman, A. |

In Division :

Mr. CRICK : You are a set of robbers and hounds. You ought to be prosecuted for looting the Treasury. You are led by that dirty Orange hound there. You dirty set of robbers. Get out of it, you robbers. You have got it, you thieves. Look at Stokes, Waddell, and Dickens. I should like to have their photographs taken where they are sitting now.

The CHAIRMAN : If the hon. member does not keep order ———

Mr. CRICK : Oh, put me out !

The CHAIRMAN : The hon. member will presently find that the rules of the House are sufficiently powerful to preserve order.

Mr. CRICK : Suspend the Audit Act, and loot the Treasury !

Mr. TOOHEY : Loot the Treasury. Let us all go out, and leave two to make a record !

Original question put. The Committee divided :

Ayes, 38 ; noes, 12 ; majority, 26.

AYES.

| | |
|---------------------------------|-------------------|
| Abigail, F. | McCourt, W. |
| Brown, H. H. | McMillan, W. |
| Brunker, J. N. | O'Connor, D. |
| Carruthers, J. H. | Parkes, Sir Henry |
| Chapman, M. | Paul, W. H. |
| Clubb, G. | Plumb, J. |
| Cooke, H. H. | Ritchie, R. A. |
| Dale, D. | Scobie, R. |
| Dangar, O. O. | Smith, Bruce |
| Fuller, G. W. | Smith, Frank J. |
| Garrett, T. | Smith, S. |
| Gould, A. J. | Street, J. R. |
| Greene, G. H. | Taylor, H. |
| Hawthorne, J. S. | Teece, W. |
| Haynes, J. | Wilshire, J. T. |
| Hutchison (<i>Canterbury</i>) | Woodward, F. |
| Kidd, J. | <i>Tellers,</i> |
| King, R. J. | Allen, A. |
| Lees, S. E. | Mitchell, J. |
| Martin, J. | |

NOES.

| | |
|-------------------|---------------------|
| Abbott, W. E. | Seaver, J. C. B. P. |
| Alison, W. | Walker, T. |
| Copland, D. | Wilkinson, J. |
| Dawson, H. | |
| Dickens, E. B. L. | <i>Tellers,</i> |
| Gormly, J. | Stokes, A. |
| Lakeman, A. | Waddell, T. |

Question so resolved in the affirmative.

Mr. DIBBS: Can I move, Mr. Chairman, that you do now leave the chair?

The CHAIRMAN: I cannot accept any motion at this moment. I do not see the hon. member for West Macquarie in his place; but I nevertheless feel it my duty to state to the Committee what has occurred. Were the hon. member in his place I should appeal to him in the first instance with regard to the language he has used. The House being in division when the language was used, I was prevented from immediately reporting the matter to Mr. Speaker. The hon. member's conduct not only during the first division, but during the second, was extremely disorderly. The disorder was of such a nature that I feel it incumbent upon myself to call the attention of the Committee to the matter. To my mind the matter is one which must of necessity be dealt with, and that at once. The expressions used by the hon. member were of such a character that I do not think I should be discharging my duty with a view to the preservation of order in this Committee if I were to close my ears to them. I know that the course I am about to take is an unusual course; but the circumstances of the case demand that the Committee should take some action for the preservation of order and of its honor, I shall take the course of directing the clerk to record the words I heard used. I am quite satisfied of the irregularity of the course.

Mr. SLATTERY: Then let us have nothing irregular, Mr. Chairman!

The CHAIRMAN: I shall further take the irregular course, as soon as the words are taken down, of sending for Mr. Speaker. I do not think any slight irregularity of that kind should stand in the way of any body of representatives seeking to be relieved of such an insult as that cast upon the Committee just now by the language of the hon. member for West Macquarie.

HON. MEMBERS: Hear, hear

The CHAIRMAN: One expression I distinctly heard, and which I shall ask the clerk to record, is this: "Bloody Orange hounds and thieves." There were other expressions which I could not thoroughly catch amid the disorder. I am quite aware of the irregularity of the course I am pursuing; but as was ruled only last night, Parliament is the law unto itself. The whole of the Constitution upon which we act has been built up by the House of Commons from circumstance upon circumstance. I know of no law under which I could interfere in such a way as to bring the hon. member's conduct under the notice of the Committee when the Committee was in division. I feel it my duty to ask the Serjeant-at-Arms to request Mr. Speaker to re-enter the Chamber. Upon Mr. Speaker re-entering the Chamber I shall report the words used by the hon. member, and the House may then take its own course. I feel that I shall have then discharged my duty. The Serjeant-at-Arms will please notify Mr. Speaker.

In the House:

Mr. DIBBS: Mr. Speaker, I rise to order.

HON. MEMBERS: Chair! Chair!

Mr. DIBBS: Will hon. members obey the Chair by maintaining order. What I desire to know is, whether we are in Committee of the Whole House, or whether we are sitting as the House itself? There was no disorder when the Chairman of Committees took it upon himself to request that Mr. Speaker should take the chair.

Mr. MELVILLE: I submit that I have a right to state to Mr. Speaker the circumstances of the case.

Mr. SPEAKER: Will the hon. member for The Murrumbidgee resume his seat? I think the hon. member who has asked for the presence of the Chair has a right in the first instance to state the conditions under which he has made that request. After that has been done, the hon. member for The Murrumbidgee, if he desires to take any exception to the statement made, will have an opportunity to do so.

Mr. MELVILLE: I asked the Serjeant-at-Arms to request your presence, sir, from the fact that while a division was being taken great disorder ensued through the conduct of an hon. member, who has since left the Chamber. The disorder was of

such a character, the language used by the hon. member was so violent, and the conduct of the hon. member himself —

MR. TOOHEY : I rise to order.

HON. MEMBERS : Chair ! Chair !

MR. SPEAKER : The hon. member for South Sydney, Mr. Toohey, will resume his seat. After the Chairman of Committees has reported the position of affairs I shall be glad to hear any hon. member who may desire to state a point of order.

MR. MELVILLE : I determined to report the disorder to you, sir, as the chief officer of this House, because I felt that I was unable, under the circumstances, to preserve order, or in any way to bring the hon. member for West Macquarie under the jurisdiction of the Committee. I submit that, under these circumstances, there was no course open to me but to appeal to Mr. Speaker. While a division was being taken, the hon. member for West Macquarie, in a most excited manner, applied to hon. members sitting on the right of the chair the words "bloody Orange hounds and thieves," rushing to the table at the same time in a menacing attitude. The hon. member having left the Chamber, and the Committee being moreover in division at the time the disorder occurred, I knew of no rule under which I could bring the hon. member's conduct under the notice of the House except the rule established in the House of Commons, and followed by your predecessor on a previous occasion when disorder existed in Committee. The hon. member having left the Chamber, I knew of no means by which I could secure his attendance ; and I took it upon myself, therefore, Mr. Speaker, to report the circumstances to you. I submit that, at the present moment, as in the case of the House of Commons, as well as on the occasion when your predecessor entered the Chamber, the House is actually in Committee, you having entered the Chamber merely to take such steps as will protect, not only the honor of the Committee, but will also prevent a recurrence of the disorder. Having reported the words used, Mr. Speaker, I feel that I have done all that lies in my power to preserve the honor and dignity of this Committee.

MR. DIBBS : I take exception to Mr. Speaker being in the chair. A motion having been moved, under which Mr. Speaker left the chair, and the House resolved itself

[Mr. Melville.

into Committee of the Whole, there was in this instance no occasion such as that which existed when your predecessor was in the chair for the interference of Mr. Speaker. On that occasion the Chairman was unable to restrain the violence of hon. members. The House was in a state of intense disorder, and it was not improbable that bloodshed might have occurred. Your predecessor, sir, finding that the Chairman of Committees had entirely lost control of the House walked into the chair without being sent for by the Chairman of Committees, and having restored order retired from the chair. In this instance the disorder of which the Chairman complains was disorder such as I have seen take place in this Chamber hundreds of times.

HON. MEMBERS : No, no !

MR. DIBBS : Will hon. members show their observance of good order by permitting me to report what has really taken place in Committee? Fifty times before when a division has been taken at a time of strong excitement I have seen scenes almost as violent as that which we witnessed this afternoon, and language almost as strong as that used in the division just taken has in some instances been used. I have never known the Chairman of Committees to send for Mr. Speaker on these occasions to get out of a difficulty which is easily overcome by the leader of the House taking the proper parliamentary course of moving that the Chairman leave the chair to report disorder. The Chairman of Committees has taken upon himself to tell us that Parliament can make a law of its own, but no chairman of committees can make a law of his own, and no speaker can make a law of his own. The Committee, when you entered, Mr. Speaker, was in perfect order. If the Committee had been in the wild state of mad disorder which it was in when your predecessor was compelled to resume the chair three or four years ago, you would have had a precedent for your action. If the leader of the House had moved the Chairman out of the chair, the disorder might have been reported to Mr. Speaker. We are placed in an awkward position, and it depends very much on your action whether Parliament exists an hour longer. We cannot have the Speaker in the chair unless he takes the chair in consequence of violent disorder.

MR. MELVILLE: I have a right to state the case to you, Mr. Speaker, and to state it without interruption.

MR. TOOHEY: The hon. member is either in the position of Chairman of Committees or that of a member of the House. If he is Chairman of Committees, he has no right here. If he speaks as a private member, he can only state his case.

MR. SPEAKER: The hon. member who is now attempting to address the House is not at present acting as Chairman of Committees. The point has been raised by the hon. member for The Murrumbidgee, and I think the hon. member is entitled to speak on the point before it is decided.

MR. MELVILLE: The disorder complained of took place in Committee. The hon. member repeated the disorder, and not only repeated it in Committee, but also used most violent language behind the bar of the House. My reason for asking you to re-enter the House and take the chair is, as I have already pointed out, that the hon. member for West Macquarie having left the Chamber, and gone beyond the reach of the Committee, the Committee had no power to bring him back. That could only be done when you are in the chair. It is a matter that does not affect me, but it certainly does the governing of the Committee. I submit that I have taken the only course that could be taken to maintain order.

MR. GARRETT: On the point of order raised by the leader of the Opposition, I may point out that the right of Mr. Speaker to enter the chair in case of disorder is unquestionable. Whether a messenger, or the serjeant, was sent to ask you to take the chair, is a matter of no importance. The question is, whether you are legally in the chair? I submit that when we have disposed of the business before us, the Chairman of Committees, without any motion, can take his seat, and the Committee can go on with its business.

MR. SLATTERY: I think I shall have the assent of all hon. members when I say that we should do everything in our power to secure order. If any disorder arises we have parliamentary practice to guide us as to what course should be pursued. We must not go beyond the four corners of the parliamentary practice laid down in England, and which has been followed in

this colony ever since we have had a constitution. But I would ask, is it in the power of any chairman of committees to lay down, by his own dictum, a new law of Parliament, that the Chairman, because he takes a certain view in regard to something which has occurred in a division, is to leave the chair without any authority? How does he get into the chair? First of all he is elected Chairman of Committees by the House; but he cannot take the chair in Committee upon any occasion until you are moved out of the chair, and the House resolves itself into Committee. Once the Chairman of Committees is in the chair, he is in exactly the same position as an eminent speaker of the House of Commons, who on one occasion, when all the members on both sides of the House had left, found that he was unable to leave the chair until the Premier was sent for to move him out of the chair. I say, therefore, that the Chairman of Committees cannot leave the chair unless a vote of the Committee authorises him to do so. What has taken place now? I shall ask you, Mr. Speaker, to decide, as custodian of the rights and privileges of Parliament, that by the action of the Chairman of Committees in leaving the chair, the whole of the business of the Committee of Supply has come to an end, and that the whole of the work that has been done from beginning to end is thereby nullified. I shall ask you to decide that, not only in the interests of this Parliament, but also in the interests of succeeding parliaments, because we are here to make laws, not merely to suit ourselves to-day, but to keep our privileges and powers intact, and to hand them down to those who succeed us. I shall go with any one who seeks to put down disorder, whether it comes from one side of the House or the other; but let us act in accordance with parliamentary law. May I point out that the case which has been brought under your notice occurred when I had the honor of being Chairman of Committees? On that occasion, Mr. Speaker Barton came, first of all, without being sent for; and when he came I remained in the chair, and kept the House in Committee.

MR. ABIGAIL: You did the first time!

MR. SLATTERY: I never left the chair.

MR. ABIGAIL: The hon. member did!

Mr. SLATTERY: I say that I never left the chair when Mr. Speaker Barton entered the House, and I sat there, because I still kept the House in Committee. Mr. Speaker Barton came back a second time, and I still kept the chair. When disorder occurred the second time I did not wait for Mr. Speaker to come; I dealt with the matter myself. That is the course which should have been taken by the Chairman of Committees in this instance. You ruled just now, Mr. Speaker, that the House was out of Committee. On the point of order raised by the hon. member for South Sydney, Mr. Toohey, you decided first of all that the Chairman of Committees had stated the question of order, and then when he wished to reply to the leader of the Opposition, and attempted to be heard again, the member for South Sydney submitted that the House had resumed, the hon. member could not be heard a second time, and you held then that he was speaking as the member for Northumberland. That being the position of affairs, no matter what the consequences may be, because we must not look at consequences, I ask you to decide that, owing to the irregularity of the proceedings, the whole of the work of the Committee of Supply has been nullified, and also that the Committee is at an end. I must submit that you are improperly in the chair at this moment, because unless you will admit that immediately the Chairman of Committees left the chair the Committee came to an end, we are now entering upon the Friday's sitting.

Mr. GARRARD: That is another point of order!

Mr. SLATTERY: Hon. members will admit that I have stated the matter fairly.

Mr. GARRARD: Not from an historical point of view!

Mr. SLATTERY: The case of the Speaker of the House of Commons being left in the chair, and not being able to leave the chair until the leader of the House went to move him out of it, is a parallel case. The Chairman of Committees left without asking for a vote of the Committee; and I say that either Mr. Speaker is not properly in the chair now or the proceedings of the Committee are at an end.

Mr. CARRUTHERS: The hon. member, in discussing this matter, has gone very far from the authorities on the question. The

[Mr. Slattery.

law of Parliament is laid down very clearly by May, who says:

So, also, if any sudden disorder should occur by which the honor and dignity of the House are affected, the urgency of such a circumstance would justify the Speaker in resuming the chair immediately without awaiting the ordinary forms.

Mr. SLATTERY: That is exactly what I said!

Mr. CARRUTHERS: In this case Mr. Speaker was sent for; but if Mr. Speaker can come without a message being sent to him, is it wrong that he should come when he is sent for? May says:

On the 10th May, 1875, a serious disturbance arose in a grand committee, in which bloodshed was threatened, when it is related that the Speaker "very opportunely and prudently rising from his seat near the bar in a resolute and slow pace made his three respects through the crowd and took the chair." The mace having been forcibly laid on the table, all the disorder ceased and the gentlemen went to their places. The Speaker being sat, spoke to this purpose, "That to bring the House into order again he took the chair, though not according to order."

The Speaker certainly acted with judgment on that occasion, and it appears from a more recent case that he was fairly in order.

On the 27th February, 1810, a member, who for disorderly conduct had been ordered into custody, returned into the House during the sitting of a committee in a very violent and disorderly manner, upon which Mr. Speaker resumed the chair and ordered the serjeant to do his duty. When the member had been removed by the serjeant, the House again resolved itself into Committee.

That is exactly the course which the Chairman of Committees contends can be adopted here. May says further:

In less pressing cases of disorder it has been usual for the Committee to report progress when the Chairman reports the circumstances to the House.

That is in less urgent cases; but the case with which we are dealing is of similar urgency to those great cases which are historical, and which show that Parliament has its own law made for emergencies of this nature. May says:

Indecent interruptions of the debate or proceedings in a Committee of the Whole House are regarded in the same light as similar disorders while the House is sitting.

After citing a case in which a member who had misbehaved himself was dealt with by the House, May says:

But there can be no doubt that if, without giving fresh offence, he had failed in excusing

himself for his misconduct in the Committee, the House would have inflicted some punishment either by commitment or reprimand.

There are a number of cases all of which show that the Committee, either by resolution, by the action of the Chairman of Committees, or by the action of the Speaker, has always dealt with these matters as matters affecting the very existence of Parliament.

Mr. TOOHEY : The Minister of Public Instruction does not quite clearly grasp the subject. In the first place, there was no disorder in the House when Mr. Speaker was asked to enter and take the chair ; and the disorder which had occurred was of such a nature that it could easily have been reported when Mr. Speaker resumed the chair and progress was reported. The position was not at all analogous to the case referred to in "May." What is the position now ? Where is the Chairman of Committees ? He has passed into oblivion. He did not leave the chair by the will of the Committee ; he unnecessarily and unwisely left the chair of his own motion. The hon. gentleman was too hasty. He forgot that when in the chair he could only act as he was directed to act by the Committee. How is he going to get back into the chair ? Will you rule that he, having vacated the chair without authority, has a right by his own will to go back to the chair ? The position of affairs is not analogous to that under which Mr. Speaker Barton resumed the chair. While the House was in Committee Mr. Speaker Barton entered the House to quell disorder which was actually taking place at the time ; and even those very gentlemen who assert your right to be in the chair now protested against that action. What Mr. Speaker Barton did is no precedent for what is being done now. I submit that the Chairman of Committees has placed you, Mr. Speaker, in a position from which your intelligence and sense of decorum alone can relieve you.

Mr. ABIGAIL : I submit that hon. members opposite have very bad memories.

Mr. CHANTER : They can remember what the hon. member himself did when he was in opposition !

Mr. ABIGAIL : I trust that hon. members will keep quiet. Unless I am offensive, I ought not to be dealt with offensively. The question which the hon. member for

The Murrumbidgee has raised is as to the right of Mr. Speaker to take the chair. I will show what was done at the time when "Tom was in the chair, doing splendidly." On the 10th of July, 1886, Mr. J. H. Young, the member for The Hastings and Manning, proposed that the clause in the Customs Bill should be postponed until after schedule A, to which it referred, had been decided. The following is an extract from the *Votes and Proceedings* :—

Customs Duties Bill.—The order of the day having been read, Mr. Speaker left the chair, and the House resolved itself into a Committee of the Whole for the further consideration of this bill.

Disorder.

Mr. Speaker resumed the chair, and stated that having observed that the proceedings of the said Committee of the Whole House had fallen into gross disorder, he had taken the chair with the sole object of restoring order.

Mr. Speaker after a time left the chair, and the Committee resumed.

Mr. SLATTERY : I was never out of the chair !

Mr. ABIGAIL : If we were not out of Committee, what was the object of resuming ? If we were in Committee at the time, there was no need to resume. That is one statement. I will now give another case :

Mr. Speaker again resumed the chair, having observed that such disorder had been immediately resumed and continued, and repeated that his reason for doing so was to restore order.

Mr. Speaker after a time again left the chair, and the Committee resumed.

It was not until the third time that the hon. member for Boorowa, who was Chairman of Committees, had sent for Mr. Speaker in order that he might report upon a point of order.

Mr. SLATTERY : I was in the chair all the time !

Mr. ABIGAIL : Then the *Votes and Proceedings* are incorrect. The *Votes and Proceedings* say that the Committee resumed. It is very clear that disorder having occurred in Committee on the present occasion, and the Chairman being unable to deal with it, he has acted in accordance with precedent set by this House in sending for Mr. Speaker to deal with that disorder.

Mr. LAKEMAN : We have heard the hon. member for Boorowa give his version of the matter, and we have heard the Minister of Public Instruction give his, which

is backed up by the hon. member for West Sydney, and now I should like to see this House take a much broader stand than that. I am very sorry to see that the leaders of the party to which I belong have raised any sort of quibble as to the legality of Mr. Speaker's position in the chair. It is the duty of every one who has any respect for parliamentary government, which this sort of thing will tend to bring into disrepute, to support the Chairman of Committees, whether there is or is not any precedent for his action, in putting down anything like disorder. I hope that the majority of the House, Mr. Speaker, will back you up, and back the Chairman of Committees up, in keeping order, and we ought to keep order, whether we do it by legal or illegal means. It is our duty to see that the Chair is treated with proper respect, and to make every member conform to the rules of the House. If we do that we shall not have so many legal technicalities brought forward. What do we want with legal technicalities? We want our business carried on in an orderly manner, and I trust that every hon. member will back up the Chairman of Committees and yourself in your efforts to preserve order.

MR. WALL : I think it will be admitted at once that apart from any rules of Parliament, the chairman of any deliberative assembly has power to control the house, and to preserve order. I desire to express my sympathy with the Chairman in the very difficult position in which he was placed. Not having the power to suppress the disorder that prevailed, I submit that he had only one course open to him, and that was to ask Mr. Speaker to take the chair for the purpose of restoring order. It is a matter of indifference to me on which side of the House disorder occurred. It is the duty of the Chairman of Committees to preserve order at all costs. I shall much regret to see the ruling power of the Chair set aside on any mere technicality, and I would resign my seat rather than be a member of a house in which such a thing could be done. The point was fully decided by the Privy Council when dealing with the case of Mr. A. G. Taylor. The Privy Council then laid down that the chairman of a public meeting had an inherent right to control and keep the meeting in order. The Chairman of Com-

[Mr. Lakeman.

mittees was perfectly right in sending for Mr. Speaker when he did to restore order.

MR. SPEAKER : I am prepared to give my decision on the point of order. I am asked to consider, or to rule, that I have no right to be here, and that the proceedings of the Committee of Supply have been nullified by what has taken place. I must rule that there is no such position of affairs; that in accordance with precedent when extraordinary circumstances occur, when an urgent matter arises in Committee, it is the right of the Speaker to take the chair purely of his own accord or when an intimation is sent to him that it is desirable for him to do so. I am willing to admit that the precedents which have occurred in this House and in the British Parliament are not exactly on all-fours with the present case; but it is admitted that there had been on those occasions no precedent for the Speaker taking the chair; and if it was right for the Speaker to create a precedent in the British Parliament, and for Mr. Speaker Barton to follow the precedent of the House of Commons, so I must hold that in cases of urgency for dealing with which there is no precedent, as far as we know, in the proceedings of any parliament in the world, it is right for the Speaker of this House to create a precedent. I, therefore, must say that, in my opinion, the point of order is not well taken, that the House is properly constituted to deal with the question that has arisen, and that when the question has been dealt with it will be my duty to leave the chair. The Committee will then resume in exactly the same way as it did after Mr. Speaker Barton had resumed the chair on the occasion referred to some years ago. I wish to point out that the hon. member for Boorowa's recollection must have failed him as to what was done on that occasion. The clerk then took his seat at the table, just as he has done now.

MR. McMILLAN : The discussion on this question can in no sense be considered of a party character. The good conduct, the dignity, and the orderly conduct of this House, are matters —

MR. CHANTER : I rise to order.

MR. SPEAKER : The hon. member for East Sydney is about to deal with the matter upon which the House resumed.

Mr. McMILLAN : The orderly conduct of the House —

Mr. HAROLD STEPHEN : I rise to order. If Mr. Speaker can take the chair for the purpose of restoring order —

Mr. SPEAKER : The hon. member is now addressing himself to a point of order which has been decided.

Mr. McMILLAN : The very existence of our Constitution depends upon the existence —

Mr. HAROLD STEPHEN : I submit that in the present condition of affairs, no hon. member has a right to submit a motion to the Chair.

Mr. SPEAKER : I have already ruled that the House is properly constituted, and that it can deal with the matter ; and it can only deal with it by a motion.

Mr. McMILLAN : The very existence of our Constitution depends upon the existence of this House, and the existence of the House depends upon the orderly conduct of its business. I think hon. members know sufficient of me, and I think they know sufficient of the present Government, to be aware that we could take upon ourselves no duty more painful to us to perform, than one which affects the position of any member of the House. Above all party is the fact that we are members of Parliament, and there is a common spirit guiding us all, with a view to the interests of the country, and it must be a most painful task when a member of the Government has to ask the House to take a stringent course with regard to any member. In reference to the hon. member for West Macquarie, I should like the position taken up by the Government to be thoroughly understood. There is no doubt that in times of very great excitement, such as that which occurred to-night, the soberest and most common-sense man may lose his temper, and great latitude must be allowed under such circumstances. But I ask was there any difference except in degree between the conduct of the hon. member in the late division, and the conduct which he has displayed during the last twenty-four hours ? Furthermore, when he had time to think over his unpardonable conduct in the House, when he not only made use of disorderly expressions —

Mr. DINNS : I rise to order. The hon. member must not bring up a charge which has already been dealt with.

Mr. McMILLAN : I do not intend to do anything of the sort. I am speaking of what happened during the late division, and I was saying that not only was this a matter of disorder throwing discredit on the House, and interfering with its orderly conduct, but that the language used was of a brutal and blackguardly character, and such as ought never to be used in any assemblage of gentlemen, and which no gentleman, under the most intense excitement, would ever use. Furthermore, besides being disorderly in a parliamentary sense, the hon. member's language, besides being blackguardly, was also of a character to stir up religious animosity —

Mr. TOOHEY : You have been doing that all through !

Mr. McMILLAN : That has nothing to do with the question ; but I deny the allegation. As I said before, this is only in keeping not only with the disorder for which this gentleman was dealt with before, but also in keeping with a series of continuous insults during the debate this morning, and this afternoon, and furthermore —

Mr. T. WALKER : I rise to order. Can the hon. member deal with any matter besides the point under discussion ?

Mr. McMILLAN : If this had been a solitary offence, a different course might have been taken. I am going to speak of what happened behind the bar, and to show that what I am referring to is only part of the disorderly conduct within the last twenty-four hours which has brought the House into contempt.

Mr. CHANTER : I rise to order. What would be said of a judge of the Supreme Court if, before trying a prisoner on a specific charge, he brought against him all the previous misdoings of his past life ? That would be analogous to what the Colonial Treasurer proposes to do with regard to the hon. member for West Macquarie. I submit that nothing more unfair has ever been done in this House than this attempt to unduly prejudice your mind, Mr. Speaker, against the hon. member for West Macquarie. The Colonial Treasurer ought to be called upon to submit his motion at once, and to deal only with the specific charge before the House.

Mr. CARRUTHERS : I contend that the Colonial Treasurer is quite in order. There

is authority for the course which he is taking. "May" shows that where an offending member had already been dealt with for one offence, when he offended again another course had to be taken. That is exactly what the Colonial Treasurer is pointing out in this case. The hon. member for West Macquarie has been dealt with before, and under the circumstances it has become necessary to deal with him in another way.

Mr. DIBBS : The Colonial Treasurer has told us that he would have taken some other course in regard to the same offence this morning. I say that no reference ought to be made to that offence. That the Government were wrong in the course which they took in that case. The hon. member for West Macquarie escaped through the blundering of the Government.

Mr. SPEAKER : The hon. member states that he was making the remarks to justify the motion which he intended to submit to the House. I am of opinion that he was perfectly justified in referring to what took place before. One hon. member said that he had no right to prejudice the mind of the Chair ; but the matter will not be for the decision of the Chair. A motion will be submitted through the Chair, and the hon. member for West Macquarie will be dealt with by the House. I think the hon. member was not out of order.

Mr. McMILLAN : I am anxious not to bring any unnecessary heat into the question ; but I should like to point out that the very fact of my having to complain of such outrageous conduct is sufficient to render strong and vigorous language necessary. If this was a matter that could be dealt with coolly, and without strong language, it would not be such a case as to warrant the course which we have taken. It is absolutely necessary, and there is no party question in it. I am appealing to both sides of the House—and I believe we shall be sustained by the whole House in the action we are taking. The hon. member did not stop at this outrageous language which he used whilst the House was in division when nothing could be done to stop it ; but after the division, or whilst the second division was being taken, the hon. member behind the bar in the midst of strangers, used language —

[Mr. Carruthers.

Mr. T. WALKER : I rise to order. Is the hon. member in order in stating what took place outside the House ?

Mr. SPEAKER : It is in order for the House to deal with anything that occurs within its precincts, and more especially it is in the power of the House to deal with anything which occurs within its hearing.

Mr. McMILLAN : I have yet to learn that there is a different code of honor which regulates the feelings of men inside and outside of the House, and that the hon. member for West Macquarie being behind the bar, can use language to this effect : "How will you divide the £1,100 amongst yourselves ? It will not be worth having among you." The insinuation being thrown out that five or six respectable men had joined in a copartnership of felony with Mr. John Davies. How any man with the most rancorous party feeling professing to be a gentleman—I will not —

Mr. D. O'CONNOR : No one would defend it but a blackguard !

Mr. SPEAKER : My attention has been called to a certain remark which would be disorderly if applied to any member. So far, I do not think that any one has defended the conduct of the hon. member for West Macquarie. I think that the Postmaster-General should not have made that interjection, and I trust that he will withdraw it, and say that he did not intend to apply it to any member of the House.

Mr. D. O'CONNOR : I unhesitatingly say, Mr. Speaker, that I would not apply it to any gentleman in this Chamber.

Mr. McMILLAN : Much as I am devoted to this country, to which I owe my all, I would rather give up the public service of the country, with all the feelings of patriotism I am possessed of, and retire for ever from public life, than feel that I was in a house which could not defend its own honor. I now have to move one of the most stringent resolutions which can be moved in the House, for the sake of our honor and our dignity. I move :

That Mr. Crick, the hon. member for West Macquarie, is guilty of having wilfully and vexatiously interrupted the orderly conduct of the business of this House, wherefor this House adjudges him guilty of a contempt of this House.

Question proposed.

Mr. CRICK (*entering from behind the bar*): Mr. Speaker, as a member of this House, and being the member referred to, I claim to be heard, and I insist upon being heard, and you cannot stop me. It seems to me that the House, or those who are supposed to know the course of parliamentary proceedings, are in a happy state of ignorance. It is clearly laid down, as the merest tyro in parliamentary procedure knows, that before a motion like this can be put, the hon. member concerned has that right which every man in a British community possesses, let alone in a parliament of gentlemen who are always prating about their fine blood, the right to reply to the motion. That I understand to be the practice of Parliament. You are wanting in your duty, sir, when you dare to put that motion—

Mr. SPEAKER: The hon. member is out of order in casting reflections on the Chair.

Mr. CRICK: The proper course of procedure, Mr. Speaker, ought not to have been unknown to you, and I would ask you to keep hon. members who are so fond of chattering quiet.

AN HON. MEMBER: The House is not made for the hon. member altogether!

Mr. CRICK: Whether it was made for me or not, at present I have possession of the Chair. I was returned here as a member for a constituency, and I will have my say, and if the hon. member does not like to stop to listen he may go out.

AN HON. MEMBER: He has as much right here as the hon. member!

Mr. CRICK: Then let him stop, and the hon. member too. I am surprised, Mr. Speaker, that you, the guardian, not only of the privileges of the House as a collective body, but also the guardian of the rights and privileges of every man who occupies a seat here, should think of putting this motion from the Chair whilst I was outside the Chamber. It would have been put and carried on the voices had I not been listening.

Mr. SPEAKER: Perhaps the hon. member will allow me to say that I was not aware of his presence. If he had been in the Chamber I should have taken the usual course, and asked him to offer an explanation before the motion was put. I was given to understand that the hon. gentleman had left the Chamber.

Mr. CRICK: It is impossible for me to know at present what the motion is.

Mr. SPEAKER: I was not aware that the hon. member was within hearing, or I should have taken the usual course and have asked him if he chose to explain his conduct before the motion was put to the House. I had been given to understand that after the scene of disorder the hon. member left the Chamber, and as I have already said, I had no knowledge that he was within hearing.

Mr. CRICK: The law of Parliament is clear, that except it is shown, and clearly shown, that I intentionally stopped away from the precincts of the House, Parliament has no right to deal with this motion in my absence.

Mr. McMILLAN: Mr. Speaker—

Mr. CRICK: I appeal to the Chair for protection from the ignorance of the hon. member. The first motion in a case of this kind is that the hon. member do attend in his place. I can quite forgive the hon. member who has so lately assumed the charge of the Government, for not knowing it, and I can quite forgive the acrimony and bitterness that pervaded every sentence that fell from his lips as he referred to the scene that occurred this morning. I claim the same liberty that he enjoyed. This morning I, in this Chamber, stated that his words were not correct, and I offered to do him the favour if I met him outside, of making him remember the fact. So I can understand that the hon. member was only too glad to jump into his leader's shoes again. I claim my right to speak on this motion as long as I like; I say that Parliament cannot limit me, and if they do limit me in speaking on this question as to whether I have been guilty of vexatious—I will thank you, Mr. Speaker, for the resolution. I say that I have a perfect right to speak on this resolution at any length, and to show the kindly feeling of the Government towards me, to show how dear I am to them. I wonder how many more motions of this kind the Government have. Probably it has been a waste of pen, ink, and paper, if they have written out many. I do not know that they are going to be there very long. This motion affirms that Mr. Crick—and let me point out again to the hon. member, that it is usual to address a member of this Chamber in a proper

manner. I must congratulate him again on his ignorance of how to address a member of this Chamber. The motion says that "Mr. Crick, the hon. member for West Macquarie," and I must tell the Colonial Treasurer that Macquarie is spelt with an "e."

Mr. GARRETT: I rise to order. The hon. member has a right to be heard in explanation of his conduct; but he has no right at this stage —

Mr. CRICK: The hon. member was glad to be heard on the Milburn Creek affair, was he not?

Mr. GARRETT: I ask protection against these insulting interjections. The hon. member has no right to go on discussing a motion that he can have nothing whatever to do with. As a member of the House, all that he has a right to do is to speak in explanation of his conduct under consideration, and that I contend he is not doing.

Mr. CRICK: On the point of order, if you are going to decide against me —

Mr. SPEAKER: I am prepared to deal with the point of order. I have no intention of ruling against the hon. member. I think the hon. member is entitled to be heard, and I have no doubt that the House will agree that a great deal of latitude should be allowed to the hon. member if he confines himself within reasonable limits, and conducts himself in an orderly manner. We should put no limit as to the time he may occupy.

Mr. CRICK: I should not have taken a vote or have spoken on this matter at all had it not been for a reference to a certain matter that occurred this morning, which led up to a most un-English and improper thing—the closing of a member's mouth. When a member wishes to speak on an important matter, he wishes to speak strongly. That right was taken from me.

Mr. GARRETT rose to order.

Mr. SPEAKER: The hon. member is now exceeding the right of debate. He is speaking against a standing order of the House. I assume that the action of the Committee was strictly in accordance with the standing order, and he is not in order in characterising it as unusual or improper.

Mr. CRICK: I ask the hon. member for Camden just to extend to me the same rights and privileges as he received in the Milburn Creek affair.

Mr. GARRETT: I rise to order.

[Mr. Crick.

Mr. SPEAKER: There is no reason why the hon. member should not make a reference to what is a matter of history.

Mr. GARRETT: But not so as to give offence to an hon. member of the House!

Mr. SPEAKER: I can see no reason why offence should be taken at present. I do not know how far the hon. member intended to go. If he makes use of offensive remarks, I shall consider it my duty to call him to order promptly.

Mr. CRICK: I shall not transgress or infringe on the indulgence of the House, or cause unnecessary delay; but since the hon. member has twice or thrice risen to order, I ask from him the same consideration that he got when there was a motion made to expel him from this House, in connection with the Milburn Creek affair.

Mr. GARRETT: There never was any such motion made!

Mr. CRICK: Then, I ask from the hon. member the same fair play that he received when he was on his trial.

Mr. GARRETT: I was never on my trial!

Mr. CRICK: Now, Mr. Speaker, I may state, as I was stating, that had it not been for the reference to previous proceedings in which I was victorious and the Government backed down, I should not have delayed the Committee, because the Committee, as far as I am concerned, can pass anything they like. As to the words complained of, I say in the first instance, that they are not exactly correct. I did not apply the words to the House at all, but to the hon. member for Mudgee, Mr. John Haynes; and I said to him, "You would be Orange dog." I say I did not use the adjective so generously taken down by my esteemed friend, the Chairman of Committees. I was excited and warm, because, as I said, I sat here through the long hours of last night—I sat here through the long hours of to-day—to make a speech in reply to most scandalous attacks on me by the Colonial Secretary; and then, in order that the Committee might come to a division on the question of Mr. Reid's amendment, and although I had opened my papers before me, had got the ear of the Chair, and had actually commenced my speech, I said that in deference to the hon. member, the leader of the Opposition, and to hon. members on the opposite side who wanted

a division taken, "I will speak on the main question"; and I actually asked the Chairman of Committees if I could speak on the main question after the amendment had been put. What better evidence was there for the Committee that I wished to speak on the question? I wished to speak when the Colonial Secretary was present. It was not my fault that the Colonial Secretary was absent this morning. If he had been here, I would have said what I wished to say; but I showed the Committee as clearly as a man could show men that I desired to speak. My papers were open here, and I actually put the question to the Chair. What was the result? In order to fall in with the wishes of the Committee and let a division be taken, I sat down. Directly a division was taken, I rose and addressed the Chair; and what did the Chairman do? He called on this gentleman—the hon. member who moved "That the question be now put"—in the face of the fact that I wished to address the Committee, and in the face of the fact that it was known that I was going to scurry the Colonial Secretary. Now, the question was put on the motion of the hon. member for Mudgee, about whom I intimated this morning in Committee I intended to say something this afternoon. I intended to show the Committee what was the value of the assertions of this hon. gentleman.

MR. SPEAKER: The hon. member will not be in order in alluding to any matter having reference to the conduct of the hon. member for Mudgee—as to whether the hon. member is or is not entitled to credence.

MR. CRICK: If you will excuse me, I have not done so. Short as is the time I have been here, I know as much of the rules of the House as members who have been here a good deal longer, and am quite aware how far I can go in this matter. I stated that this morning I said in Committee that I would this afternoon prove that the hon. member was not worthy of credence, and it was that hon. member who moved that "the question be now put." Add to that, there were four members who were returned to support this side who voted for the gag. Now, I did not care on this question how anybody on this side voted. I felt strongly on the matter; I have felt strongly all along;

but there is no question that can be submitted from that Chair that demands of me and calls from me severer reprobation and detestation than this question does. No matter what the circumstances or the exigencies of the time, I never did and never will vote to take away from any man his liberty of speech. I have bestowed more pains, and more care, and more attention on this question of the remuneration of Mr. John Davies than has any man in this House. I have gone through this evidence from leaf to leaf, I have thought over the matter and considered it night and day, not for a week, not for a month, but at great length. My earlier speech on this matter the Colonial Secretary himself admitted was a speech of great ability, then he comes down and attacks me in the most unpardonable and vilifying manner, and it was in reference to his conduct that I desired to speak and vindicate myself. There is no doubt that in this Chamber or in any assembly in the world, every member must be bound by the rules of good order—rules that are necessary to regulate debate and give an impartial hearing to all members. I quite admit that. I admit that disorder cannot prevail. I admit that if we must look over every infraction of the rules by a member simply because the member has an ungovernable temper, Parliament would cease to exist. Let the hon. member remember that during this session of Parliament I have done more work than any two men in Parliament. I have not been absent from this House more than one night, and then I was ill. I have sat something like fifteen or twenty hours at a sitting; I was here three nights last week. Is it to be wondered at that at the close of a long and weary and hard session my temper is somewhat ruffled, and ruffled under such circumstances? Having come here prepared to discuss this question about John Davies, and having sat here all night and all day without rest, directly I attempted to reply to the aspersions cast on me by the Colonial Secretary, the hon. member for East Sydney, Mr. Reid, took a point of order which kept me out of the Chamber seven hours, listening to the time of the House being wasted, and then the Government had to retract, back down, and acknowledge themselves beaten, withdraw their motion, and leave it to me to

say whether I would or would not apologise. I came in and said if there was anything offensive in the words I withdrew them and apologised, and was ready to do that seven hours before. That cannot be denied. I leave it to the hon. member for West Sydney to say if that can be denied. Directly I came up this morning to say what I had carefully prepared against the Colonial Secretary, and to reply to the aspersions cast upon my character—to show there was neither truth nor justification in what he said about me—and to answer malignant attacks on the leader of the party—I found myself met with the motion, “That the question be now put.” I have no hesitation in saying that under those circumstances I was guilty of disorder both inside and outside the Chamber, and I say now that under similar circumstances in my cool, calm, and deliberate moments if the Government thought they would snatch a vote of so questionable a character by such questionable means —

MR. SPEAKER: The hon. member will see that he is now entering into an entirely new debate.

MR. CRICK: Of course, Mr. Speaker, I quite acknowledge your impartiality and judgment. I quite acknowledge that any hon. member placed in my position, while having the fullest latitude that Parliament has always allowed, must not, of course, transgress the rules of debate. The hon. member who moved that motion was not content to refer simply to the disorder, but he referred to my conduct in such language that if I had been here, I would have moved that his words be taken down. He referred to my conduct as brutal and blackguardly. Well, I do not know that the hon. member is altogether an ideal of all that is nice and good. When it comes to a matter of blackguardism, I do not know that I could excel him—at least, I think not. The hon. member during a great part of last night, while I had to sit and listen to useless talk as to whether I should be adjudged guilty of contempt or not, was sleeping while I was awake. The other night the Premier, at a not very much later hour, asked the House to adjourn in order to allow people to go home, because he was exhausted from want of sleep. He had been very little longer out of bed than I have been now; and if I did go further than under ordinary circum-

[Mr. Crick.

stances a man would go, surely some consideration must be shown to exhausted physical nature. A man out of bed a night or two cannot be supposed to be in the same cool, collected condition as the man who has rested. They were unusual circumstances that led me to say what I did. I had been twice thwarted in connection with the speech I desired to make in reference to the Colonial Secretary. I did not apply the first term to the House, but to the hon. member who moved the *clôture*—to the hon. member who is always ready to do the dirty work of the Government, the political dirty work.

MR. SPEAKER: The hon. member must know that such a remark is of an offensive character, and that while he is entitled to explain his own conduct, he is not entitled to be offensive to another hon. member.

MR. CRICK: Well, I withdraw the remark. I say, “politically questionable.” I applied the term to the hon. member; and that is the only question before you. What I said or did behind the Chair is not the matter before you; but I have no desire to burk anything. I admit I was guilty of disorder behind the Chair. A man of my temperament, once ruffled, does not calm down very quickly. This vote is to adjudge me guilty of contempt; but if the hon. member thinks I will apologise to the Government, he makes a great mistake. I hand you back this resolution, Mr. Speaker; and I thank the House for the patient hearing they have given me. I tell them, and I tell you, sir, that I would sooner be kicked out of this House for condemning what I considered a looting of the Treasury, than stand here a member of the House.

Question resolved in the affirmative.

MR. SPEAKER: The 96th standing order is in these terms:

Every member adjudged by the House, for any of the causes hereinbefore mentioned, guilty of contempt, shall be committed by the warrant of the Speaker to the custody of the Serjeant-at-Arms, to be detained in custody until released by an order of the House, upon such conditions for payment of fees as to the House shall seem meet.

I have therefore prepared my warrant; and I call on the Serjeant-at-Arms to put it in force. I will now leave the chair, and the Committee of Supply will resume.

In Committee :

*Remuneration to Colonel Wells, as member
of the Casual Labour Board.*

Proposed vote, £225.

Mr. DIBBS said that as the House, by the most violent act it could perform—by applying the *clôture*—had stopped debate on the motion to vote a sum of money to the Honorable John Davies, he did not intend to offer any further resistance to the proposal to vote a sum of money to one of that gentleman's colleagues. Colonel Wells was in no way chargeable with the offence with which the hon. gentleman had been charged. Colonel Wells had been guilty of neglect, to some extent; but there had been no criminality. He did not think that Colonel Wells should be rewarded for allowing the chairman of the Casual Labour Board to hold in his own hands that £250,000 without any check, let, or hindrance; but at the same time, as the House had taken under its patronage—under its wing—so distinguished an ornament of the other Chamber as the Honorable John Davies, and as the Government had resorted to the contemptible process of using the gag in order to secure the payment of that gentleman, he simply protested against the whole proceeding, and the country would hear the ring of his protest yet, for in the history of these colonies—in the history of this colony at least, he could say with confidence—never before had the Treasury been looted by the application of the gag.

Mr. HAROLD STEPHEN intended to move that the Chairman leave the chair, report progress, and ask leave to sit again. He meant this motion to be preliminary to the release of Mr. Crick from the bondage in which he was now held. He did not desire to justify the hon. member's remarks in the slightest degree.

The CHAIRMAN: Order. Order. It is not within the hon. member's province to discuss what has taken place in the House.

Mr. HAROLD STEPHEN could not urge his object in moving the Chairman out of the chair without alluding to what had occurred within the last few hours in the debate.

The CHAIRMAN: The hon. gentleman will be perfectly in order in incidentally referring to any cause he may think sufficient to justify the House resuming; but the hon. member will not be in order in

discussing in any way the action that has taken place in the House, or the consequences of that action.

Mr. HAROLD STEPHEN said the Chairman's ruling placed him in rather an awkward position, for it amounted to this: that he would be perfectly in order in doing what he would be perfectly out of order in doing. He desired to explain that he considered that a certain amount of latitude should have been allowed, and there should have been a certain amount of concession on both sides of the House. We were placed in rather a peculiar position. This side of the House had been perfectly willing to adopt a conciliatory attitude, with the view of bringing the sitting and the session to a close; but the hon. member who always came in at the last moment as the champion of the Government when they were in any difficulty, chose to intervene last night, and, by a most ridiculous motion, to waste the time of the House and place us in the position of having to sit up all night to resist it, and the natural result followed. Men were not capable of acting in a manner thoroughly consistent with their previous actions. We should, therefore, consider the action of any hon. member at such a time in close relation to his previous action. If that hon. member had shown himself previously antagonistic to the feelings of the House, and desirous of creating disorder on every occasion when the opportunity arose, we should judge him far more harshly than we should in the case of a man whose feelings —

The CHAIRMAN: Order. Order. The hon. member is now debating by inference something that has taken place elsewhere—I infer, has taken place in the House.

Mr. HAROLD STEPHEN thought that a certain amount of latitude ought to be allowed to him in discussing this matter, his object being to relieve the hon. member for West Macquarie from the disability under which he now laboured, and he did it in the interests of the country, and in the interests of the hon. member's constituency, which should not be deprived of his services unless there was very great reason for it. If that hon. member had shown himself so contumacious —

The CHAIRMAN: Order. Order. I can only inform the hon. member that I cannot feel it is my duty to be continually calling

his attention to a matter I have already explained. The hon. member will not be in order in discussing in detail, as he is now doing, a matter which has occurred in the House.

Mr. HAROLD STEPHEN did not know in what form he could take exception to the Chairman's ruling as to discussing the matter in detail. He had not discussed it in detail, but in a broad sense, as to the fact of the hon. member having placed himself in a position by which his services were lost to the House on this occasion ; and as he desired to restore the hon. member to the House and to his full privileges, he moved this motion. He desired to point out to the Committee that, no matter how disorderly the conduct of that hon. member may have been, it must be apparent to every hon. member that there had been a very great strain upon all of us who had faithfully attended to our duties. He did not and could not cavil at the decision of the House with regard to the hon. member for West Macquarie. He had a right to demand, or to ask the House to admit to its proceedings a gentleman whose whole course throughout this Parliament had shown —

The CHAIRMAN : The hon. member is now out of order. The matter to which he refers is in that stage that the hon. member can have no knowledge as to what has occurred to the hon. member by the issuing of a certain document. The matter was reported to the House, and the hon. member can have no knowledge in discussing something that refers to the future and belongs to the House, and not to the Committee.

Mr. HAROLD STEPHEN asked if the Chairman ruled that he might not refer to the very matter which caused him to move him out of the chair, that he might not discuss a question that had come before us, it being within our knowledge that the hon. member for West Macquarie had been excluded from the proceedings of the House, and was now in the custody of the Serjeant-at-Arms?

The CHAIRMAN : At the present juncture, the House not having been officially informed that the hon. member to whom the hon. member for Monaro refers is in the position of which he speaks, the hon. member is out of order in discussing it. But I would again point out to the hon.

[*Mr. Harold Stephen.*

member that his own admission justifies the opinion I am now expressing. He himself, in answer to an interjection, implied he had doubt, and did not know, and until a report is made to the House of certain matters that may have occurred, or may not yet have occurred, how can it be in order for the hon. member to discuss what is not on actual record?

Mr. HAROLD STEPHEN : The hon. member rules, but asks me how can it be in order.

HON. MEMBERS : Chair ! Chair !

The CHAIRMAN : I certainly think that matters are now assuming such a position that the hon. member will compel the Chair to rule he is becoming frivolous and vexatious.

Mr. HAROLD STEPHEN : I must explain this much, that I shall not be put down by any chairman or speaker.

HON. MEMBERS : Chair ! Chair !

The CHAIRMAN : I trust the hon. member will address himself to the motion he intends to move. I have endeavoured several times as clearly as possible to point out to the hon. member the latitude he can use in regard to the question he desires to discuss.

Mr. HAROLD STEPHEN : I desire to point out to you the fact that on the occasion when you interrupted me a minute or two ago, I was replying to a direct question of your own. You concluded your remarks by asking me how it could be out of order.

Mr. HAYNES : I rise to order, Mr. Melville. The hon. member, I contend, is clearly out of order in discussing your decision after you have notified he is out of order. I trust the Committee will support you in maintaining order.

Mr. HAROLD STEPHEN : On the point of order I desire to say it is no point of order at all.

The CHAIRMAN : I again appeal to the hon. member to discuss the motion which he has expressed his intention to move, and to cease attempting to hold a discussion with the Chair.

Mr. HAROLD STEPHEN would certainly cease to dispute the Chairman's ruling ; but he would still refer to the general question, which he was compelled to do. He could show no justification for moving the Chairman out of the chair if he were debarred from discussing the posi-

tion which the hon. member for West Macquarie occupied. He desired to point out that that hon. member was being debarred from taking part in this debate at the present moment, and might be debarred from taking any part in the debates for any length of time the House chose to fix; but he desired to place that hon. member in a position of being able to take his part in the debates. The punishment awarded to him was quite sufficient.

The CHAIRMAN: I am exceedingly loath—it is an exceedingly painful position to be placed in—to have to appeal to the hon. member to cease the line of argument he is following. I appeal to the hon. member again. I have already told him that the matter to which he refers is not completed. It is a matter that has occurred in the House, and as yet the House has no knowledge of its completion. For aught the hon. member knows, the hon. member to whom he refers might, if he so chose, enter the Chamber; and, consequently, the matter being in that state, the hon. member cannot discuss, in the manner in which he desires to discuss, a matter which is not yet completed.

Mr. HAROLD STEPHEN understood that the hon. member for West Macquarie was now in custody of the Sergeant-at-Arms.

The CHAIRMAN: That is a matter of which this Committee can have no cognisance whatever.

Mr. HAROLD STEPHEN presumed that he had a right to ask for advice. He wanted to know how best he could procure bail for the hon. member?

The CHAIRMAN: If the hon. member will confine himself to the subject-matter of the debate, and will allow the Committee to finish its proceedings, he will be able to procure the information he desires when the House resumes.

Mr. HAROLD STEPHEN intended to move an amendment, because of the fact that the hon. member for West Macquarie could not be admitted to bail, and therefore could not be permitted to take part in the ordinary affairs of life. The first duty of hon. members was to conserve the privileges of Parliament; therefore, he was entirely in accord with the motion which restricted the hon. member from infringing those privileges. That

much having been done, he was desirous of adding the hon. member's voice to the debating power of the House.

The CHAIRMAN: I think hon. members of the Committee will bear with me when I say that I have borne with the hon. member as long as there is any justification for so doing. I shrink from taking proceedings which may appear to be harsh; but I again appeal to the hon. member either to cease the debate, or debate the subject before the Chair.

Mr. HAROLD STEPHEN intended to move that the Chairman leave the chair, report progress, and ask leave to sit again. A motion of this kind allowed a large latitude in the shape of solid discussion. He had certain duties to perform, and certain privileges to conserve, and was not to be intimidated by any threat of after consequences. In proposing this motion, he had a right to discuss what had gone before, because his only reason for proposing the motion hinged upon what had already taken place.

The CHAIRMAN: I must now call the hon. member's attention to the 4th additional standing order:

The Speaker or the Chairman of Committees may call the attention of the House or the Committee to continued irrelevance or tedious repetition on the part of a member, and may direct such member to discontinue his speech.

I do so.

Mr. HAROLD STEPHEN: May I be permitted to propose my motion before I discontinue?

The CHAIRMAN: The hon. member may move his motion, certainly.

Mr. HAROLD STEPHEN: Then I move:

That you do now leave the chair, report progress, and ask leave to sit again.

Mr. CHANTER thought the motion was in the interests of all parties. The only reason for the motion was because it had become patent that the hon. member for West Macquarie was in custody, and he ought to be dealt with at once.

The CHAIRMAN: I will point out that the hon. member for The Murray is now doing that which has brought the hon. member for Monaro under the operation of the 4th standing order. The position is a peculiar one. The position which the hon. member for West Macquarie has been placed in has not yet come

to the cognisance of the House, and has not yet been reported to the House. Hence it cannot be discussed by this Committee until it has been reported to the House. The matter is one which we are not seized of.

Mr. CHANTER asked whether it would not be in order to offer reasons why the Chairman should leave the chair?

The CHAIRMAN: Yes, hon. members are at liberty to offer reasons why I should leave the chair.

Mr. SLATTERY urged the hon. member for Monaro to withdraw his motion. Hon. members on the Government side as well as on the Opposition side had only one desire, and that was to bring the session to a close.

Sir HENRY PARKES: There are several objects above that now. It does not matter about the session—it may go on for a month—but it does matter about the character and existence of Parliament.

Mr. SLATTERY said that was the idea he had in view in suggesting the withdrawal of the motion of the hon. member for Monaro.

Sir HENRY PARKES: There can be no question that we have only one line of conduct to pursue, and that is to discharge the duties for which we have been resolved into a Committee of Supply. All the irrelevant, extraneous matter which has been introduced is outside the direction to the Committee to consider questions of supply. Our business is to consider subjects submitted to us; and by departing from that line of conduct, in introducing these irrelevant, and irrational, and extraneous questions, we simply contribute to making Parliament a mockery and an object of derision to the country. We have had enough of this unholy work. Whereas we might have closed this Parliament with credit to ourselves, and with credit to the country, we have undone all the work and dignity which would otherwise have attached to us by the vexatious, irrational, and unjustifiable proceedings of the past week. Surely it is time that this came to an end. As far as I am concerned, for obvious reasons, I have abstained from interfering; but it is impossible to shut one's eyes to the fact that we are simply ruining the great institution of Parliament, and we have done more injury during the last week than we can repair

[*The Chairman.*]

during the remainder of our lives. I admit that, to some extent, I may have contributed to that; but I had a provocation the most unpardonable that was ever offered to a man in the world. Without a single atom of evidence I was attacked as if I was a state criminal. I have been charged with crimes compared to which murder would be a trifle; and in my judgment, the person who has charged me with those crimes, if he had his deserts, ought to be hanged to the next lamp-post.

Mr. SLATTERY moved that the words uttered by the head of the Government be taken down.

Mr. ABIGAIL: Haven't we had enough of taking down!

Mr. HAROLD STEPHEN: What is sauce for the goose is sauce for the gander!

Mr. SLATTERY had not taken any part in the matter which had brought about the discussion; therefore, he could fairly express the opinion that everything in regard to matters which had passed ought to cease. He wished to see the business of the Committee proceed decently.

The CHAIRMAN: I have to ask the head of the Government to withdraw the expression he has made use of.

Sir HENRY PARKES: Mr. Melville, I withdraw any expression calculated to wound the feelings of any hon. member. But I must, in the most quiet language possible, state that I have been charged without the slightest ground of foundation with the greatest crimes which a human being can commit.

Mr. SLATTERY: That is all in the past, and the hon. member has had his say!

The CHAIRMAN: I feel it my duty to suggest to the hon. member that the matter to which he is referring is one which has now closed. I appeal to the hon. member to allow the debate to proceed.

Sir HENRY PARKES: What I was proceeding to say was, that we ought to proceed to transact the business to which we have been resolved into a Committee. I was led off, I admit, by the unprecedented provocation I have received. I am perhaps wrong, and, if I am, I regret I have referred to it. Some time, however, must come to refer to it; and beyond that I will say no more. We are resolved now into a Committee of Supply, and it is clearly our duty to transact that

business, and not to consume our time by extraneous, irrelevant, and unconnected discussions. There can be no doubt of the solidity of the position I take up in that respect. It would have been better for all of us, and of much more importance than any of our reputations, and better for the country, if the course agreed to by the House in good faith, last Friday, had been followed.

Mr. DIBBS: No, never!

Sir HENRY PARKES: It would have been infinitely better.

Mr. DIBBS: What would it lead to?

Sir HENRY PARKES: Lead to! Why, there is the record—the resolution submitted without a dissentient voice, and that is as clear an agreement as this House could at any time come to. The agreement was violated in a way which can only reflect discredit on the whole of the country. What has taken place since has conduced to no single reasonable object, has done no good whatever, has answered no purpose whatever, and it has at the same time done a great deal to take away the credit which would have redounded to all of us by the work of the session. What I rise to point out is, that our duty now is to consider the real business for which we have been resolved into a Committee of Supply.

Mr. DIBBS suggested that if the head of the Government wished to proceed with public business in a proper spirit, the speech he had delivered was not calculated to assist him in attaining his object.

The CHAIRMAN: I must inform the leader of the Opposition that the words complained of have been withdrawn. The hon. member entered the Chamber after the words were used, but they have come to his knowledge, and it is my duty to inform him that in pursuance of a request from the Chair they have been withdrawn, and an apology has been offered for them.

Mr. DIBBS was glad to hear it. Still he was perfectly in order in stating —

The CHAIRMAN: Order. Order.

Mr. DIBBS did not care whether the leader of the Government had apologised or not. The leader of the Government did not approach the House in a proper spirit when he did anything to stir up the feeling of hon. members. That was all he had to say in reference to the speech which he understood the leader of the Govern-

ment had delivered. It was wholly incorrect to say that any agreement had been made by the Opposition in favour of a prorogation last Friday. No such agreement was ever entered into. The Committee on that day had a large amount of business to transact within a few hours. More business than had been done during the whole of the session had to be put into about eight hours. Government supporters would not have served the country, nor would they have been faithful to their trust, had they allowed that business to go on without fair and reasonable discussion. Excepting in regard to one vote, which had now been settled, under peculiar circumstances, there had been no obstruction on the part of the Opposition in any shape or form. From the time the Government took office up to the present moment there had been every desire on the part of the Opposition to assist in the conduct of public business. He was compelled, as the leader of the Opposition, to place this statement side by side with the statement of the head of the Government. Was it to be expected that even the supporters of the Government would swallow £7,000,000 of loan estimates without one word of explanation?

Mr. McMILLAN: Nobody asked you!

Mr. DIBBS had lent himself to no obstruction whatever. All that the Opposition had fought for was on a matter of principle. He admitted that they had fought hard, and they had endeavoured to fight for the country. Hon. members had brought personal matters into the debate, but that was not his fault. He had never assaulted or assailed the private character of any hon. member.

Mr. McMILLAN presumed the leader of the Opposition knew that the hon. member for Monaro, Mr. Harold Stephen, had moved that the Chairman leave the chair.

Mr. DIBBS had no doubt that the hon. member referred to had been labouring under temporary excitement. At any rate, the hon. member was not acting for the party to which he belonged, and that party did not second his action. The Opposition would lend itself to no obstruction, but on the other hand we were entitled to the fullest explanation of all important matters, even if the closing of Parliament had to be kept back several days longer

than the Government desired. There must be some check on the public purse, and there must be some sanction accorded to the large expenditure which the Government proposed. Therefore, all the Opposition claimed was full and fair explanation, and then there should be no obstruction. Above all, let those who could not restrain their tempers stand aside, and refrain from preventing willing and courteous ministers giving the House that assistance in the shape of information which hon. members had a right to ask for.

Sir HENRY PARKES: I am concerned in dealing with the agreement in view of an adjournment last Tuesday, and it is simply impossible to deny that agreement. It matters not to me whether the hon. gentleman who has just spoken takes that view or the other view. Our position is far above any agreement with the Opposition. Our agreement is with Parliament itself. I, in the position which I rightfully occupy, as leader of the House and leader of the Government, submitted, in the most quiet, dispassionate way, a resolution last Friday, that the House should adjourn until Monday, and on Monday further adjourn until Tuesday at 11 o'clock. Every man in his senses knew what that meant—that it meant the prorogation of Parliament on Tuesday. Between the time when I made this resolution and the Tuesday, there was sufficient time to debate every item of business which had to be considered, and there was more time than has been devoted to the real business of the country, because the protracted days over which we had sat had been consumed by extraneous discussions—not discussions appertaining to the real business of Parliament. And if a similar course were followed on any occasion to that which has been followed, no parliament, no colonial parliament, and no imperial parliament, could prorogue. All arrangements would be set aside, and my contention is that in the whole history of Parliament nothing of that kind has occurred. When all parties unanimously consented to a prorogation, the arrangement has always been faithfully carried out in this colony. There is no instance to be found where, deliberately, the different divisions of Parliament have assented to some arrangement for the Queen—for the sovereign, king, or representative of the sovereign in the colony,

[*Mr. Dibbs.*

the Governor, to prorogue Parliament—there is no single instance where it has been frustrated until now. My resolution was submitted in a tolerably full House. There was no dissent, and that implied unanimity of agreement. And it is impossible to explain further. We, the Government, have no particular interest in this matter. It matters not to us whether we sit here a few days longer or a few weeks longer. But the Parliament has a great deal of interest in it, and it is to keep faith with the other powers of the state, and faith has always been kept up to this period. As to the reasonableness of discussion, if the time had been occupied by legitimate discussion, every item of our business could have been fully discussed. It must be borne in mind that though it seems a very large and serious thing to ask Parliament to vote £7,000,000 of money on the loan estimate, still those £7,000,000 of money represent objects which have been fully discussed in Parliament already. Hon. members know that, and they represent objects in which hon. members are deeply interested. The Government is not interested in them at all. It matters not to the Government, as such, if you do not vote a penny of these loan estimates. If you are willing to forego all your improvements, to cast aside all your railways —

The CHAIRMAN: It is my duty to call the attention of the Colonial Secretary to the fact that the matters to which he is referring and partially discussing must of necessity come up for discussion in Committee.

Sir HENRY PARKES: I submit to your ruling at once. I am fully aware that I am travelling beyond the strict rule of debate. I was seeking in a few words to review the situation; but I was travelling beyond the debate, and I submit to your ruling instantly, and shall discontinue. The few words I have to say are that we are in Committee to conclude the business submitted by the Government on the additional estimates and the loan estimates. It is immaterial to the Government how the Committee acts. Let them reject any item. I said, in regard to the item of Mr. John Davies, "Let them reject it if they like." Let them deal with the loan estimates as they like, and let them throw out the vote for railways, if

they think well. We shall have done our duty in submitting it. But let us address ourselves to the consideration of these matters of business, and let us come to some quick and reasonable decision.

Mr. HAROLD STEPHEN had been asked to withdraw the resolution he had submitted a short time ago, and he declined to do so. He should press the resolution to an issue, for the simple reason that, however anxious he might be to proceed with the business of the country, he was still more anxious that every man should obtain fair play, and especially that every constituency should be allowed fair play.

Mr. PAUL submitted that the hon. member for Monaro was not at liberty to speak again on this question.

The CHAIRMAN: I do not think there can be any doubt as to the meaning of the standing order. Whilst the hon. member has a perfect right to address the Committee as many times as he may have the opportunity, it is not intended by the standing order that the hon. member shall sit down and get up immediately afterwards whilst the question upon which he was ordered to cease his speech is being discussed. The question is: that I do leave the chair, report progress, and ask leave to sit again.

Motion negatived.

Mr. LYNE desired to say a word or two in reference to the statement made by the Premier, to the effect that an arrangement or agreement had been arrived at.

The CHAIRMAN: I feel compelled to request the hon. member to cease referring to this matter. Whilst it is the custom in the House and in Committee to allow the Premier to make explanations and the leader of the Opposition to reply, I feel that the matter has been sufficiently discussed now to request the hon. member to allow it to rest. Furthermore, the leader of the Opposition has already expressed his opinion upon the matter. I certainly hold very strongly the opinion that the matter before the Committee must be discussed, and irrelevant matter kept out of the debate.

Mr. LYNE was always anxious to submit to the Chairman's ruling, and he did not on the present occasion intend to say anything which would be in contravention

of that ruling. The leader of the Opposition, however, had been called away, and he had asked him to make the statement he was about to make. He was prevented from doing that by the Chairman.

The CHAIRMAN: I must inform the hon. member that this discussion must stop, in order that the business of the Committee may proceed. A division has been taken on the motion that I do leave the chair.

Mr. LYNE: No!

The CHAIRMAN: I trust the hon. member will not be disorderly. The taking of the voices is equal to the taking of a division. If the voices are disputed the numbers have to be counted. I trust the hon. member will not contradict me in a matter of this kind. If the leader of the Opposition wishes to say anything there will be an opportunity for him to do so when the House assembles.

Vote agreed to.

Compensation to Mr. Midelton, Locomotive Engineer, for loss of office.

Proposed vote, £1,500.

Mr. McMILLAN: I think it is only right, although I know the hon. member for Redfern desires to speak on this question, that I should have a first say in regard to it, so that he may not drag what I may consider to be any unnecessary matter into the debate concerning the compensation to this gentleman. If the debate upon this item should in any way lead to statements which may challenge that gentleman's character, or reflect upon him, all I want to say is that I have no part in the matter, and that it will not be my fault if anything is said in that direction. As hon. members know, when the present commissioners took office, they had a very large and onerous task to perform. In order to carry out their duties effectually, and to show to this country that the new regime, away from political influence, was to serve one of the greatest businesses of the state, and to place it on a thorough commercial footing, they had to undertake large alterations through all the different branches of that great department. I have already said in my place in Parliament that it seemed to me, after giving these gentlemen full and complete power to alter and to a certain extent to re-create that department, it would be obvious folly on the part of this House to pry too closely into all

the reasons which actuated these gentlemen in carrying out the purposes for which we gave them complete authority under the act which brought them into existence. Every hon. member who possesses any knowledge of commercial life knows that in very large establishments changes at different times have to be made. Men are taken on and dismissed, without necessarily reflecting upon the character and capacity of the individuals dealt with. The state of affairs with regard to Mr. Midelton was this, that a better man could be found, and that the commissioners considered that a better man was necessary in the department over which he presided. The commissioners did not act in any hasty manner in regard to Mr. Midelton. It was only in the fifth or sixth month after their appointment as commissioners that they finally dealt with him, and they were very careful to give this gentleman the fullest possible fair play, and not to deal with him in any sudden or hasty manner. Within their undoubted right, they intimated to Mr. Midelton that under the new arrangements his services would be dispensed with. I now state, in order to prevent any misunderstanding, that Mr. Midelton was given to understand that his services would be dispensed with, and that he had every opportunity of sending in his resignation. But, from beginning to end, Mr. Midelton took up a very remarkable position with regard to the commissioners. He practically denied their right to deal with him as they have dealt with them. The question then arose with regard to compensation, so called, to Mr. Midelton for dismissal. The rule laid down in the department was of a very generous character with regard to the officers whose services were dispensed with. A full year's salary was given as compensation for the forced alterations necessary. Mr. Midelton was one of the higher officers in one of the branches of the department; and it was felt, and I feel it myself, that whether he was fitted for the position he occupied or not, he had been put in that position comparatively recently, and that there was a fair indication to him, a presumptive indication, that he would probably for a long period enjoy that position in the department. I am very well acquainted with all the scandals—if I may use the expression—which existed in the

[Mr. McMillan.

department with regard to Mr. Midelton. I have, however, nothing to do with that political influence which was said to be brought to bear. I do not want to reflect upon anybody, but will take it for granted that everything in the past was done in the best interests of the department; but I did feel, and the commissioners very generously felt, that Mr. Midelton had probably a further claim to be dealt with, if anything, more generously than the other officers whose services have been dispensed with. Although they did not consider that he was a sufficiently able man for the position he was occupying, still he had obtained that position, and it had been a comparatively recent appointment. They decided, and it was approved of by myself, that, instead of giving him simply £1,000 as compensation, equal to a year's salary, he should obtain £1,500. Mr. Midelton accepted that £1,500, and he signed a document in full discharge of all claims against the department. I understand that since then Mr. Midelton has been agitating in some way or other in regard to his position and claims. I hold, however, that, having given over this great business of the state to the three railway commissioners, to be conducted under commercial principles, and seeing that this dismissal or resignation of Mr. Midelton was part and parcel of the new re-creation of the department for which we gave powers under the act, this House would be most illogical, and would stultify itself, in now finding fault or attempting to reflect upon the action of the commissioners. The commissioners did for the best. Mr. Midelton obtained 50 per cent. more than the ordinary compensation, and his character has not been affected in any way. He is a man of considerable ability, and he is a man in the prime of life. He has got the world before him; and I think hon. members will agree with me that if he had been in a private establishment he would not have obtained that consideration which has been displayed towards him. I, therefore, ask the Committee to pass the vote on the estimates.

Mr. SCHEY said there were several opinions which might be urged in relation to this matter. One of the remarks which the Colonial Treasurer had made was an exceedingly true one. The Colonial Treasurer has stated that he was not very well

acquainted with some of the facts of this case. He was thoroughly convinced that the hon. member was not.

Mr. McMILLAN wished to explain that he had only stated that he was only imperfectly acquainted with the previous political influences which had affected the appointment of Mr. Midelton. He knew everything, however, in regard to all the matters which concerned the new commissioners from the very moment they took possession of the railways.

Mr. SCHEY was sorry that the very few quiet and deliberate remarks which he had already made had had the effect of so quickly arousing the ire of the hon. gentleman in charge of the estimates.

Mr. McMILLAN: Misrepresentation will arouse the ire of any man!

Mr. SCHEY had no intention of being guilty of misrepresentation. He was obliged to accept the disclaimer of the hon. gentleman; but he was still of opinion that the two declarations were not exactly identical. He was convinced that the hon. member was not aware of some of the facts appertaining to this case. He would do the hon. member the credit of saying that he believed that if he had been aware of some of the facts he would not have been compelled to stand up and deal with the matter. He was thoroughly convinced that there was a very good case for further inquiry. He sincerely regretted that at the tail-end of a very long and exhausting sitting of the House, at a time when he himself, after sitting in the Chamber for twenty-eight hours, was very much fatigued, members should be called upon to deal with this matter—a matter which seemed to him to be of far more importance than the brief statement of the Colonial Treasurer would appear to indicate it to be. He would suggest to the Colonial Treasurer that no possible harm could arise by the item being struck off the present estimates, and by its being placed on the next estimates, which every hon. member knew must be brought into the House within the next six or eight months.

Mr. ABIGAIL: The money is paid; what is the good of striking it off?

Mr. SCHEY said that if such a course could be consented to, and if the Colonial Treasurer would consent to make some further inquiry, or even to listen during

the recess to the representations he desired to make to him, he would at once resume his seat.

Mr. McMILLAN stated that if what the hon. member desired him to do was to have the courtesy of seeing him during the recess, and of seeing him as often as he liked, and of going thoroughly into the investigation of this matter, he could give his assurance that the desire would be acceded to.

Mr. SCHEY said that this was not what he had asked for. He was quite aware that the well-known courtesy which the Colonial Treasurer displayed to those who called upon him during his hours of official duty would lead him to see even so humble an individual as himself. He desired to assure the Colonial Treasurer that he did not intend to attack the railway commissioners in this way. He had far too much respect for their high office and for their personal character to do anything of the kind. When, however, he pointed out that by some means or other a very great miscarriage of justice had taken place, he felt that he was not asking too much in suggesting the postponement of the item for a few weeks and the placing of it on the next estimates.

Mr. ABIGAIL: Does not the hon. member know the money has been spent?

Mr. SCHEY: I know all about that.

Mr. McMILLAN said that the money had been paid, and it would be a most unusual and improper thing to place money on the next estimates which had really been paid. If he did anything of this kind, he would never hear the end of it. He could promise the hon. member to go thoroughly into the matter during the recess; and if he then required any further information, he would have the course open to him of placing a motion on the notice-paper.

Mr. SCHEY said he might be disposed to accept the assurance of the hon. the Colonial Treasurer as to the horror with which he regarded the placing of the item on the next estimates, had it not been that he had cast his eyes over a copy of supplementary estimates which had been agreed to by the House. From this he found a sum of money for the services of W. H. L. Bailey as an agricultural lecturer in England. He desired to ask the Colonial Treasurer whether these services, or alleged services, were not performed

several years ago, and whether it was not a fact that the item for the payment of these services was struck off the estimates? He found that that item had only just been passed in the estimates for 1889. When we found that it suited the Minister to postpone that item for two years, he should like to know what possible objection the Minister could have to withdraw this item, unless he had some ulterior motive? He was quite aware that the money had been paid, so that two months hence we should be in no different position in that respect than we were at the present time. But he was also aware that the money ought not to have been paid. He was aware that it was wrong that the money should have been paid, and the item put on the estimates after the money was paid. He was quite aware that it was taking the control of the public finances out of the hands of the people's representatives. It would be remembered that precisely the same thing happened in relation to Mr. W. H. L. Bailey's bill for agricultural lectures. He had every desire to support the Government and the railway commissioners. He had no desire to attack the commissioners. He was ready to acknowledge that they were dealing justly with the cases which came before them. He believed there was so good a case to be made out, that he appealed to the Minister to allow the item to be withdrawn and brought forward, and thus save further discussion; and if the matter could not be settled in the recess, he should have his course to pursue. He was perfectly aware that if the item were passed, the opportunity for redress would be much less than it would otherwise be.

Mr. McMILLAN: I do not want to be discourteous in any way to the hon. member; but really I think I have to complain of unfair treatment. The hon. member, a few minutes ago, made a proposal to which I acceded. He said to me, as distinctly as I could understand language, that if I pledged myself to thoroughly inquire into the matter during the recess, and give him every possible consideration with a view to entertain anything he might bring to light, he would say no more on the subject, and I agreed to that proposition.

Mr. SCHEY: That is very unfair!

Mr. McMILLAN: I am only saying what I understood.

[Mr. Schey.

Mr. SCHEY: Accompanied by the withdrawal of the item!

Mr. McMILLAN: No. I should like to point out that the course the hon. member proposes to take is absolutely inefficient. The man is out of the service; he has a certain amount of compensation; you cannot increase the sum.

Mr. SCHEY: I do not want to do that. It is not a question of money, it is a question of justice!

Mr. McMILLAN: Even supposing the amount were put on the estimates for next year, all that the hon. member could get out of such a procedure would be practically a useless discussion. If I understand him at all, I understand that he wants a thorough investigation of the matter so that Mr. Midelton may get justice. I cannot see how that justice can be accomplished by simply a general debate on the item. The only way open to the hon. member, if he likes to throw me over in this manner, is to put a motion on the business-paper next session, asking for a committee of inquiry or something to that effect.

Mr. ABIGAIL: Another royal commission at 10 guineas a day!

Mr. McMILLAN: The hon. member must clearly know that a discussion of the item can neither affect me nor the railway commissioners. I again give him my word that if he likes to allow the vote to go without any further discussion I shall make myself master of everything that he can put in my hands during the recess. Surely if he wants to get justice for this gentleman he will be much more likely to get it by the responsible Minister being thoroughly seized of all the facts, which I pledge myself to do before we meet again.

Mr. SCHEY said it was all very well for the Colonial Treasurer to recommend him to move for a select committee next session; but how many motions of that character had been opposed day after day by the Government as they were called on?

Sir HENRY PARKES: What is it the hon. member wants?

Mr. SCHEY had said that if the Colonial Treasurer would make an investigation, and it was satisfactory there would be no debate as far as he was concerned when the item came up in the next estimates. If the hon. gentleman would promise that the Government would not oppose the appointment of a select com-

mittee at the commencement of next session, provided that satisfaction could not be got during the recess, he should say no more on the item.

Mr. McMILLAN: I always looked on the hon. member as innocent; but now I discover that he is awfully cunning!

Mr. SCHEY said the hon. gentleman was the first to discover that he was not the meekest of God's creatures. The hon. member himself was not devoid of cunning, because he knew perfectly well when he suggested that a select committee be moved for it would probably take the whole of next session before the motion could be reached. All the members of the Ministry were now in their places, and he pledged himself once again, that if the hon. gentleman would promise that the Government would not oppose a motion of that kind, always providing that it was not settled during the recess, he should say no more.

Mr. McMILLAN: I shall not promise anything more than I have promised. I have had my last say!

Mr. SCHEY said that in that case he should have no option but to go into the matter.

Sir HENRY PARKES: I appeal to the hon. member whether it is worth his while to go into this matter when Mr. Midelton has applied to me to hear his case, and I have agreed, as head of the Government, as soon as circumstances will permit, to hear what he has to say? Is it right for him to prejudice the case by discussion in the House? If he does, the only reply I can give to Mr. Midelton is that the hon. member has taken the case out of my hands, and that I cannot hear him.

Mr. SCHEY had no desire to prejudice the case. He was sure that he had spoken as quietly and candidly as possible; but he might point out that it did not affect Mr. Midelton, but the whole of the civil service. If we came to next session, and the only method of redress should happen to be the appointment of a select committee, and the Government should oppose an inquiry, the Premier must know perfectly well that there would be no possible chance of getting at the motion.

Sir HENRY PARKES: I have nothing whatever to do with what has taken place in the Railway Department; but I consider that, as head of the Govern-

ment, it is my duty, if any reasonable appeal is made to me on the part of the whole administration, to listen to that appeal. I have given that promise to Mr. Midelton in response to his repeated applications to me. But I must withdraw my promise if this thing is discussed to-night, because it cannot be discussed here, and then come before me as head of the Administration. With regard to any ulterior step by way of inquiry by a select committee, if the hon. gentleman should desire to have a select committee, he is sure to get to the motion by giving notice at once in the new session for a day when there is no business; it is in his own hands. The reason of persons not getting to motions for the appointment of select committees is, that they allow business to accumulate before. In the beginning of a session any member can secure a clear day when he is certain to get to his motion.

Mr. SCHEY: Will the hon. member oppose the motion?

Sir HENRY PARKES: The hon. member is asking me the most absurd question. How does he know that we shall be in office next session?

Mr. SCHEY: We will take that for granted!

Sir HENRY PARKES: We might get so wearied of office, and so desirous of seeing the hon. member himself, and some of his followers—because he is a great leader nowadays—that out of a spirit of pure philanthropy, we might stand aside and allow the country to have the blessings of his services. In view of the profound philosophy of the hon. member it is extremely probable.

Mr. SEE: Why does not the hon. member resign at once and give him a chance?

Sir HENRY PARKES: I can give a good reason for not doing that. I should not have the hon. member's consent to take that absurd course.

Mr. SEE: I give my consent!

Sir HENRY PARKES: The hon. member is a wise and prudent man, and as such he would not consent to our taking such an absurd course as that. If we had his approval I might think of it.

Mr. SEE: It is so tantalising to hear the hon. member speak of it!

Mr. SCHEY: The hon. member has not yet indicated what course he will take in regard to a select committee!

Sir HENRY PARKES: Well, I will indicate it. If the hon. member, as he is bound to do, makes out an unanswerable case we must of necessity assent to the appointment of a select committee. But if, on the contrary, he fails to make out an unanswerable case we might refuse; but as we have a true appreciation of the hon. gentleman's consummate ability we believe that his case will be so overwhelming that we shall be compelled to do so.

Mr. SCHEY said that after the very handsome acknowledgment of the Premier he could do nothing but make him a very kind bow, and say he would accept it.

Vote agreed to.

Expenses in connection with the Casual Labour Board Inquiry Commission.

Proposed vote, £4,644 5s. 11d.

Mr. WADDELL would not have risen to say anything if he did not think that the charges were most unreasonable. As far as Mr. Cape, the president, was concerned perhaps his charge might be reasonable enough, as he believed he was an eminent lawyer. But with regard to Mr. Franklin and Mr. Waller, he thought that if those gentlemen were paid 2 guineas for each sitting they would be very well paid indeed.

Mr. SEE: Nonsense!

Mr. WADDELL intended to move that the fees of those gentlemen be reduced to 5 guineas a sitting, though, for his part, he thought 2 guineas a sitting was quite enough for them. If it could be shown that he was wrong, and that the gentlemen were worth as large a fee as 5 guineas he should be glad to think so. He should feel that he was grossly neglecting his duty if he sat here and silently voted for the payment of 10 guineas a sitting to these gentlemen, when he felt confident that 5 guineas was the most they deserved.

Mr. HAYNES: Make it 5 guineas a sitting all round!

Mr. WADDELL said that with reference to the item of £178 10s. for professional services by Mr. Franklin, and the item of £210 for extra services rendered by Mr. Waller, he could not say anything, because the details were not before the Committee. He thought that the Government should have laid the details before the Committee so that we might know

[*Sir Henry Parkes.*

how the amount was made up. As he was not prepared to form an opinion as to whether they were or were not entitled to the amount, he did not propose to move any reduction in that respect. The hon. member for Camden had handed him a paper suggesting the amendment which he thought should be moved, and as the hon. gentleman had gone much more fully into the matter than he had done, he should take his advice and move:

That the vote be reduced by the sum of £1,401 15s.

Mr. LYNE was rather surprised after the great advocacy we had heard of Mr. John Davies' claim —

Sir HENRY PARKES: Perhaps it would be best for me to make a short statement of what I know of the case. The members of the Committee will be good enough to bear in mind that this commission was appointed by the Administration formed by the hon. member for The Murrumbidgee. They were appointed, I presume, on the supposition that there was something so seriously wrong in the expenditure under the Casual Labour Board as to call for a searching inquiry. Indeed, I think the commission itself, as far as I recollect, was very voluminous, and very diffusely points out the necessity for a minute and searching inquiry. Well, I presume the gentlemen forming the commission were selected as the persons most likely to carry out that minute and searching inquiry in the most effective manner. That implies considerable qualities in the gentlemen themselves for that kind of work. Looking hastily at the correspondence in the possession of my department, I see Mr. Cape says that the late Colonial Secretary told him at an interview, when other ministers were present, that he would be in the fullest way compensated for his services. I think the words are, "he would be handsomely and fully compensated for his services." The correspondence, which I glanced at very recently, seems to show that on other occasions he was assured repeatedly that expenditure ought not to stand in the way of this minute and searching inquiry. Then I find that Mr. Cape, who charges for a greater number of days than the other members of the commission, charges such a long time for various reasons—for reading over the evidence alone the compensa-

tion comes to £200. If any one looks at the report, which is nearly as thick as a volume of *Hansard*, and which we have had ample opportunities of seeing, because several gentlemen lately have appropriated a copy for the purpose of a pillow, we shall see at once that the work of carefully reading the evidence would be very tedious. As a matter of fact, he has charged over £30 —

MR. ABIGAIL: As a matter of fact, it represents £31 10s. per day in some cases!

SIR HENRY PARKES: Some people are worth that amount. I do not know whether Mr. Cape is worth that amount; but I do know that it is very tedious work to read over this large amount of evidence, and the less interesting the evidence the more tedious is the work of reading it. I do believe myself that if I had read through that report I should not be in my right senses to-day. I think it is enough to turn the brain of any person. Now, a large portion of the inquiry was really so frivolous, as must be admitted by every fair-minded person, that it would make the reading of the evidence, with a view to extract the kernel out of it, a singularly laborious and difficult operation. It seems to me an operation for which a man ought to be paid well, to extract something out of nothing. Let any one try to discover the merits of a diffuse rigmarole which amounts to nothing, and if he does discover any merit he ought to be well paid for it. Then comes the question of classifying the results of the examination, so as to render it valuable for framing a record. As far as I can see, I think that if he had charged 1,000 guineas for reading over the evidence and analysing it, classifying the real facts, and putting them in a position to be used in framing the report, he would be underpaid.

MR. ABIGAIL: He has charged more than that!

SIR HENRY PARKES: I am not surprised. I have tried to describe the nature of the work. It was a very arduous, mind-destroying work, and the wonder to me is that the three gentlemen who formed the commission are not now under the care of Dr. Manning, for it was quite sufficient to rack the minds of ordinary persons. But, coming round to this report, I am chiefly concerned in what the

Government did. Seeing that the commission was appointed in direct opposition to the administration for which I was answerable, it will be admitted at once how delicate my task was in any way interfering with it. I thought they were a long time over the inquiry; but I felt an insuperable delicacy in interfering in any way to check their investigation. Hence, they went on after I came into office to a length which I do not think I should have allowed them to do without interfering, if I had myself appointed the commission. At length they brought up their report, and they sent in certain claims for remuneration, and again the same feeling of delicacy operated with me. I did not think I was in a position to check their claims, and that it was my duty to submit them to Parliament. Hence, then, I have submitted their claims for remuneration to Parliament, with the consent of my colleagues, because, under all the circumstances, I felt constrained, from motives of delicacy, not to interfere with the scope of the inquiry, and not to interfere with the terms of remuneration. My own opinion is that the inquiry was unnecessary, that if necessary at all it was profuse to a fault, that it extended over a time altogether too long, and that it might have been brought to a close in a great deal less time. But, then, I could not express those opinions, and it was only my place to allow the inquiry to take its full course. Now we have submitted that claim to Parliament, and I do not desire to say a single word beyond what I have said as to the value of these labours, which, I think, have been onerous; but I think the length of the service on the inquiry arose, in a great measure, from the gentlemen, however estimable they may have been, not understanding exactly the nature of the inquiry they had to pursue. That is all I know about the matter. There are papers here, giving some information as to details; but if we gave the information in detail it would not much serve the purpose.

MR. KIDD did not know any of the members of this commission personally; but it did seem a very large sum for the work they did. Mr. Cape charged for 117 days at 10 guineas per day; but how was the charge made up? Mr. Cape only sat 46 days, and from the time the com-

mission was appointed until the time they completed their work, there were only 84 possible days, if they had sat every day except Sunday.

Sir HENRY PARKES: But he sat two days on Sunday!

Mr. KIDD said that Mr. Cape would have had to sit more than two days on Sunday to make up the number of days. Here was one of the commissioners charging for 117 days, whereas the return showed that he sat only on 46 days, or 200 hours, which was about four hours a day; yet he sent in a bill charging for 117 days at 10 guineas per day, though there were only 84 days on which the commission could possibly have sat. He thought the Committee would see how reasonable it was to reduce the vote. He believed that if Mr. Cape were paid 5 guineas per day for 117 days, it was considerably more than he ought to be paid. He thought it was very unreasonable for this gentleman to send in an account implying that he had been sitting for 117 days, when there were only 84 possible days on which he could have sat.

Mr. GARRETT: How long did they sit each day?

Mr. KIDD said that Mr. Cape made up his claim in this way: He sat 200 hours in these 46 sittings; but he sat at home 502 hours, making a total of 702 hours, and dividing that total by six, he made out that he sat 117 days. In the first place, what work could possibly be done during those 502 hours? Any schoolboy could have compiled the draft report in two or three days at the outside; but Mr. Cape made out that it took him 502 hours at home, which would mean, deducting the 46 days on which the commission sat and the 38 other days on which it could have sat, that he would have had to sit thirteen and a half hours each day to make 84 possible days.

Mr. ABIGAIL: But he charged overtime!

Mr. KIDD said that on some occasions Mr. Cape managed to put in two and a half days in one day. He thought the Committee would be very liberal indeed if it simply gave Mr. Cape one-half of his charge, which would be 117 sittings at 5 guineas a sitting.

Mr. LEVIEN: We had better pay the money than bring three lawsuits!

[Mr. Kidd.

Mr. KIDD thought that we were asked to pay very dearly for our whistle in this matter. In fact, he thought it would be a fair thing to ask the Government to appoint a royal commission to find out how Mr. Cape made out that he sat 502 hours at home. He did not know Mr. Cape; but he must be a very sharp man, when he made out that he sat 117 days on 84 possible days. It was the first time he had seen an account made out in that way. He did not think that Mr. Cape should be paid for more than 84 days at 5 guineas per day. The amendment would reduce his fee by one-half.

Mr. GARRETT: No, it reduces it by one-third!

Mr. KIDD said that it would reduce Mr. Cape's charge to £614 5s. With regard to the other commissioners, Mr. Franklin was honorable enough, for he charged for only the days on which he sat, and did not make out that, although he sat on only 44 days, he sat on 117 or 110 days; but he put in an account for £178 10s. for professional services outside his sittings. He thought the Committee would do well if they reduced Mr. Franklin's account by one-half. He had known that gentleman to sit on the Water Conservation Commission for 2 guineas a day.

An HON. MEMBER: And he was glad to get it!

Mr. KIDD did not know whether Mr. Franklin was glad to get the money; but he was certainly willing to give his services on that commission for 2 guineas a day. He believed that the hon. member for West Sydney, Mr. Abigail, had a return showing that 3 guineas was a high fee to pay; but he did not expect a professional man to serve on a commission for less than that amount.

Mr. ABIGAIL: There are professional men!

Mr. KIDD said that at all events Mr. Franklin was satisfied to serve on a previous occasion for 2 guineas a day. We had had too many professional commissioners. Every conceivable thing was required into by a royal commission, and the public was robbed of an enormous amount to find out if the country had been robbed of a few pounds. We might spend a few thousand pounds in finding out what was needful; but sometimes expensive commissions were appointed merely for the

purpose of helping a friend. With regard to Mr. Waller, that gentleman sat on forty-seven days; in fact, he sat every day on which the commission sat, and perhaps he would have been willing to sit from the 1st January to 31st December for 10 guineas a sitting. However, Mr. Waller had not charged for 117 days; he was satisfied to charge for only 47 days.

Sir HENRY PARKES: He did not sit three days in twenty-four hours!

Mr. KIDD thought that 10 guineas a sitting was too much to pay either to Mr. Waller or to any other member of a commission of this kind. Mr. Waller charged £210 for extra services rendered to the commission of which we had no account.

Mr. ABIGAIL: They charged 10 guineas to check their accounts!

Mr. KIDD said that the amendment would reduce Mr. Waller's charge to 5 guineas a sitting, which he thought was a handsome fee, and his professional expenses to one-half the amount. He hoped that the Committee would agree to the amendment. It was all very well to propose a reduction in Mr. Davies' claim; but he happened to know that Mr. Davies' duties were far heavier than those of the members of the commission, as he worked twelve or fourteen hours a day to their four hours a day. Mr. Davies charged for only the period prior to his being summoned to the Upper House. The Government did not venture to ask the House to remunerate Mr. Davies for the labour he performed while he was a member of the Upper House; but they simply asked hon. members to pay him a bare fee of 5 guineas a day for his services up to that period. He thought that if we allowed the commissioners 5 guineas a sitting, and paid them for their additional services, we should pay them very handsomely. Whatever the hon. member for The Hume might say about his advocacy in regard to Mr. Davies, he was sincere in his advocacy, and he thought the House had done right in passing the amount.

The DEPUTY-CHAIRMAN (Mr. Garrard): I must point out to the hon. member that that matter has already been decided.

Mr. KIDD said he was only desirous of pointing out that though he was anxious to advocate a fee of 5 guineas a day for one person, he was not advocating a lower

fee for the members of the commission. But with regard to the services of Mr. Davies, he would undertake to say that they were far more onerous and difficult than were the services of the commissioners.

Mr. BRUCE SMITH: The members of the Public Works Committee get only 3 guineas a sitting!

Mr. KIDD was strongly of opinion that an inquiry of the Public Works Committee was equal to an investigation of this character, in point of time, knowledge, and responsibility. He was not attempting to detract from any member of the commission, for he should not know one of them if he met him. It was not because they were severe in regard to the inquiry that he had taken this course, for it was their duty to find out all they possibly could. He had not the slightest feeling in the matter; but though it was their duty to find out a wrong, if it existed, still they should not be allowed to impose on the country by charging double or treble the fee to which they were entitled. He submitted that the Committee would be robbing the country if it passed an item of this character.

Mr. ABIGAIL said that to enable the Committee to arrive at a somewhat correct decision, he should put before them the particulars of a number of royal commissions which had sat in connection with important works. He was not going to say a single word against the members of the present commission. But he certainly thought we should not be doing justice to the taxpayers if we paid 10 guineas per day to men like Mr. Waller and Mr. Franklin. The commission sat on forty-seven days. Mr. Cape's claim represented £1,228 10s. for 117 days; but, as a matter of fact, counting every day from the appointment of the commission—the 25th February to the 3rd June—it represented only eighty-four days, including every holiday and every Saturday. The days on which the commission sat numbered only forty-seven, or a total sitting of 204 hours, which brought out his charge at £6 per hour.

Mr. BRUCE SMITH: Only £1 every ten minutes!

Mr. ABIGAIL said that Mr. Waller's claim represented a charge of £3 10s. per hour, with extras amounting to £210,

while Mr. Franklin's claim represented £3 5s. per hour, with extras, amounting to £178 10s. He ventured to say that these gentlemen would like two commissions of this kind every year, and he believed there were a good many other people who would like to sit on a similar commission. He had had the honor of being on three royal commissions, but unfortunately he was there as a member of Parliament. It was a strange feature in connection with our political life that members of Parliament, although they sat on royal commissions—and in the best part of their business time—were not allowed to receive any remuneration for their services. But butchers, bakers, and men of that character were appointed on commissions, and were paid 2 guineas per day for their services.

Mr. BRUCE SMITH : A member gets the honor !

Mr. ABIGAIL said that a good many people would rather have Mr. Cape's way of payment than the honor attached to the position of a royal commissioner. He had taken the trouble to ascertain the number of royal commissions we had had. First, there was the Friendly Societies' Commission, which lasted twelve months. He thought he attended seventy-eight meetings of that commission ; the president received 3 guineas per sitting, and each member received 2 guineas. Let him point out the importance of their work in contrast with the work which the Casual Labour Board Commission had performed. The friendly societies represented a tenth part of the whole population in the colony, and the duty of the commission was to inquire into the financial status of a number of the societies in the interests of hundreds of thousands of working men who have been paying their money week after week, and to see whether the societies could pay the liabilities they had incurred by receiving those moneys. Hon. gentlemen would admit at once that it was a very important commission indeed ; but the government of the day considered that 3 guineas for the president and 2 guineas for each member was sufficient remuneration. The next commission was the Public Amusement Inquiry Commission. A number of complaints had been made as to the insecurity of our places of amusement, and a commission

[*Mr. Abigail.*

consisting of architects and professional men was appointed to go through the buildings in the city, and he knew that in some cases a sitting occupied a whole day. The president of that commission received 4 guineas per sitting, and each member £2. Then, on the Ferndale Colliery Accident Inquiry Commission we had Dr. Robertson, who was known to be a man of high scientific attainments and professional knowledge, and with him were associated mining managers who, of course, were men of high scientific attainments and professional skill. The president of that commission received a fee of 4 guineas per day, and the members 2 guineas per day. Another commission, of which he was a member without pay, was the Intoxicating Drink Inquiry Commission. The president of that commission was a barrister ; but he received 4 guineas a day, and the members 2 guineas.

Mr. GARRETT : He ought to be turned out of the ranks of the profession !

Mr. ABIGAIL said that one of the most important commissions which had ever been appointed in the colony was that one which he had appointed to inquire into that very sad event, the Bulli Colliery disaster. Dr. Robertson was the president, and with him were associated Mr. Croudace, Mr. Gregson, and other men of that stamp. The president received 3 guineas per day, and each member 2 guineas. These gentlemen objected to the smallness of the fees, and, in view of the services which they rendered, he believed the fees were too small ; but they accepted them, and they got no more. Then we came to the Railway Bridges Inquiry Commission. He believed that the president of that commission was Professor Warren. Well, the president received 10 guineas per day, and the members, who were all professional men, many of them being engineers, received 3 guineas per day. But the president in that case did not make 117 days out of forty-seven days. The members of the Real Property Act Inquiry Commission received £3 3s. per diem. Then, there were special commissions, which did not affect this case. They were, the Fehon Commission, the Milburn Creek Commission, and the Judge Mymott Commission.

An HON. MEMBER : What about the Water Conservation Commission ?

Mr. ABIGAIL said that the members of the Water Conservation Commission received £2 2s. per diem. Mr. Franklin was on that. He did not desire to say a single word against the character of the gentlemen who were appointed members of the Casual Labour Board Inquiry Commission. He knew Mr. Cape to be a gentleman, and he knew Mr. Franklin by sight; but he had no acquaintance whatever with Mr. Waller. He did not wish to carp at the work performed by them; but he thought it was an absurdity to ask the Committee to pass the item as it stood—£6 6s. an hour for Mr. Cape, and £3 10s. and £3 5s. an hour for the other two gentlemen. There was no man, no matter how high his estimate might be of those gentlemen, who would say that their charges were anything like reasonable. He thought that the reduction proposed by the hon. member for Bourke, Mr. Waddell, was very moderate indeed, and he had not the slightest doubt but that the Committee would agree to it.

Mr. LYNE hoped that in discussing the item we should not have as heated a debate as that which we had just concluded. He was sorry that the hon. member for Camden, Mr. Kidd, should have anticipated what he was going to say, or what he thought he was going to say, because he must have felt that some such accusation would be made against him.

Mr. KIDD: I heard that the hon. member had said something about Mr. Davies, and therefore I made the remark!

Mr. LYNE said that he did not say anything about him. In reference to the matter before the Committee, he said that he believed the gentlemen composing the commission were selected for their high character and ability and standing in the community. The hon. member for Camden, Mr. Garrett, knew some of them, and he thought the hon. member knew all of them. He believed that the hon. member could not say a word against them. He had never met Mr. Cape; but he believed that he was a man of high character, and one who could be relied upon, and he knew that Mr. Franklin and Mr. Waller were both men of the highest character, who would not do anything derogatory to their position. Any hon. member who had been a minister of the Crown, and who had tried to select good men to sit upon commissions,

would agree with him when he said that there was a great difficulty in getting them. Plenty of men of a certain class—perhaps they might be called professional commissioners—could be obtained; but the men whom one would like would not accept the position. While he was in the Public Works Department he appointed a commission to investigate the working of the department and to see how its organisation could be improved. Though it was an important commission, it was not as responsible as the commission whose charges the Committee were considering. He did not know that he would be justified in mentioning the names of the gentlemen whom he asked to take positions on that commission, though Mr. Dean was one of them; but he could not get the best men he could find under £10 10s. He did not employ them; but he was sorry that he could not do so. He had forgotten the names of the gentlemen whom he appointed; but he had agreed with them that they should receive £6 6s. per diem. That was the lowest fee at which he could get gentlemen to undertake the work.

Mr. ABIGAIL: But that was continuous work!

Mr. LYNE thought that the labours of the Casual Labour Board Commission were also continuous. He did not think that hon. members could complain of the work done or the energy displayed by those gentlemen. He wished to show what the members of commissions were paid, as a rule. He would cite the case of one commission—or, rather, the board of arbitration on the well-known McSharry case. The third man on that board, Mr. W. H. Jennings, was appointed by the late Hon. John Sutherland; and he was correct in saying that the members of the commission got £15 15s. a day for he did not know how many months.

Mr. ABIGAIL: That was an arbitration. There is a difference!

Mr. GARRETT: The parties in the suit would pay it!

Mr. LYNE said that the balance of the money had been paid. He thought that Mr. Jennings got about £2,000. Mr. Watkins' claim had not been paid; but he had a case in court against the Government at the present time, and he was sure that it would be paid.

Mr. BRUCE SMITH: He was appointed by the plaintiffs to represent them. The Government paid the charges of their own man and of the representative of the defendant; but they refused to pay the plaintiffs' representative.

Mr. LYNE said that he had been told that Mr. Watkin had been paid. However, the Government had paid Mr. Poole, and they were bound to pay Mr. Watkin as much as they had paid Mr. Poole. The expenses of the royal commission appointed to inquire into the charge made against members of Parliament and others in connection with the proposed leasing of the Government tramways, were £777 16s. That commission only sat a very few days, and although the amount of fees paid to the members was not shown, he thought that they would be quite as high as those charged by the members of the Casual Labour Board Commission.

Mr. LEVIE: There is no fear of Mr. Pilcher taking less than £10 10s. a day, and a bit more if he could get it!

Mr. LYNE: Then the expenses of the commission appointed to inquire into the charges made against Mr. Fehon came to £488 14s. 8d. He thought that the fees of the members of that commission were considerably more than those which we were considering.

Mr. GARRETT: That covered the cost of reporting and transcribing the evidence!

Mr. LYNE said that in neither of those cases did the commissioners sit many days, and therefore their fees must have been exceedingly high. He had referred to them to compare the charges with those made by the Casual Labour Board Commission. When he was a minister of the Crown he felt that if a commission was to be appointed to carry out a responsible and important work, it was not a nice thing to have to bargain with the members about the fees that would have to be paid. He thought it was derogatory for ministers to have to do that, and he thought that in future he would not attempt to do it. The gentlemen on the commission had, no doubt, some very heavy work to perform, because from the nature of the charges which they had to investigate, a great many documents would have had to be gone through. He thought, however, the fees charged were quite as high as they should be; but as there appeared to have

[Mr. Lyne.

been no arrangement made before the work was entered upon, he did not think the Government could refuse to pay them, because if these gentlemen went to law they could enforce their claim. He thought that if the amount were cut down to such an extent that it would not be received, the Committee would be relegating to the Government three lawsuits.

Mr. BRUCE SMITH: Was there any contract made in this case?

Mr. LYNE did not know. He did not think there was.

Mr. DIBBS: There was none whatever!

Mr. GARRETT: Mr. Cape says that he was spoken to by the hon. member as to the remuneration!

Mr. DIBBS: There was no arrangement made by me!

Mr. BRUCE SMITH asked if the hon. member would allow him to read a short passage from "Blackstone" with regard to cases in which no contract had been made? He had intended to read it when Mr. Davies' claim was before the Committee:

If I employ a person to transact any business for me, or perform any work, the law implies that I undertook or promised to pay him so much as his labour deserved. And if I neglect to make an amends he has a remedy for this injury by bringing his action upon this implied *assumpsit*, wherein he is at liberty to suggest that I promised to pay him so much as he reasonably deserved, and then to aver that his trouble was really worth such a particular sum which the defendant has omitted to pay.

So that the members of the commission would have to prove that £15 15s. a day was a reasonable demand.

An HON. MEMBER: What is the use of having three lawsuits?

Mr. LYNE thought from what he knew of the temper of one of the gentlemen on the commission that if the amount were cut down very much, he would not accept it. However, it was a matter for the Committee to decide. He thought that the action of one or two hon. members in connection with the matter—he was not referring to the hon. member for West Sydney—showed that they had not forgotten the item which was disposed of a short time ago. He thought that there should not be an attempt on the part of hon. members to cut down the fees charged by the commission, because their feelings had been aroused in connection with the vote taken a little while ago. Whatever.

was a fair and reasonable charge should be paid. Mr. Cape and Mr. Franklin were professional men, and he knew that Mr. Waller was a man of very high character and integrity. He thought that those gentlemen should not be treated in such a manner as would lower them in the eyes of the public. The hon. member for West Sydney, Mr. Abigail, had quoted a number of instances to show the fees usually paid in connection with royal commissions. The fees of the president of the Railway Bridges Inquiry were £10 10s. a day, and he thought that if that gentleman was entitled to £10 10s. a day, Mr. Cape was certainly entitled to a like amount. He also wished to point out that the men appointed on the commissions to which the hon. member for West Sydney had referred, were not likely to have been professional men of the high standing of Mr. Cape, Mr. Franklin, and Mr. Waller. He did not know the names of the gentlemen who had been appointed; but he did not think that the nature of the inquiries made would necessitate having such first-class men.

Mr. ABIGAIL: Mr. John Young was on the Public Amusements Commission!

Mr. LYNE said that Mr. Young was a very good man, and he did not wish to say a word against him. The hon. member made some reference to butchers and bakers in connection with the Friendly Societies Commission, which he did not quite understand.

Mr. ABIGAIL: Some of them were represented on the Friendly Societies Commission!

Mr. LYNE said that that bore out what he was saying.

Mr. ABIGAIL: Some of the others were equal in ability to Mr. Cape, Mr. Franklin, and Mr. Waller!

Mr. LYNE said that he thought the attempt to reduce the item by £4,000 odd was unwarrantable, because he thought the services of the gentlemen who sat on the commission were worth a great deal more than £5 5s. a day. He also pointed out that the hon. member who proposed the reduction was the gentleman who had fought so hard in favour of Mr. John Davies.

Mr. WADDELL: No, the hon. member is wrong. I voted in both cases against his claim!

Mr. LYNE said the hon. member misunderstood him. He saw the papers presented by the hon. member for Camden, Mr. Kidd, and he thought he heard one hon. gentleman say that the calculation had been made by that hon. member, who had gone carefully into the matter. He thought the hon. member for Camden was likely to take an extreme view of the case because of the report which the commission had brought in against Mr. Davies. He ventured to say, after listening to the quotations read by the Secretary for Public Works, that the members of the commission would be able to recover in a court of law considerably more than the £5 5s. which it was proposed to pay them.

Mr. CRUICKSHANK was anxious to do what was fair in this matter; but if the item would not stand reducing, it appeared to him that all the items in the estimates had better pass at once without discussion. He saw on the estimates:

Remuneration to Messrs. Mason & Miles, public accountants, from 25th January to 18th June, 1889, £1,260.

He would undertake to find an accountant that would do the work for £200 a year. In many cases, such as on board men-of-war, paymasters had to pay away money to great numbers of men, and accounts were kept to a farthing; but the people who were employed as paymasters only got £200 a year. A great many firms of accountants did not make as much in a year as Messrs. Miles & Mason had charged for six months' work. Then came:

Mr. A. J. Cape, president, 117 days, at £10 10s. per diem, £1,228 10s.

He had had a great deal to do with lawyers, and he liked to take every opportunity of having their bills of costs taxed, because it was his experience that wherever they could run you in for a large amount they took the opportunity of doing it. He hoped that the Committee would see that on this occasion the public got fair play. He would pay these gentlemen their day's work and nothing more. It was all very well to come here and say, "You cannot get men to undertake the work unless they are very highly paid." He undertook to say that in a great many cases in which good men were selected a large amount of the work was done by clerks. If you went to some firms your business was given to the under-strappers.

Mr. BRUCE SMITH: The head of the firm takes the responsibility, and gives the advice!

Mr. CRUICKSHANK asked if the work was any better done by the clerk of a great man than by some one who had left his service and had struck out for himself?

Mr. BRUCE SMITH: You have the guarantee of the head of the firm that if anything is wrong he takes the responsibility, and he may be sued!

Mr. CRUICKSHANK said that the people employed upon commissions came forward and claimed a very large amount for their services, while they would be very glad to enter the Government service to-morrow at a salary of £300 or £400 a year. He thought the item should be reduced.

Mr. GARRETT said that the hon. member for The Hume, Mr. Lyne, had made special reference to a gentleman who was a very great friend both of the hon. gentleman and of himself. He meant Mr. Waller. He had no hesitation in saying that Mr. Waller was a man of unimpeachable integrity, and of great ability as an accountant; but if he had not been an intimate friend of the hon. member for The Hume, Mr. Lyne, he would never have been appointed to a position on the commission.

Mr. DIBBS: The hon. member for The Hume had nothing to do with his appointment!

Mr. GARRETT said that the hon. member for The Hume was a member of the Government, and in that position he was certainly responsible for the appointment. He said that if Mr. Waller had not been a personal friend of the hon. gentleman's—having been in business in Albury at the time the hon. member for The Hume lived there—he would never have been appointed, because he had no local standing or recommendation which would have brought him under the notice of the Government.

Mr. DIBBS: Will the hon. member make out that Mr. Cape was a personal friend of mine?

Mr. GARRETT had nothing to say in regard to Mr. Cape, except that he was a lawyer of ability, although he had never sat on the bench, or shown a capacity for performing the judicial functions which he

[*Mr. Cruickshank.*

had fulfilled as president of the commission. He did not know how Mr. Cape came to be selected for the position. He had never been on any other commission before, that he could remember; and, therefore, without desiring to excite suspicion about the appointments, he thought there must have been some under-current of influence to bring his name before the Government.

Mr. ABIGAIL: At any rate, the hon. member must admit that Mr. Cape has made a very good beginning!

Mr. GARRETT said that if he were always paid at the same rate in future he would soon become a very wealthy man.

Mr. ABIGAIL: If there are any more commissions appointed he will be there!

Mr. GARRETT said that Mr. Cape had never been in any way identified with commissions before, nor had he given any proof of his ability to conduct such an inquiry, and those facts brought him to the conclusion that there must have been some under-current of influence to get his name before the Cabinet for consideration. With regard to Mr. Franklin, it was his duty to bring before the House circumstances connected with that gentleman's conduct as a public officer that ought to have debarred him from ever drawing another penny of public money. It was not a long story, and he would give it as told by the official documents of the Works Office, in which Mr. Franklin held a high and responsible position. The facts could not be questioned. In 1877 and 1878 there was an inquiry about the Parramatta River and Iron Cove Bridges. Mr. Franklin then held the position of inspecting engineer in the office of the Commissioner for Roads. The following was the first letter on the case:—

Department of Public Works,
Roads and Bridges Branch,
Sydney, 27 December, 1877.

Sir,—I am about to tender for the erection of the Parramatta River bridges, and in the event of my tender being accepted, I beg to hand you my resignation, to be dealt with as you may think proper.—I have, &c.,

F. A. FRANKLIN.

Here was a gentleman who occupied a position and was performing duties that made it compulsory for him to obtain all the information about those bridges, and to make out the estimates and specifica-

tions for the work, sending in a tender himself. The next minute was as follows:—

This step will compromise me very seriously. I regret I have no option but to recommend acceptance.—W.C.B.

Those were the initials of Mr. Bennett, the late Engineer for Roads and Bridges, a gentleman who had unfortunately passed away, and whose character every one knew.

Mr. LYNE: I think this is a very unfair attack on Mr. Franklin!

Mr. GARRETT said that the hon. member could speak afterwards.

Approved.—J.S.

Mr. SLATTERY: The letter was open and honest, at all events!

Mr. GARRETT was surprised at his hon. friend attempting to justify an officer of a public department who prepared all the specifications on which a tender was to be made, and then sent in a tender himself.

Mr. SLATTERY: I said that his letter was open and honest!

Mr. GARRETT hoped that his hon. friend would not continue to interrupt.

Mr. BRUCE SMITH: Does the hon. member for Boorowa understand that Mr. Franklin only offered to resign if he got the contract?

Mr. SLATTERY: I still say that what he did was open and honest!

Mr. GARRETT said that a public officer, who had prepared all the specifications on which a tender was based, had no right to make a tender himself. He thought that, under the circumstances, any government would have accepted Mr. Franklin's resignation. A similar case occurred at a general election, some two or three years ago. Mr. Lovegrove, a candidate for the Shoalhaven electorate, had been a land agent and a clerk of petty sessions. Mr. Lovegrove was defeated at the election, and immediately wrote to the department, seeking to withdraw his resignation, and be restored to his former position. He had to deal with the case, and he dealt with it very summarily, and he thought very properly. He refused to allow Mr. Lovegrove to withdraw his resignation, and he thought that the late Hon. John Sutherland acted in the public interest when he accepted Mr. Franklin's resignation. Then came a minute from the late Under-Secretary for Public Works.

Is it intended to accept this resignation unconditionally?—J.R. Yes.—J.S. Mr. Franklin informed.

The next letter was signed by the under-secretary, and was as follows:—

Department of Public Works,

Sydney, 27 December, 1877.

Sir,—The tenders, four in number, for the work specified in the foot-note*, are referred to you for report, and you will have the goodness, as early as possible, to return them to me direct, for submission to the Minister.

I have, &c.,

JOHN RAE.

* Estimated cost, £32,000; amount voted, £90,000; less cost of iron, £49,054. Total, £40,946. Amount of tender, £47,568 1s. Erection of iron bridges, Parramatta River and Iron Cove. Deposit receipts received from Messrs. Royce, Musson, and Franklin. No deposit received from Mr. Low.

Then came a minute from the Commissioner for Roads:

In consequence of Mr. Franklin, the next in rank to myself in this office, having tendered for the Parramatta and Iron Cove Bridges, I think it desirable that I should not be asked to report on such tenders, and have advisedly absented myself from the opening of same; and should Mr. Franklin's tender be accepted, I would be glad if some other officer was appointed to superintend the construction.

W.C.B., 27-12-77.

Under-Secretary, B.C.

Mr. HUTCHISON (*Glen Innes*) wished to know whether we were to be kept here all night, while the hon. member read the letters?

The CHAIRMAN: The hon. member is perfectly in order in reading the letters in connection with one of the gentlemen whose claim the Committee are considering.

Mr. GARRETT: Following that was a minute by the Secretary for Public Works:—

Parramatta River and Iron Cove Creek Bridges.

These papers have been submitted to me without any report upon the tenders received, in consequence of the extraordinary action taken by Mr. Franklin, the Assistant Engineer for Roads and Bridges, who retained his appointment up to the very hour fixed for opening the tenders for these bridges. I accepted Mr. Franklin's resignation as the most lenient course I could take towards that gentleman; but now having to deal with these papers, I cannot too strongly express my disapproval of Mr. Franklin's conduct in this matter, calculated as it is to create a sense of distrust amongst the *bond fide* contractors who tender for the public works, and to bring discredit on the department. As assistant engineer, Mr. Franklin in his high official and trusted position was acquainted with all the particulars connected with these bridges, and had opportunities of seeing the prices of the contractors who had on previous occasions

tendered for them. Under such circumstances as these, a tender from Mr. Franklin could not of course be entertained, and I regret that he should not himself have seen how grossly improper his conduct was in making the offer under the circumstances set forth.

The Commissioner for Roads will please furnish me with his report on the other tenders received, excluding that from Mr. Franklin from any consideration whatever.

2 January, 1878.

JOHN SUTHERLAND.

He thought that any one who had a sense of what was right and proper must admit that the sentiments expressed by the Hon. John Sutherland in that minute were correct, and that Mr. Franklin richly deserved what was said about him, because of his conduct, which amounted almost to a conspiracy to get at the public funds, as he would show directly. Then followed a paper intimating to Mr. Franklin that his conditional resignation had been unconditionally accepted. The following were the amounts of the tenders sent in. They were four in number, including Mr. Franklin's, which was not considered because of the disgraceful manner in which it had come before the tender board:—G. H. Royce, £57,612 2s. 8d.; J. Musson & Co., £47,568 19s.; J. C. Low, £50,300; Franklin, £47,168 13s. 3d.; Mr. Franklin's tender being about £400 less than the tender sent in by J. Musson & Co. Did not that show that there must have been collusion between Mr. Franklin and Musson & Co.? The tenders were both low, so that the department would have had to deal with one or other of them, and if one were rejected the other would have to be accepted. We knew that that kind of thing was often done; but how well it must have been done in that case, where one of the parties tendering had prepared the specifications and knew every joint, bolt, and rod of iron which would have to be used! How well that gentleman was in a position to inform any one else or to frame a tender himself in such a way that it must be considered! Did not the closeness of the two tenders show that there must have been collusion between the two parties, and in all probability there was an understanding between them? There seemed to have been a sort of confederacy between them.

Mr. SLATTERY: Is there anything worse than the hon. gentleman has already read?

Mr. GARRETT did not know. He thought that what he had read was bad

[Mr. Garrett.

enough, and would prove what he had said about Mr. Franklin. He ought never to have received a penny of public money from that time till now. But he would read an official statement showing what Mr. Franklin had received because of his connection with commissions since. On the 10th of May, 1887, Mr. H. Taylor, for Mr. McCourt, asked the Colonial Secretary:

(1.) The amount paid to Mr. A. F. Franklin from 1st January, 1883, until the present date, by Government, specifying the nature of the services rendered? (2.) Is Mr. Franklin at present receiving any fees from Government; if so, how much, and on account of what service?

Sir Henry Parkes answered,—As far as can be ascertained, Mr. Franklin has received the following amounts:—October, 1883, to June, 1884, for attending the Calcutta Exhibition, £776 13s. 9d.; March, 1884, to July, 1886, in connection with the Water Conservation Commission, £355. (2.) 8th April, 1885, to October, 1886, serving on land board, £198 18s.; total, £1,320 14s.

He thought that he had made out a good case against Mr. Franklin having any right to be employed by the Government from the day when he was dismissed from the service. He did not know him, except by sight, and he had never spoken to him in his life, although he was on the Metropolitan Land Board, having been appointed to that position by the late Mr. J. S. Farnell, a position where the parties interested relied upon his integrity. He had only to say further, with regard to the item, that he fully concurred with the remarks of the hon. member for Camden, Mr. Kidd, and the hon. member for West Sydney, Mr. Abigail, as to the grossness of the charges made by the commission. He fully indorsed every word that they had said; and he hoped that what he had said in regard to Mr. Franklin would have the effect of preventing him from being further employed in the public service, no matter what government was in power.

Mr. SLATTERY said that one would imagine, from the speech just delivered by the hon. member for Camden, that he was doing a bit of stonewalling on behalf of the Government, because, he must confess that, of all the lame speeches that he had ever heard the hon. member deliver—and, God knew, he had delivered enough—that was the lamest.

Mr. GARRETT: The hon. member never delivered a lame speech!

Mr. SLATTERY said that he had never delivered a speech like that delivered by the hon. member to-night. He hoped that he would never bring discredit on himself by making such a speech. What was the complaint made during the past few days in regard to the discussion on the claim of Mr. Davies? It was said that it was cowardly, unfair, and unjust to rake up that gentleman's previous character when considering the amount of payment that should be given to him for services rendered. That was the contention of the Government, and he thought that it was also the contention of the hon. member.

Mr. BRUCE SMITH: Do not assume that this has been done for the Government!

Mr. SLATTERY said that he would not. There was no decent man who would give approval to the conduct of the hon. member for Camden. The Government had not come to that yet, and he hoped that no government would ever put up an hon. member to destroy the character of a man who had no one to defend him. Mr. Franklin had been attacked in the most cowardly —

The CHAIRMAN: Order.

Mr. SLATTERY withdrew the expression, because it would be unparliamentary for him to use it; but he said calmly and deliberately that the attack coming from the hon. member for Camden —

Mr. BRUCE SMITH: I think the hon. member was not here when the hon. member for Camden commenced his speech. He prefaced his remarks by saying that he did not make this reference to Mr. Franklin to prove that he should not be paid at all; but in order to give an idea of the value of his services.

Mr. SLATTERY knew the whole point. The hon. member for Camden had attacked Mr. Franklin in a way in which no man of character or of honor would have thought of doing outside Parliament. Surely we ought not to have anything done in Parliament that would not be done outside. He merely knew Mr. Franklin incidentally, as he knew ten thousand other people in the city of Sydney. While the hon. member was complaining night after night of the attacks made on a public man, he came here and attacked a private citizen selected as a member of a

commission to inquire into the working of the Casual Labour Board. Did not the letter from Mr. Franklin to the Commissioner for Roads, which had been read by the hon. member for Camden, prove that Mr. Franklin was acting openly and honestly before his superior officer and before the Government of the country? If Mr. Franklin had not been an honest man, what would he have done? He would never have resigned; but he would have done what other men had been charged with doing, he would have made use of his position to get information, and sent in a tender under the name of a dummy. Mr. Franklin did not act in the way in which a rogue would have acted; but he acted as an honest man would have acted. He wrote a letter to the Commissioner for Roads, stating his intention of becoming a tenderer, and saying that if his tender were accepted he would resign. It was in justification of this gentleman, whom he only knew casually, that he rose to speak. The hon. member for Camden had surely read the worst of the papers, and every hon. member who was unbiassed would side with Mr. Franklin. But what did the hon. member for Camden do? He went back to the year 1878. He was not going to interfere with the hon. member for Camden, or he also might go back and speak about matters which had occurred, but in charity he would not do it. The only thing which could be brought forward was something that had happened eleven years ago. What was the hon. member for Camden doing during those eleven years? He had neglected his public duty in not pointing out the danger of this gentleman being appointed to various commissions. He was a member of the Government, and why did he not leave a minute cautioning his successor in office that this man was not to be trusted? The hon. member had been silent for eleven years, and now he sought to blast this gentleman's reputation. What were we coming to? Surely it was bad enough that we should attack each other when we were here to defend ourselves. But what was the public life of the country coming to, when an ex-minister and a gentleman who had been in Parliament for nearly thirty years endeavoured to destroy the character of a private citizen? Was Mr. Franklin to be

punished because he had given a report according to his conscience, and were the other members of the commission also to be attacked because they had reported against Mr. Davies? If this kind of thing were to be allowed, no man of honor and fine feeling would consent to serve on a royal commission. Why did not the hon. member object to Mr. Franklin's appointment in connection with the Calcutta exhibition? Why did he, when Secretary for Lands, allow this gentleman to be a member of the Metropolitan Land Board, if he thought he was unworthy of the position? The hon. gentleman dared not recommend his removal. If he had done so, the head of the Government would not have consented to remove Mr. Franklin, nor would the Colonial Treasurer or the Secretary for Public Works have consented. Why did not the hon. member for Camden do this? Was the suggestion to be made that there was a land agent practising before this gentleman when he was a member of the land board, and that he did not give decisions that suited that land agent? There might be a suggestion of that kind made. It was time that the people spoke out when private character was attacked in that way.

Mr. GARRARD: If there is any truth in what the hon. member has just said, he had better let us have it!

Mr. SLATTERY: I merely make a suggestion.

Mr. GARRARD: A suggestion!

Mr. SLATTERY: It would not do for me to go into the facts.

Mr. GARRARD: Yes, it would—facts are facts!

Mr. SLATTERY said that men held their personal character dearer than life. He looked upon it as a most dreadful thing in our public life that private character should be over and over again assailed. He had always endeavoured never—even in the moment of most intense excitement in the House—to be guilty of an act that would cause him the slightest pain after the House adjourned, or which would cause pain to any hon. member to whom he was politically opposed. If there was more of this restraint in our public life, it would be better for the interests of the country. Then, again, Mr. Franklin was a member of the Water Conserva-

[Mr. Slattery.

tion Commission. Why did not the hon. member for Camden take exception to that appointment? The hon. gentleman was silent until the report of the Casual Labour Board came up, and then he made the attack. He happened to be a member of the Government when the Casual Labour Board Inquiry Commission was appointed. With regard to Mr. Waller, though he had seen him before, he had never known his name. Mr. Franklin he had known for a considerable time, but only casually as an ordinary citizen, and he had never been intimate with him. With regard to Mr. Cape, he had known that gentleman as one of the most honorable and able men in his profession. Mr. Alfred Cape, as a lawyer, occupied a position in this country as high as that of any man in it. He was nominated to the position by the then Attorney-General, Mr. E. Barton. The training and practice of a solicitor served to develop the judicial faculty in a special degree. Solicitors who had to prepare the evidence before the brief was given to the barrister were the very men to conduct an inquiry and elicit evidence. A barrister did not take up a plain sheet of paper. His witnesses had first to be examined by a solicitor. It did not follow that a man had the judicial faculty because he was a powerful advocate. A man might be a most powerful advocate and yet a very wretched lawyer. A powerful advocate might make a very bad judge; but, on the other hand, an inferior advocate might be a most highly trained lawyer, who would be an ornament to the judgment-seat. He was not in a position to offer any opinion as to the value of the services of Mr. Franklin; but with regard to Mr. Cape a remuneration of 10 guineas a day was not a penny too much for the services he rendered. He was the head of a large firm in the city. He had a very large establishment, and he neglected his business for 117 days, and 10 guineas a day would ill repay him.

Mr. KIDD: There were only forty-six days!

Mr. SLATTERY said he took the figures as he found them. During those 117 days Mr. Cape might have lost four or five Supreme Court actions which, without giving him one-tenth of the trouble and anxiety, would have turned in more

money. Mr. Cape was a man of such high character and of such high standing in the community that you might as well offer him a shilling a day as offer him 5 guineas a day in payment of his claim. If Mr. Cape had put a value of 10 guineas a day on his services the Committee might rest assured that he would not accept one shilling less. He was a gentleman of the highest character and of the highest standing in his profession, and as a citizen he had the confidence and respect of the best men in the country. In regard to our public officers he had had a long experience in the public service and knew nearly all the leading members of the civil service and nearly all the older officers of the service, and he did not think that the civil service of any country in the world was better officered than was the civil service of this country. The very letter that was sent in by Mr. Franklin was proof positive that he was not a rogue, but a thoroughly honest man.

Mr. HUTCHISON (*Glen Innes*) said he had been very much pained by listening to a long rigmarole of nonsense. When the hon. member for Camden opened up this old case concerning Mr. Franklin, he knew that it would provoke a long reply from the hon. member for Boorowa. The Committee would be better occupied in discussing the merits of the item before them. The charge made was an extraordinary one, considering the service rendered; but he was afraid that these gentlemen might be able to compel payment of it, and it was a dangerous thing to have anything to do with members of the legal fraternity. He was not aware that there was any limit fixed by law to the charges that could be made by these gentlemen, and that being so, it was doubtful whether they could be reduced. If these gentlemen were remunerated at the rate of 3 guineas a sitting, and 4 guineas for the president, they would be amply paid. Some better mode should be adopted of settling disputes. Instead of selecting certain gentlemen, and allowing them to make any charge they liked, the Government should enter into a contract which would fix the remuneration definitely. It would be better to pay members of the Assembly to do this kind of work, and to select an equal number of members from each side of the House.

Question—That the vote £4,644 5s. 11d. be reduced by the sum of £1,401 15s.—put. The Committee divided:

Ayes, 35; noes, 15; majority, 20.

AYES.

| | |
|---------------------------------|---------------------|
| Abbott, Joseph | McCourt, W. |
| Cass, G. E. | McRae, M. |
| Clubb, G. | Nicoll, B. B. |
| Colls, T. | Perry, J. |
| Cooke, H. H. | Plumb, J. |
| Copland, D. | Schey, W. F. |
| Dale, D. | Seaver, J. C. B. P. |
| Dangar, O. O. | See, J. |
| Garrard, J. | Stevenson, R. |
| Gormly, J. | Teece, W. |
| Greene, G. H. | Turner, E. W. |
| Hawken, N. | Waddell, T. |
| Hawthorne, J. S. | Wheeler, J. |
| Hayes, J. | Wilshire, J. T. |
| Haynes, J. | Woodward, F. |
| Hutchison (<i>Glen Innes</i>) | <i>Tellers,</i> |
| Kidd, J. | Cruickshank, G. A. |
| Lee, C. A. | Paul, W. H. |

NOES.

| | |
|-------------------|-------------------|
| Brunker, J. N. | Parkes, Sir Henry |
| Carruthers, J. H. | Slattery, T. M. |
| Dibbs, G. R. | Smith, Bruce |
| Garvan, J. P. | Smith, S. |
| Goodchap, C. A. | Wright, F. A. |
| Lyne, W. J. | <i>Tellers,</i> |
| McMillan, W. | Mitchell, J. |
| O'Connor, D. | Walker, T. |

Question so resolved in the affirmative.

Mr. HAYNES: I should like to ask the Premier what course he proposes to take after the division which has just taken place?

Sir HENRY PARKES: I have no hesitation in saying that I regard the vote as very serious, and though it is not for me to foretell what may ensue from it, it is very probable that one of the consequences may be that the hon. member for Glen Innes, Mr. Hutchison, may be sent for.

Reduced vote—£3,242 10s. 11d.—agreed to.

Loan Estimates.
Public Wharves.

Proposed vote, £200,000.

Mr. McMILLAN: Hon. members are aware that in the Lands for Public Purposes Acquisition Act power is given to resume land under certain conditions; but it is necessary to have command of a vote for the purpose in order to be able to resume. It simply amounts to this: Is it the intention of that act that the Government, in its discretion, under certain circumstances of public importance and necessity, shall have power to resume land

under cover of a vote, without coming directly to the House; that is to say, taking the responsibility as a matter of urgent public necessity, and dealing with the transaction, which, of necessity, if it is to be done in the public interest, must often be done expeditiously, and to a certain extent secretly? It seems to me that if a vote of this kind is not passed to be at the command of the Government, the Lands for Public Purposes Acquisition Act will be blotted out altogether. If, whenever a resumption takes place—no matter whether it may be necessary to make such resumption in the recess or when the House is engaged in business of great importance, such, for instance, as a land bill, which cannot be interrupted—if it is necessary that before the Executive takes upon itself the responsibility of resuming land under that act, it must take a vote in Parliament, and so spread its intention broadcast through the community, and allow land-grabbers and land speculators to run riot in connection with the property concerned—then it seems to me that practically the act may as well be wiped out for all ordinary purposes. We ask the House to allow £200,000 to be placed on the loan estimates for the resumption under conditions for which the government of the day will be responsible of public wharves from time to time as circumstances may demand. Of course no government would attempt to carry out the intentions of the act unless it was willing to take the responsibility for its action. I would also like to point out that in this matter of resumption the position is not the same as in the case of the Government purchasing land from private individuals. The land is resumed. It is only paid for according to its real value by a process of arbitration, if necessary, and it is surrounded by every possible safeguard, and no suspicion can attach to the transaction. At the very outside, if the Government should be led to retrace its steps the land resumed is always worth the money given under the safeguards of the Lands for Public Purposes Acquisition Act. It seems to me that unless the Government is not to be trusted at all a vote like this is a fair and reasonable one in view of the act now in existence.

Mr. DIBBS trusted the Committee would not give the Government a power

[*Mr. McMillan.*]

of this kind to have a sum of £200,000 on hand, raised by loan, for the purpose of resuming or purchasing wharves wherever it might seem desirable. He was surprised that the Colonial Treasurer should ask the Committee to assent to a proposal of this kind. The Government must have in their eye some particular wharf property which they contemplated buying. We had been assured that Parliament would meet again after a short recess, and this matter might then come before the House with more definite information than the Colonial Treasurer had given on the present occasion. What we were really asked to do was to give the government of the day £200,000 as a standby to do what they pleased with without the control of Parliament, and that was a power which ought not to be placed in the hands of any government.

Mr. McMILLAN: It has been given!

Mr. DIBBS said that if the Government wished to resume half a dozen wharves to-morrow morning, they could do so without the public knowing anything about it. This they could do under the Lands for Public Purposes Acquisition Act.

Mr. McMILLAN: The hon. member is wrong. According to the wording of the act, we cannot do so unless there is a vote!

Mr. DIBBS said in that case the vote ought to be a nominal sum of about £5,000, which should be placed in the hands of the Government, in order to comply with the law. What the Colonial Treasurer argued was this, that if there was not a sum of money available to pay for these wharves, it would become known to land sharks and land-jobbers that the Government intended to do something, and then the price would go up as against the Government. This objection would be met if a nominal sum were voted to allow the Government to make resumptions legally. Then all secrecy might be set aside. The Government would make their proclamation, and the resumption would follow, and the owners of the property would be entitled to a fair value under the provisions of the resumption act. Let the Government, in any purchase of property they might make, go into the market, resume the property, and pay for it according to a valuation under the Lands for Public Purposes Acquisition Act. Then no suspicion could attach

to any purchase that might be made. If we passed a vote of this kind, secret negotiations for the purchase of property would take place, and suspicion would probably arise. We should not leave such a large sum in the hands of any government, and give them the power to make secret negotiations for purchases which might leave us open to suspicion and charges against our public men.

Mr. BRUCE SMITH: It does not apply to purchases, but only to resumptions!

Mr. DIBBS said if that were the case the matter could be dealt with by leaving a nominal sum in the hands of the Government, and not such a large amount as £200,000.

Mr. McMILLAN: Does not the hon. member see that it would practically be a fraud upon the act to simply pretend, and take a nominal sum?

Mr. DIBBS said he knew of half a dozen wharves at the head of Darling Harbour, above the bridge, which were purchased by certain syndicates years ago, and they had simply been white elephants on the hands of those gentlemen. They bought with the idea that the Government would make larger resumptions of wharf property than they had done. We had no idea whether the Government contemplated purchasing any of these properties secretly; but if there was a nominal sum in their hands so as to comply with the act, they could resume any property of that kind, and they would have to pay a proper value according to the resumption act. But if a vote of this kind were passed wharves, such as those to which he had referred, held by large syndicates at enormous cost to themselves, might become the property of the Government to-morrow morning.

For all we knew, negotiations might be pending at the present moment for the purchase of these properties. He was now speaking as to the principle of the thing, and without making a charge of any shape against this or any other government. The power should not be placed in the hands of any government to dabble in large properties, except in a fair and open manner by resumption. Then they could test the value as they did in the case of Goodlet & Smith's property in Darling Harbour, which they resumed for railway purposes, and in the case also of the properties of Mr. Garrett and Mr. Lucas,

which they resumed, and in reference to which they exercised the right of taking the owners of the properties into court when they tried to obtain exorbitant prices from the Government. No government should be intrusted with the power now sought to be given. If the Government contemplated making large purchases of wharf property, £200,000 would not be enough. It might be desirable before very long—and if he had the power he would do it—to resume the whole of the wharf frontages in Sydney Harbour. We already held a large portion of this frontage property, and the whole of it ought to be taken at the resumption value under the act, and placed under the control of a harbour trust. It would then be made profitable, and would return interest, and a large sum for improvements. If this was contemplated by the Government we ought to be told. He would suggest that a measure should be introduced next session providing for the resumption of wharf properties, and putting the whole matter into the hands of a harbour trust. For the present he thought it would be sufficient if a nominal sum were placed upon the estimates.

Sir HENRY PARKES: In what way is a nominal sum to answer the purpose?

Mr. DIBBS accepted the Colonial Treasurer's definition of the law, which was to the effect that the Government could not resume unless there were in existence some vote to justify the resumption. He believed that to be the law. A nominal sum, therefore, would be sufficient for the purpose, and would make the act a workable act. A vote of £200,000 would place a dangerous power in the hands of any government.

Mr. McMILLAN: I have consulted with my colleagues, and I will state to the Committee the course which we think it will be best for us to adopt to-night. We find that we cannot very well prorogue until Wednesday. We propose, therefore, to finish the Appropriation Bill in this House to-night, to allow the loan estimates to stand over, and adjourn until Monday. There is no possibility as far as we can see of our getting through the work by Wednesday unless we sit on Monday. It is a case either of going on to-night or of meeting on Monday. The Legislative Council has, I understand, adjourned until Tues-

day. What we suggest, therefore, is that this House should meet on Monday night, and pass the loan estimates, and all other matters, which it is necessary should go to the Council, so that they may be dealt with by that House on Tuesday. We may be able to prorogue on Tuesday for aught I know. At any rate, we do not see our way to get through the work unless we adjourn from to-night until Monday. If hon. members approve of that, we can meet on Monday night at half-past 6, Monday being, I understand, a general holiday. The Appropriation Bill is, after all, only a matter of form; it is simply putting into a bill what has already been passed by the House, and, if we get that measure through, we shall be a little nearer paying the public servants.

Mr. DIBBS: The Government propose not to proceed with the loan estimates now?

Mr. McMILLAN: That is so; but with the understanding that the Appropriation Bill will be passed through all its stages to-night.

Mr. SEE: But does the hon. member make that a condition of the Government not going on with these estimates?

Mr. McMILLAN: Yes. The Government are anxious to get through their business now within a certain time. We are now sitting over a week beyond the time at which we intended to prorogue. The Legislative Council will meet on Tuesday, and we want to have the remainder of our measures ready to be dealt with by that House on Tuesday night. It is possible that this House may be engaged upon private business while the Legislative Council is considering the measures we propose to deal with to-night and on Monday night.

Mr. SEE: Why not agree to go on with these estimates on Monday night, irrespective of the Appropriation Bill passing to-night?

Mr. McMILLAN: If there were anything in the Appropriation Bill of a debatable character, I would agree to the hon. member's suggestion; but it is merely the wrapper, as it were, to cover what has been already passed, and there can surely be no objection to its being dealt with to-night.

Sir HENRY PARKES: I would suggest that the House should agree to the

[Mr. McMillan.]

Appropriation Bill to-night, and not only so, but I would also suggest that they should authorise us, if the bill should pass through this House to-night, to pay the public servants to-morrow. I cannot imagine that there will be any discussion upon this bill, having regard to the lengthy discussions which have taken place upon various items in Committee of Supply. We will postpone the consideration of the loan estimates; but we urge, for reasons already given, that the Appropriation Bill should pass through this House to-night, in readiness to be sent to the Legislative Council. Although the bill cannot be sent to the Legislative Council until Tuesday, still, if the House were to express an opinion to that effect, we could remove one great cause of distress and disquietude by paying the servants of the Government in the morning on the strength of the bill being sanctioned by this House, which is the House of authority in such a matter. I was about to say it must be admitted that it would not be well to hurry these loan estimates through the House. It seems only fair that time should be given for legitimate debate upon any of the items which seem to call for it. We shall be quite prepared to defer the discussion of those estimates until Monday night, and if necessary Tuesday night; but we urge that the Appropriation Bill should be passed to-night for the reason I have stated.

Mr. DIBBS said that with regard to the payment of the civil servants, he thought they should be paid at once. But it required no resolution from this House to enable the Government to take that step. No objection would be raised in any shape or form by any hon. gentleman on this side of the House to the Government taking into its own hands to-morrow the responsibility of paying the civil servants. No resolution was required.

Sir HENRY PARKES: We do not want a resolution; but what objection is there to passing the Appropriation Bill through this House to-night?

Mr. DIBBS said the proposal to pay the civil servants was a fair and just one. If the Government had taken the responsibility of doing so on the first of the month, no hon. gentleman on this side of the House would have objected. Unquestionably the civil servants should be paid promptly. He did not, however, like the

idea of postponing the debatable items in the loan estimates under any pledge or promise with regard to the Appropriation Bill. He thought that that bill should, as it had always done, stand on its own merits.

Sir HENRY PARKES: If the hon. gentleman means that he does not feel disposed to give a pledge—no pledge is asked. What we propose to do is to take the responsibility ourselves.

Mr. DIBBS: For what?

Sir HENRY PARKES: We propose to defer the consideration of the loan estimates until Monday, and if necessary Tuesday night, because we admit the reasonableness of the objection that this is not a proper time at which to consider such important proposals. But we propose at the same time to proceed with the Appropriation Bill; and we appeal to the House on the strength of what I have already said, to assist us in passing that bill to-night.

Mr. DIBBS: Why cannot the Government take the Appropriation Bill at 7 o'clock on Monday night?

Sir HENRY PARKES: That is unfair, and for this reason: why should we have the whole of our business pushed into a corner, when there may not be sufficient time to consider it. Surely hon. gentlemen wish to bring this session to a close at some time? If objection is raised to the course I suggest, I must at once retire from the position we have taken up. It is a question of accepting the arrangement I suggest, or of going on with these estimates now.

Mr. GARVAN thought it was both unusual and unreasonable to ask the House to pass the Appropriation Bill in the manner proposed.

Sir HENRY PARKES: Then, let us go on with the estimates!

Mr. GARVAN could recollect no occasion when, after such protracted debates upon the estimates, the Appropriation Bill had been allowed to pass in so hurried a manner. The very stages through which it was necessary the Appropriation Bill should pass showed that it could never have been intended that the bill should be passed in the way in which the Premier proposed it should be passed to-night. The bill could not pass through the whole of its stages to-night unless hon. members

were prepared to set aside the usual procedure. In all human probability, the Appropriation Bill, when we reached it, would pass through as simply as possible, and that was all the more reason why the measure should be allowed to stand over until Monday. For his own part, he might not have one word to say upon the question; but if he had, it would be only in general review of several features which he desired to bring under the attention of the Committee.

Sir HENRY PARKES: To save time, we will proceed with the loan estimates!

Mr. GARRARD trusted the proposal of the Colonial Secretary would be agreed to. He thought it was both fair and reasonable. He would point out that the Government proposed to do an illegal thing—to pay the public servants before the Appropriation Bill was passed by Parliament, and they desired to be fortified by the fact that the bill had been passed through this Chamber.

Mr. GARVAN: That would be no additional authority for them to pay!

Mr. GARRARD was aware that the money upon the estimates was not available until the Appropriation Bill had passed through both houses of Parliament, and properly none of it should be paid away until the bill had passed through all its stages. But the Government, in view of the fact that a large number of civil servants who were interested in Monday's holiday would not have any money unless this illegal step were taken, desired to take the course of paying the civil servants to-morrow. Naturally enough, however, they desired to be fortified by the passing of the Appropriation Bill through this House. He thought the Government proposed a reasonable and just compromise, for he quite agreed with hon. members that after the lengthy sitting upon which we were now engaged, hon. members ought not to be asked to discuss important items on the loan estimates.

Mr. GARVAN presumed that upon the first item of the loan estimates being submitted to the Committee, the whole of the estimates would be open to discussion. It was usual for the hon. gentleman submitting loan estimates to make a speech when the first item was proposed from the Chair, and for a general debate to follow.

The CHAIRMAN : In order to enable hon. members to debate these estimates generally, it will be necessary for the total sum to be put from the Chair.

Mr. GARVAN said that that was not the course pursued when the estimates-in-chief were laid upon the table. On the first vote being proposed, the whole of the estimates were discussed.

The CHAIRMAN : It is quite beyond the power of the Chair to alter the course of procedure.

Mr. GARVAN : All that I ask is that we may do what is done in dealing with the estimates-in-chief.

The CHAIRMAN : In the case of the estimates-in-chief the financial statement is made upon the first vote, and that being so, the whole of the financial proposals of the Government are open to discussion.

Mr. GARVAN : Exactly, and the same principle applies now !

The CHAIRMAN : There is this difference between the two cases : that in one case the estimates for the year for the whole colony are under consideration, whereas in the other case the Committee are considering items for particular works. I can, if hon. members desire, put from the Chair the total amount. That would enable a general discussion to take place upon these estimates, and the Committee might afterwards determine that the items should be put *seriatim*.

Mr. GARVAN thought that the privileges of the Committee would be unnecessarily curtailed if these estimates were considered item by item, because hon. members might desire to discuss the principle of the whole of the estimates, and it was extremely undesirable that they should be prevented from doing so. These estimates involved principles which were entirely new, and the most intelligent way of dealing with them would be to take a general discussion similar to that which was taken upon the first vote of the estimates-in-chief.

Mr. SLATTERY said that if he was not mistaken the hon. member for Camden, Mr. Garrett, raised a point of order in connection with some supplementary estimates, when it was decided that hon. members might make a general speech upon the first item on the ground that the Committee were dealing with entirely new

estimates. The additional estimates, the supplementary estimates, and the loan estimates were all laid upon the table of the House at different times, and he believed it had been ruled more than once previously that the rule which applied to the estimates-in-chief applied equally to each new set of estimates. It seemed to him to be the natural course to take a general discussion at this stage, because hon. members were for the first time brought face to face with a proposal to borrow some £7,000,000.

Mr. McMILLAN : It seems to me that we ought to deal with this practical matter as practical men. That being so, we should deal with it in the shortest possible time. If there is any wonderful principle connected with any of these items it will be quite time enough for hon. members to discuss it when we reach the point. At this stage we do not want long philosophical speeches about principles. If a principle is involved in any particular item, let it be thoroughly discussed when we reach that item. Then we shall know what we are doing. There has been a great deal of talk about these loan estimates ; but as far as I can see they are on exactly the same lines as other loan estimates which have been before Parliament, and I think I can prove that that is the case by reference to various loan acts.

Mr. SEE thought this was not at all a fitting time at which to discuss these loan estimates.

Mr. O. O. DANGAR : Then why not accept the proposal of the Government ?

Mr. SEE thought that the House was not in a fit humour to discuss the estimates, and that very little progress would be made with them. He would suggest that the Chairman should leave the chair for half an hour, in the hope that in the interval both sides of the House might be able to arrive at some amicable arrangement whereby business would be facilitated. He did not wish to take the business out of the hands of the Government ; but the House was thoroughly tired, and was quite incapable of dealing with these great questions as they ought to be dealt with.

Mr. McMILLAN : There is evidently no intention on the part of any hon. gentleman who is in a position to speak for the other side to give us any assurance.

[*Mr. Garvan.*]

Mr. DIBBS said the suggestion which had fallen from the hon. member for Grafton in reality emanated from himself. Hon. members desired to have a chat among themselves as to what course should be taken, and they would then be in a position to reply to the suggestion of the Government.

Mr. SLATTERY said it was evident that in a matter of this kind, arising so suddenly, there must be some difference of opinion among hon. members on the Opposition benches.

Sir HENRY PARKES: So there is here. Ministerial supporters are opposed to our postponing these loan estimates!

Mr. SLATTERY said as far as he could see, the suggestion of the hon. member for Grafton was made with no object save that of facilitating the transaction of public business.

Mr. R. B. WILKINSON thought the Government would do well to accede to the suggestion of the hon. member for Grafton. In the natural order of things the Chairman would soon be retiring for a short period, and his retirement at the present moment might lead to some amicable arrangement.

Sir HENRY PARKES: We doubt it very much. We are beginning to think that an amicable arrangement with the other side is impossible!

The CHAIRMAN: With the consent of hon. members, I will leave the chair for half an hour.

On the Committee reassembling,

Mr. DIBBS said the members of the Opposition were of the opinion that it was just, fair, and reasonable that as the House had been sitting for thirty-two hours the Government should agree to an adjournment.

HON. MEMBERS: No, no!

Mr. DIBBS said that if the Government would agree to an adjournment and to the House meeting on Monday at 7 o'clock it might facilitate matters. The members of the Opposition thought it would be impossible to discuss the loan estimates at present, and they would object to the House sitting on Monday night if they were forced to proceed with business now. He was making a very fair proposal and he hoped the Government would consider it. The Premier spoke

some time ago about the payment of the civil servants, and the Opposition thought that they ought to be paid without further delay. They could not be paid under any appropriation bill because no appropriation bill could pass both Houses until next Tuesday; but they should be paid by the consent of both sides of the House. He hoped that the Government would follow his suggestion.

Sir HENRY PARKES: We might as well have paid them on the first of the month as pay them to-morrow under present circumstances. We propose to pay the civil servants as soon as we have the formal authority of the House that deals with the public finances; but we do not propose to pay them without more authority than we have at present. We do not want to be upbraided afterwards for unnecessarily keeping the civil servants four days without their pay, and none would be more ready to upbraid us than the gentlemen opposite, who would say, "You paid them on the 5th when you had no better authority than you had on the 1st day of the month." We want the Appropriation Bill passed through this House. We have at present no authority to pay either in law or in the expressed will of the House; but if the Appropriation Bill is passed through this House then we shall have the authority of the only House that can deal with the matter, and if that fails unhappily the servants of the public must go without their pay until the Appropriation Bill becomes law. We will not incur the responsibility that we have hesitated to incur so far. Circumstances tell us that any support from the quarter from which it has been just offered would be repudiated if it suited the purpose of hon. members opposite.

Mr. GARVAN rose to order. He thought that a most unwarrantable and disorderly expression had been used by the Premier.

HON. MEMBERS: Shame!

Mr. GARVAN said that undoubtedly it was a shame, and members on the Opposition side of the House would not put up with it. Language had been used by the head of the Government which was offensive, and at variance with the rules of Parliament. They who were now anxious to do their duty as solemnly as possible were not in a position to deal with the proposed expenditure of millions of money.

Sir HENRY PARKES: What is the point of order? I am in possession of the Chair.

Mr. GARVAN said he objected to the offensive language used by the Premier with regard to the Opposition.

Sir HENRY PARKES: I withdraw any word that was offensive. I hardly know, with my limited command of English, what words to find to express certain things. Unfortunately for me, I cannot speak in any foreign language, and very imperfectly in my own. That is my misfortune. I fail to know where I can look for terms to express what I mean. However, I will come to the real question.

Mr. GARVAN: I demand that the language be withdrawn.

Sir HENRY PARKES: It is withdrawn.

Mr. GARVAN: If it is withdrawn I am quite satisfied.

Sir HENRY PARKES: Unfortunately we are in a very unpleasant situation, and no one would be better pleased to get out of it than I should; but I am quite prepared to fight my way out of it. I do not care whether it takes a week, a fortnight, or a month. I am willing to make any concession that can be made with honor; but I am unfit to hold my present position unless I can direct the business of the country with which the Government is charged. The business which has the highest obligation upon us now is to provide for the civil service; but whether it takes a week or a month, we will not pay a single shilling till we have the authority to do so.

Mr. GARVAN: It is a pity the hon. gentleman was not so solicitous for constitutional procedure when he paid other moneys. [*Opposition cheers*].

Sir HENRY PARKES: I am not altogether unaccustomed to the howls of wolves. That was a most choice expression of parliamentary intelligence. What has anything I may have done to do with what is proposed now? I am proposing to do no unreasonable thing; but I appeal to the very best feelings of hon. members, if they desire to perform the duties which they pledged themselves to the electors of the country to perform, to do their best for the good government of the country, and to assist us to bring this session, which up to a given point was so creditable to the country, and has since then been so dis-

[*Sir Henry Parkes.*

creditable, to a close. We are willing to do anything in our power to bring it to a close; but we will not be tied to the heels of hon. gentlemen opposite, who will do anything whatever not to meet us, and not to meet the exigencies of the country. We want nothing from gentlemen opposite. All we ask is that they should surrender some little of their own will in the interests of the public. Will any man in his senses say that the public interest has been served during the past week? Not one man in a thousand will say that any good has been done by the prolonged talk—for, with two or three exceptions, there has been nothing like debate—for which our days and nights have been consumed through the week. We have fatigued each other, and rendered ourselves unfit for the transaction of business; but we are still alive, and I am as much alive as I have ever been. Whatever any man here can undergo, I can undergo. I can endure any amount of fatigue. I can tire out the strongest of you. If it is to be a tussle of physical endurance —

Mr. GARVAN: That is evidently what the hon. member wants!

Sir HENRY PARKES: We do not desire it. The hon. member who so persistently interrupts me is no authority in this House. Nothing that he has done has stamped upon him any mark of authority.

Mr. GARVAN: He is entitled to his opinion!

Sir HENRY PARKES: I admit that; but he is not more entitled to it than the humblest member of the House.

Mr. GARVAN: That is all I claim!

Sir HENRY PARKES: The hon. member seems to claim a little more. He will hardly allow me to proceed. I am a very insignificant member compared to him. I have not had the advantage of his high accomplishments. I have not had his gifts of nature; but I am entitled to be heard as well as he, and whilst I occupy the position that I do, I carry with it the weight of that position. As we cannot have the assistance of the hon. member, all we ask is that he shall allow us to conduct our business in our own way, and let the Opposition business be conducted in its way. We try to act according to the example set us in other places, and if we cannot proceed on those lines we must do the best we can. We have no offer to

make, and we cannot, I am sorry to say, accept the proposal of the gentlemen opposite.

Mr. SLATTERY: I would ask the Premier if I understood him distinctly that if the sanction of the House is given to the Appropriation Bill he will immediately pay the salaries of the civil servants?

Sir HENRY PARKES: I do not even want to shut out any particular portion of the bill in reference to which hon. members may wish to express their opinions; but I say that the time is past for any prolonged debate, and it is not in the interests of the public or of truth to have any prolonged debate.

Mr. SLATTERY: Does the hon. member say that if he gets the sanction of the House he will authorise the payment of the civil servants?

Sir HENRY PARKES: The position is this: If we were to pay the civil servants without the Appropriation Bill becoming law, we should pay them without the authority of the law; but if this House, which, according to my view of the Constitution, has the sole control of the revenues of the country, by passing that measure will give us its authority, we will not wait for the passing of the bill by the other House, but we will pay the civil servants' salaries.

Mr. SLATTERY: Then, I would point out to hon. members that that sanction has been given by this House already by the passing of the estimates!

The CHAIRMAN: The only persons who are entitled to speak at present are the leader of the Government and the leader of the Opposition.

Mr. SLATTERY: We were gagged this afternoon, but I will not be gagged again. We will fight this out!

The CHAIRMAN: It is usual to extend to the leader of the House and to the leader of the Opposition a privilege which cannot be accorded to every hon. member. The Premier made certain statements, and the leader of the Opposition can also make any explanation if he desires to do so.

Sir HENRY PARKES: I desire to supplement my statement by two or three words. The hon. member says that we have the sanction of the House already —

Mr. SLATTERY: If the hon. member is going to reply to something I said I have not finished!

The CHAIRMAN: Under the circumstances the Premier would do well not to reply to the remarks of the hon. member, otherwise the position which the Chair is seeking to maintain will be upset.

Mr. DIBBS said that he had been anticipated by the hon. member for Boorowa. The honor of the Opposition was at stake as much as that of the Government. Shortly before hon. members retired for refreshments and for a consultation, the Premier asked the House whether he might pay the civil servants.

Sir HENRY PARKES: I did not!

Mr. DIBBS said that he at once, speaking for the Opposition, gave consent as a matter of course to the civil servants being paid, and they would give the Government whatever indemnity they required. Suppose the House passed the Appropriation Bill to-night, it would not be worth the paper it was written on until it was passed by the Legislative Council. The Government would be in no better position with the Appropriation Bill half through than they would be with the promise of both sides of the House that the civil servants should be paid. The Auditor-General could not issue his warrant for the payment of a penny, and his Excellency the Governor could not do it. Where, then, were the Government to get the money, except by taking it from the Treasury against the law? The estimates-in-chief and the additional and supplementary estimates having been passed, the Government had obtained as much of an expression of opinion from the House giving them the right to pay as they would have if the Appropriation Bill were passed. It was of no use, therefore, for the Premier to put the responsibility for the civil servants not being paid upon the shoulders of the Opposition. Nothing that the Premier could get from the House to-night would put the Government in a better position than they were in already. They had the authority of the House which had voted the supplies for the year, and what more did the Premier want? The Government wished to throw the blame upon the Opposition for the non-payment of the civil servants. He admitted that there had been a fight to-day, and that the Opposition had been beaten.

Mr. SLATTERY: No; sold by their own party!

Mr. DIBBS said that the Government must break the law to-morrow if the House passed the Appropriation Bill to-night, and they could do that without the passing of the Appropriation Bill. If any side of the House had a right to feel aggrieved the Opposition had. The Government having won the battle had a right to be generous to their opponents, who were as willing as they were that the civil servants should be paid. The Government should not attempt to force the Opposition down to the grindstone, or to draw them through the mire. The Government had used to-day a power which had never been used before to obtain a money vote, and, having knocked the Opposition down, they desired to jump on them. The Premier wanted to say, "Yes, I will pay the civil servants, but the Opposition will not allow it." The Opposition were not to be intimidated by all the premiers that ever lived, not even if Lord Salisbury sat opposite. If the Premier sat on the Opposition side of the House, and the Opposition were on the Treasury benches, and they had dared to push through the huge amount of Government business that had been pushed through during the last few hours, the hon. member would have made such a disturbance as would almost have taken the roof off the building. No member of the House would have been louder in his declamation and invective against the perfidy of the Government. Let hon. members reason on the matter quietly. The strength of the Opposition was as good as that of the Government, and there was no necessity to exhaust it. The Opposition were willing to close this painful session as soon as they could. They would give the Government the Appropriation Bill when they could fairly discuss the loan estimates.

Sir HENRY PARKES: The matter between us is so simple that it is not necessary for me to make a speech occupying thirty minutes. The speech that we have listened to admits nothing but what we knew perfectly well before. We know that if we were to pay the civil servants we must break the law; we did not need to be told that. If we can pay the civil servants to-morrow, we might have paid them on the first day of the month.

Mr. DIBBS: So you might!

Sir HENRY PARKES: But we happened to think a little differently, and we

[*Mr. Dibbs.*

will neither pay them to-morrow nor on any other day whilst matters remain in their present state. We do not want to interfere with the independence of the Opposition. We do not wish to offer the slightest offence to them. We do not wish to question their right to take any course they choose; but we say this: that if this House, which is the sole authority under the Constitution for the granting of supplies, will grant them in a formal way by passing the Appropriation Bill, it will place us in a very different position.

An HON. MEMBER: Nonsense!

Sir HENRY PARKES: I think I can show that it is not nonsense. The difference is simply this: that if the Appropriation Bill is passed, we shall have the authority of this House in its last stage—in its complete stage, so far as this Assembly is concerned, and this Assembly is the only authority under the Constitution to dispose of public money. The hon. member says, with no support from argument, that we have the estimates, and that they are as good as an appropriation bill.

Mr. SLATTERY: For that purpose, clearly!

Sir HENRY PARKES: I can show clearly that they are not.

Mr. SLATTERY: You say so; but you do not show it!

Sir HENRY PARKES: Whilst we have the estimates those estimates are subject to revision until they are finally stamped with the authority of this House. If the Appropriation Bill were passed, everything that the House is entitled to do would be done. If that is not showing what I contended for, I do not know what can be. When the Appropriation Bill is passed, this House will have exercised its functions, will have done everything that lies in its power to do, and all that will remain to be done will be to get the assent of the other House, which is a formal matter. Any one can see the wide constitutional difference between the one position and the other. We are willing to accept the one condition; we are not willing to accept the other. If the estimates are just as good an authority as the bill itself there can be no objection to pass the bill at once, no reason why it should not be passed in five minutes. There must be something behind all this, and that satisfies us that we should fail in obedience to our obligations if we accepted

the insidious offer that has been made. We make no complaint; but we will not fall into this trap, because if the House were willing to give us authority to pay on the mere passing of the estimates, they would be equally willing to cover the estimates with the semblance of reality as far as this House is concerned by the authority of law.

Mr. SLATTERY moved :

That the Chairman do now leave the chair.

He said that he had not offered any lengthened opposition to any action of the Government during the whole session. He had not been guilty of any disorderly scenes, and he had not encouraged disorder. He had not taken any part in the discussion which had taken place during the week. He protested in the name of everything that was decent against hon. members being kept here for thirty or forty hours on a mere political subterfuge. He remembered when he was one of seven who constituted the Opposition when there were 101 members on the Government side of the House, amongst whom sat Sir John Robertson, one of the most courageous of parliamentarians, and at that time the Opposition were not treated in the way in which they were treated now. He protested against an opposition of the strength, character, and respectability of the present Opposition being treated in the way in which they were treated.

Sir HENRY PARKES : We don't believe that the Opposition concur with you !

Mr. SLATTERY said that he would debate whatever he had to discuss without using any offensive language, no matter how long it might take him. Hon. members who were supposed to enjoy freedom of speech had been gagged that day. They had been betrayed; therefore it was not surprising that they should lose their tempers. If the majority thought they were going to put the Opposition down it would have to be when physical strength was exhausted.

Mr. WOODWARD : Has any one attempted to put the hon. member down ?

Mr. SLATTERY said that no one had ever put him down. He had never fully gone on a wrong course. The Government the other night could not wait to deal with a clause in the Land Bill affecting the free selectors. If they had passed

that they would have had a monument raised to themselves in the hearts of the people. They could not keep Parliament until they had a conference on the amendments in the Land Bill, but they could keep the House sitting for days in order that they might pass a sum of £1,100 for Mr. John Davies. He asked the Premier if there would be any loss of dignity if he allowed this question to be reasonably debated on Monday afternoon ?

Sir HENRY PARKES : We offered to postpone all these things !

Mr. SLATTERY said that the House ought to adjourn, and meet again at 7 o'clock on Monday evening.

Sir HENRY PARKES : We do not ask hon. members to deal with loan estimates now, but we ask them to pass the Appropriation Bill !

Mr. SLATTERY said that the redress of grievances preceded the grant of supplies. He asked whether it was a proper thing, whether it was decent, whether it was patriotic, whether it was in the interests of the public, that £7,000,000 of loan money should be passed without discussion ? He would ask the Premier if he had ever known of a case when an adjournment was refused when the House had been sitting thirty or forty hours ?

Sir HENRY PARKES : Hon. members opposite sat till Sunday morning !

Mr. SLATTERY said they would rather sit till Sunday morning again than allow all these estimates to be passed when they could not be discussed. The House might meet on Monday evening and pass the loan estimates and the Appropriation Bill. When the Premier was in opposition he had his party well in hand, and none of them were ever found voting for the gag. The Premier could at that time depend upon his Opposition; but no one could depend upon the present Opposition. They had been gagged by men sitting on their own side, and who attended the meetings in the Opposition room. Those men ought to be denounced on every platform in the country, and he would not sit in the Opposition room with them again. He did not include in these remarks the hon. member for Camden, Mr. Kidd, who had taken a pronounced view from the first, and the hon. member for The Macleay, Mr. O. O. Dangar. He found no fault with members who took a different

view, and told him that they could not agree with him. Great men in England had changed their opinions, and he would not be surprised if the Premier changed his view, and brought in a proposal, not exactly to adopt a protective policy, but to pass a retaliatory tariff. The hon. gentleman had given a pretty broad hint on the subject when the stock-tax came under his notice. If we were driven to a fight, not a single shilling should be voted to-night. The speech made by the leader of the Opposition was about as conciliatory a speech as had ever been made in suggesting an adjournment, and what was now going on was only waste of time and waste of strength. It was a horrible thing in our public life that any member of the party should sit in the Opposition room, and afterwards betray them. The minority that feared to face a majority should not be in Parliament.

Mr. BRUCE SMITH : The hon. member is fighting the majority of his own party !

Mr. SLATTERY said he was fighting with his leader. He suggested in a friendly way that the Government should not use their strength, but should consent to an adjournment. Let us go home in peace, and return on Monday, and then we could pass the loan estimates and the Appropriation Bill without any irritation, annoyance, or ill-feeling. Suppose to-night, by some means or other, hon. members on the Opposition benches could be gagged, it would do no good. They would have to meet the Government and their supporters next session, within the next few weeks ; and he hoped that nothing would be done now to create any ill-feeling. Though exhausted, we were now asked to pass an appropriation bill, after a sitting of forty hours. He protested against this, and suggested that the Government should show their strength and their magnanimity by letting us all go home.

Mr. GARVAN said that if there were any tactics in Parliament to which he had during all his career been decidedly antagonistic they were such as savoured of stonewalling.

Mr. BRUCE SMITH : I have heard the hon. member express great regard for the decisions of the majority !

Mr. GARVAN : Exactly ; and I am dealing with that feature now.

Mr. BRUCE SMITH : Only now !

[*Mr. Slattery.*

Mr. GARVAN said it was not fair to say that. Ever since he had been in Parliament he had given anxious study to the matter now before the House.

Mr. HAWKEN : Hon. members are very sorry that they have all been outwitted to-day !

Mr. GARVAN said the interjection was uncalled for, and was not applicable to him. Why he was of opinion that it was desirable that the Chairman should be moved out of the chair was because of the importance of the proposals now before Parliament. The loan estimates before us now contained elements of absolute error, which it was most inadvisable that Parliament should sanction. In the worn-out state of the House now, it was impossible to do anything like ordinary justice to the subject.

Mr. BRUCE SMITH rose to order. Was the hon. member in order in practically imputing to members of this House incapacity to legislate, for the hon. member was practically saying that the legislation honestly before the Chamber was incapable of being dealt with by hon. members in their present condition ? Although he had missed one night's sleep, he was just as intelligent as ever he was in the whole course of his life. The hon. member practically said that the large majority of Ministerial supporters now in the Chamber were unfit to conduct the business before the Committee. In whatever condition the hon. member might be, he had no right to reflect on other hon. members. He was sure that people outside the walls of the Chamber would say that a reflection of that sort—sincere as it might be from the hon. member's point of view—did not justify the course which he and the minority of his party were taking to-night in stopping the business of the country and in delaying the prorogation of Parliament. But people outside the House would say that there were thirty or forty members of the Ministerial party in the House to-night ready and willing to work.

Mr. CRUICKSHANK : They are all asleep !

Mr. BRUCE SMITH : They have been put to sleep by the twaddle spoken by a member on the opposite side of the House.

Mr. GARVAN : I rise to order, and ask is the hon. member addressing the Chair on the point of order ?

The CHAIRMAN: The hon. member is certainly travelling away from the point of order. When the hon. member takes a point of order, he is bound to argue that alone. He is now going far away from it.

Mr. BRUCE SMITH said the point of order he put before the House was that the hon. member for Eden, Mr. Garvan, in imputing to hon. members on the Ministerial side an incapacity to deal with this matter, was practically out of order in reflecting upon their legislative competence.

Mr. GARVAN expressed his surprise that such a point of order had been submitted. It was perfectly competent for him to speak of the feelings he himself experienced; and he contended that he was perfectly in order in attributing them to any hon. member of the House. It was perfectly consistent, and was within his right to suppose that hon. members, who had not had their proper and reasonable rest, were not as competent to deal with the matters brought before them as they would be if they had had their natural and proper rest. This was one of those points of order which might lead to a great deal of disorder; and he certainly was not going to lend his assistance to anything that would lead to the accomplishment of such an object.

The CHAIRMAN: The point of order taken with reference to the remarks of the hon. member for Eden must be greatly governed by the circumstances under which the remark was made. The hon. member would be absolutely in order in saying anything as to his own incapacity to legislate for want of rest; but in the strict sense of the word, he was not in order in imputing incapacity to other hon. members. At the same time, the expression is one which has been used as long as I can remember, and one that has been very common with hon. members, especially after protracted sittings of the Chamber. The hon. member for The Glebe having called attention to it the rule of Parliament must be applied; and the hon. member for Eden will understand that in the strict sense the expression as applied to others is out of order.

Mr. GARVAN was only desirous of showing in as reasonable a manner as he could that in the best interests of legislation at the present time, and in the interests of fair play in dealing with new business—for

it was unquestionably new business of extreme importance that was now being submitted—the Chairman should now leave the chair. Even the words of the leader of the Government showed that the business was of such a character that it was not proper to deal with it in the present state of the House. He would be prepared to discuss the Appropriation Bill, but he was arguing against the wisdom of pressing on the loan estimates now.

Mr. BRUNKER: We do not want to go on with them!

Mr. GARVAN said that if the Government did not want to go on with them, the proper course was to move the Chairman out of the chair.

Mr. S. SMITH: We do not want to go on with them either, as long as the hon. member will let us go on with the Appropriation Bill!

Mr. GARVAN said he could make no compact at all; but he would stop speaking if the Government intended not to go on with the loan estimates.

Mr. BRUCE SMITH: The hon. member may, perhaps, adopt the same tactics in reference to the Appropriation Bill!

Mr. GARVAN said that his object in stopping here to-night was to debate the loan estimates. He was anxious to deal with the matter in the very best spirit. He was only contending what the Government seem to admit, that it was not desirable to go on with the loan estimates at this late hour of the night.

Mr. S. SMITH: We have admitted that all along!

Mr. BRUCE SMITH: I hope that the hon. member will not sit down under the impression that they are going to be withdrawn!

Mr. GARVAN could not understand ministers at all. He was requested not to sit down under the impression that the estimates were going to be withdrawn; but when he contended that they ought to be withdrawn he was told that that was the opinion of the Ministry.

Mr. BRUNKER: We stated nearly two hours ago that the desire of the Government was to go on with the Appropriation Bill so that the payment of the civil servants should be provided for, and that the loan estimates should be proceeded with on Monday.

Mr. GARVAN: Why not go on with the Appropriation Bill?

Mr. BRUNKE: Because of obstruction!

Mr. GARVAN: If the Government did not wish to press on the estimates, and would prefer to go on with the Appropriation Bill, he certainly would not delay the Committee for one moment. It was most unreasonable and unfair that he should be twitted with pursuing any such course of conduct. Any action he had taken while the Government had been in office never warranted any imputation of that kind.

Mr. BRUCE SMITH said that in the early part of the evening it was proposed that the Opposition should consent to the Appropriation Bill going through this evening, and that the loan estimates should stand over, and in pursuance of that proposition he believed—in fact he knew—that half an hour's interval was allowed to discuss the matter. He believed that the Opposition did discuss the matter, and he thought he was within the mark in saying that they determined to adopt the course suggested by the head of the Government.

Mr. GARVAN: The hon. member has been misinformed, for I was present and can state that from my own knowledge!

Mr. BRUCE SMITH believed that the Government were perfectly willing to postpone the loan estimates and go on with the Appropriation Bill.

Mr. CRUICKSHANK thought that at this late hour we should adjourn.

Mr. BRUNKE: And deprive the civil servants of their money!

Mr. CRUICKSHANK said his side of the House were perfectly willing to grant the civil servants their money. When the late Government was in office, and the Opposition refused to allow them to pay the civil servants, they took the responsibility upon themselves and paid the civil servants. He believed that the Appropriation Bill was very likely to pass with very little discussion; but, at the same time, he was not prepared for new business to be brought on after 1 o'clock in the morning after this long sitting, and after we had been sitting here, night after night, discussing the matter referring to Mr. John Davies, and the additional estimates generally. The Government could gain nothing by insisting upon going on with this business to-night. He wanted to know what the Government were going to do?

[Mr. Garvan.

Mr. McMILLAN: After we pass the Appropriation Bill we are going to adjourn. The civil servants will then be paid, and there will be no necessity to meet on Monday night; and it will be better to adjourn till Tuesday.

Mr. CRUICKSHANK thought it would be better to adjourn now till Monday, when we could take up the Appropriation Bill and go through with it without much discussion.

Mr. SLATTERY said that as far as he could gather hon. members on the Opposition side of the House did not wish to cause any irritation or annoyance; but some irritation had been felt by them because they thought they were not being fairly treated, not by the Government, but by some members of their own party. Personally he had felt irritated, because he was associated with gentlemen whom he could not trust. When he spoke about half an hour since he was certainly labouring under a strong feeling of the act of injustice committed by some hon. members sitting on his side of the House. However, on reconsideration, he was bound to say he did not think they had any right to punish the Government for that. He did not think he had any right to prolong the debate, and give annoyance to hon. gentlemen who had done no wrong. The wrong had been done by hon. gentlemen who had gone home; but he would meet them elsewhere. In regard to estimates, he always looked upon it as the correct principle that hon. members should, as a rule, and unless there was some well-grounded reason why they should not, vote for the estimates of the Government. He fully agreed that increases of salary and matters of that kind were departmental matters, and that ministers should be supported in the course they took.

Progress reported.

Resolutions of Committee of Supply, Nos. 8 to 217, reported and agreed to.

ARREST OF MR. CRICK.

Mr. SPEAKER: I have to report to the House that a warrant which I issued on a resolution passed at this sitting of the House, has been put into execution, and that the hon. member for West Macquarie is now in the custody of the Serjeant-at-Arms, awaiting the pleasure of the House.

Mr. DIBBS: I believe I shall express the opinion of every man in this House when I refer to the deplorable proceedings which occurred this afternoon in regard to which the hon. member for West Macquarie was the unfortunate transgressor. Not one word can be said on the hon. member's behalf. The conduct of the hon. member in using the strong expression to which he gave utterance cannot, so far as the honor of this House is concerned, be extenuated. Every one in the House must deplore the unhappy circumstance which occurred this afternoon. Speaking on behalf of those who are on this side of the House, I extremely regret to say that we have not one word to say in support of the hon. member's conduct.

Mr. HAYNES: Why did not the hon. member stop him earlier?

Mr. DIBBS: Unfortunately I have about as much command over some of my wild colts as the Premier has over his. We must all deplore the occurrence. There are, unfortunately, organisations which brook little or no restraint, and there are minds which, under the heat and excitement of events such as those which occurred this afternoon, are not easily balanced or restrained, and which under such excitement give way to such an extent that the honor of this House has to suffer. So strong has been the feeling of the Opposition in regard to this matter that, when the question was put by you, Mr. Speaker, there was no voice raised in favour of the hon. member for West Macquarie. The motion went on the voices. The hon. member for West Macquarie has been a prisoner within the walls of this House for some hours. This is not the place in which to keep a prisoner confined, and I therefore intend to move:

That the hon. member for West Macquarie, Mr. Crick, be discharged from the custody of the Serjeant-at-Arms upon making due acknowledgment of his duty and upon making a humble apology to this House.

I desire to say one or two words with regard to the closing session. Whatever our differences may have been, there have been in this session fewer acts of disorder than have occurred in any previous session for several years. Nothing but the long weary hours, and an excitable temperament like that of the hon. gentleman of whom I am speaking, could have induced him to

commit so gross a breach of the privileges of the House. I am certain there is no member of the Government or of the House who will not make full allowance for the peculiar temperament and character of the hon. gentleman. I am perfectly certain that from the head of the Government downwards, however much what has taken place may be deplored, there is no desire on their part to press to a greater length the punishment which has been accorded to the hon. member. Being a man of a keenly sensitive mind, he has already suffered considerably, and he has expressed to me his contrition for what has taken place, and his desire to appear before the House to make a suitable apology.

Sir HENRY PARKES: Before this resolution is submitted, I would ask whether it is expected that I should say anything?

Mr. DIBBS: I hope the hon. gentleman will see his way to do so. If the head of the Government will extend his clemency to the prisoner, I shall only be too glad to give way to allow him to speak. Do I understand that it is the wish of the leader of the Government to do so?

Sir HENRY PARKES: I do not exactly see my way, because the hon. member has taken the initiative!

Mr. DIBBS: Only in the absence of the hon. member's colleague from the Chamber. I can do no more than I have done.

Sir HENRY PARKES: I presume I am quite in order in expressing the views I entertain at this stage of the proceedings.

Mr. SPEAKER: The hon. member will not be strictly in order, because there is no question before the House; but if the House desires to hear the hon. member—and perhaps it will suit the convenience of hon. members to hear him—there can be no objection on the part of the Chair.

Sir HENRY PARKES: Mr. Speaker, I think hon. gentlemen on all sides must be aware that I am placed in a very delicate position in expressing any opinion as to the course which ought to be taken, because it seems to me that if any fair consideration is given to all the circumstances, it will be seen that they are of a nature unparalleled in any knowledge of which we have possession. The hon. member for West Macquarie is a young man—I understand so young that he is not more than 25 or 26 years of age. He has been in this House six months. He has certainly,

during those six months, been more conspicuous for interruptions, and for insolent observations than any man that ever sat in this House during his first six months. So far as I am concerned, if members are at all disposed to be just, they must have observed that I, being the oldest member of the House, have never lost an opportunity of trying to express a friendly sentiment towards this gentleman. I have always thought it was my duty, and I hope I may say my privilege, to speak kindly to young members, and those who have observed my conduct in the House, if they are disposed to do me justice, must acknowledge that I have seldom lost an opportunity of doing it. And in the case of the hon. member for West Macquarie, I can say sincerely that I have never resented any affront he has put upon me, and I have never lost an opportunity of trying to give expression to a friendly feeling towards him. Notwithstanding that, he has appeared to glory in insulting me. He appeared to make it a special glory to insult me, even on account of my old age. There may be minds in this Assembly that relish that sort of thing.

HON. MEMBERS: No, no!

Sir HENRY PARKES: But that has been the fact. I mention it to show how peculiar my position is in regard to the hon. gentleman. For these reasons I have abstained from performing my proper functions in this House in all that related to him, and I have asked my hon. colleague, the Colonial Treasurer, to take my place in leading the House in everything that appertained to him. Having tried thus to explain the painfully delicate position I hold in relation to him, I now freely express the opinion I entertain of the course he has pursued. Assuming that he was my son—and my son sat in this House without discredit—if he were my son, and had done what the hon. member for West Macquarie has done, I should say that the House would fail in its duty if it interfered at this time. The offence is so great, so utterly destructive of parliamentary government, that I think we should entirely forget all that is due to us if we interfered at this time. Why, the hon. member for West Macquarie has done his utmost to blacken the whole character of Parliament. I heard him with my own ears, scarcely believing my senses, stand

[*Sir Henry Parkes.*

here and declare that we had looted the Treasury, that we ought to tear up the Audit Act, and plunder the Treasury, asking us in the most insolent terms, whether we were going to divide this £1,100 between us. I heard him, standing there, call persons sitting on this side of the House—many of them estimable gentlemen—public robbers. I saw him rise to his feet and gesticulate in the most offensive manner before them, and charge them with robbing the public Treasury, and if an offence of any kind can exceed that, my reasoning faculties do not give me the power of estimating that offence. Sir, the proper punishment for this conduct is expulsion.

HON. MEMBERS: Hear, hear!

Sir HENRY PARKES: And no reasoning person in this community would complain if the motion made had been to expel him. If it were my son, and if he had committed this offence, I would not raise up my hand to prevent his expulsion, and, as I have said, my son sat in this House with credit. Well, in that case, however mercifully we may be disposed, is this the time to interfere—unless you want to proclaim to the world that your forms of parliamentary law are a mockery and a scandal? I say that you cannot with propriety interfere, because the course of action taken has been that this gentleman has been committed by Mr. Speaker's warrant to the custody of the Serjeant-at-Arms, and certainly there will be time enough to consider the extension of clemency to him before this session is closed. I have nothing more to say. We cannot interfere.

Mr. DIBBS: After the cold-blooded and unfeeling remarks of the Premier I shall move a motion for the release of the prisoner, and I shall do so for the purpose of replying to the speech of the hon. member who has just down. I can scarcely find words to reply to that speech, but I will tell the hon. member that if that stern sense of justice which he proposes to mete out to a young man like the hon. member for West Macquarie, without the age and experience of himself,—

Sir HENRY PARKES: What is to be said of an old man like me? Am I not entitled to consideration? Is not old age entitled to consideration?

Mr. SPEAKER: Order.

Mr. DIBBS : Yes, old age is entitled to consideration and respect, and it would ill become me to say it is not. I tell the hon. member, on the motion I am moving, that the mercy and consideration I have asked for has been shown in this House to him.

Sir HENRY PARKES : I scorn the imputation !

Mr. SPEAKER : Order. The hon. member will have an opportunity of replying to what is now being stated.

Sir HENRY PARKES : Mercy ! Mercy from you !

Mr. DIBBS : I wish the hon. member would restrain himself. I say that mercy and consideration have been shown by this House to him on more occasions than one when language more coarse, language more brutal —

Sir HENRY PARKES : Never !

Mr. DIBBS : And when language more indiscreet was used by the hon. member to a gentleman his equal in social standing and a leader of this House. There was not then that hounding down, that thirsting after blood, that thirsting after punishment, and that want of mercy and consideration now shown by the hon. member, who has had mercy and kindness shown to him in no ordinary degree. I say that the speech which we have just heard delivered by the Premier—that thirsting for blood and punishment, is unworthy of his age, is unworthy of his position, and of the high office he holds as the leader of the House. The remarkable thing in connection with this matter is this : Your own memory, Mr. Speaker, will carry you back to a time, not three years ago, when a scene of greater turmoil than took place to-day, occurred within the walls of this Chamber ; and in regard to which the chief offender against the dignity of Parliament, and against the propriety of language, was the present Premier, who described his opponent, the leader of this House, in language the like of which I have never yet heard used here—not even by the unfortunate hon. member for West Macquarie—language which would make any one blush to think that old age should be permitted to make use of it. But what did the House do on that occasion ? Was there any attempt to confine the hon. gentleman for the irritability of temper he displayed, and which arose under precisely similar circumstances to

those under which the disturbance of to-day took place ? There had been on that occasion an all-night sitting, and there had been the excitement of the immediately preceding debate. There probably had been other excitements, freely used, which tended to disturb the mind of the hon. gentleman I am speaking of ; and that hon. gentleman was the head of the present Government ; and I repeat again that he used language which would ill become the most vile in our public streets.

Sir HENRY PARKES : What language did he use ?

Mr. DIBBS : I will not soil my lips by repeating it.

Sir HENRY PARKES : Because the hon. gentleman cannot !

Mr. DIBBS : If the hon. gentleman has forgotten the language, it is to be regretted that he has a failing memory ; but there are men in this Chamber who heard the language.

Sir HENRY PARKES : Never !

Mr. DIBBS : There are men here who heard the language, and it was language which would bring the blush of shame much more readily than anything which we have heard during this debate.

Mr. HAWKEN : Why is the hon. member always dragging up dead men's bones ?

Mr. SPEAKER : Order.

Mr. DIBBS : If this is the order which comes from the Government side of the House, I may be tempted to use language which will not be parliamentary. I tell the hon. member that when I appealed to the House on behalf of the hon. member for West Macquarie, I expected to receive from the leader of the House an expression of willingness to extend mercy and grace to a youth, especially as the hon. the Premier has required even greater mercy to be extended to him. Mr. Speaker, since you have been in that chair I have heard, when heated discussions have taken place, rougher language, and have witnessed more violent scenes, than anything which has occurred to-night.

Mr. BRUNKER : I have never heard such language in this House before !

Mr. DIBBS : I have heard worse from the hon. member's leader.

HON MEMBERS : No !

Mr. DIBBS : I hear members exclaim—"no," who were not even in political life when this thing took place.

Mr. BRUNKER : I never heard worse language used anywhere !

Mr. DIBBS : This occurred three years ago, in this House.

Mr. BRUNKER : I am not talking simply about this House ; I am saying I never heard worse language used anywhere !

Mr. DIBBS : I am glad the hon. member has always been in such a position. I know the hon. member has always moved outside the lower circles of society, and has not had the opportunity of hearing the language which came from the lips of his chief.

Sir HENRY PARKES : I defy the hon. member to bring forward the language. He cannot do it !

Mr. DIBBS : I can bring it forward, and I say it was used against a gentleman more than the hon. member's equal. I heard the language used.

Sir HENRY PARKES : What language ?

Mr. DIBBS : Language which would not be used by the lowest strumpet on the streets of Sydney.

Sir HENRY PARKES : It is untrue !

Mr. DIBBS : Language the like of which you would not hear in the back slums of London.

Mr. GARRARD : It is not true !

Mr. DIBBS : Is the hon. member in order in interrupting my statement in that way ?

Mr. SPEAKER : If the hon. member for Balmain makes any statement reflecting on another hon. member's truthfulness, he is of course disorderly. I imagine, however, that there was no imputation on the hon. member's truthfulness. I will call on the hon. member who used the expression to explain.

Mr. GARRARD : What I say is that what the hon. member is now stating is not in accordance with facts.

Mr. DIBBS : The hon. member has allowed himself great parliamentary scope, and I have no objection, if he likes to make the statement, that he should do so. I think there are gentlemen on this side of the House whose personal character is equal to that of the hon. member, who will affirm what I say. I say that no such language was ever used in any parliament in the world.

AN HON. MEMBER : What have we to do with that to-night ?

[*Mr. Dibbs.*

Mr. DIBBS : We have this to do with it. We have heard a cold-blooded, pitiless speech from an hon. member to whom mercy has been extended in days gone by, and who ought to have added to his dignity by condemning, as he could, in powerful language, what has taken place to-day.

Mr. McMILLAN : The Premier desired nothing but fair play, and the hon. member has no right to use this irritating language !

Sir HENRY PARKES : He has consumed his life in doing that—particularly during the last two weeks, in insulting myself and other members !

Mr. DIBBS : I repeat again that it would have added to the dignity, grace, and position of the Premier to have pardoned the sins of this young man, especially in view of the lively recollection of the pardon and of the forgiveness of the House in regard to the grosser conduct of the hon. gentleman himself.

Sir HENRY PARKES : I never stood in need of pardon !

Mr. DIBBS : But the hon. member has stood in need of mercy and forgiveness, and has had it extended to him.

Sir HENRY PARKES : Never !

Mr. DIBBS : Well, all I ask now is this : You have the man in custody ; keep him there ; gloat over his misfortune ; enjoy the misery which a misguided youth has brought upon himself ; torture him by keeping him in custody.

Sir HENRY PARKES : Does the hon. member mean to insult me ?

Mr. DIBBS : Am I to be interrupted in the discharge of my duty ?

Sir HENRY PARKES : The hon. gentleman has no right to insult me !

Mr. DIBBS : I am not doing it by way of insult.

Mr. GARRARD : It is deliberately an insult !

Mr. PAUL : And most persistently, in my opinion !

Mr. DIBBS : I am afraid the hon. member's opinion does not go for much. The hon. member who makes use of that statement is not aware of the language his chief has used without half the provocation.

Mr. HAWKEN : The Premier never used it. What has this to do with the question ?

Mr. DIBBS : It has this to do with the question : that I am appealing on behalf of a young man for consideration to be shown him by those who have been shown consideration in the past. I am asking that a generous position should be taken up in regard to the hon. member under restraint. I will test the House, and I will see how far the House will go with the Premier in those cold-blooded expressions which he has used.

Sir HENRY PARKES : It is a shame to say that of me!

Mr. DIBBS : I shall move the resolution, and leave the House to take any course it thinks proper. I move it for the purpose of testing what is the honor and generosity of the House ; of testing whether the House will or will not approve of the sentiments uttered by the Premier to-night. I will leave it to the House to decide. I am afraid my hon. friend, the member for West Macquarie, has a poor chance of having very much mercy shown to him, though he may have very much justice. I think if we could have some modified form of punishment applied to hon. members who will not allow one to speak without interruption, it would be as well. I deplore the circumstances which have occurred to-day. I condemn the offender in measured terms, and I would not, under ordinary circumstances, have dared to raise my voice to remove him from the punishment he deserves. It is my duty to make that admission. I do not raise my voice in any way to prevent him from receiving the punishment his conduct deserves ; but I contend, in consideration of his youth, and the peculiar circumstances of the case—circumstances of no ordinary character, and circumstances which will be remembered in the history of this colony for many a long day—that the House has a right to take a generous and merciful view of the case. I leave hon. members to say whether they are willing to extend mercy and consideration. Perhaps like mercy and consideration may be asked on some future occasion for one or other of themselves.

Question proposed.

Mr. SEAVER : I certainly may, in all fairness, be considered by this House as one who has always taken a manly course in this Assembly, and who has endeavoured to see injustice done to no man. But in

listening to the words of the leader of the Opposition, applied to the leader of the House, I can clearly see that that language must be applied to me and others who will assist the Premier in opposing the motion which has been proposed. This Assembly is not fit for any gentleman who has any sense of manliness in him to sit in, if he is to be subjected at every moment to the insults which are cast, without hesitation, upon any member who attempts to cross the purposes of the hon. member now in custody.

Sir HENRY PARKES : Hear, hear !

Mr. SEAVER : The leader of the Opposition has referred to something said or done by the hon. member for West Macquarie in a moment of excitement. I would like to ask whether that hon. gentleman has not over and over again insulted members of the House? I certainly am not one of those who have come under his insulting remarks ; but I do not know the moment when I may be subjected to an insult from him, an insult which, if it occurred outside the Assembly, I would at once resent by personal punishment. I feel certain that I could not stand what I have seen other members stand from that hon. gentleman. My temper would be too much for it. The hon. gentleman is a disgrace to the Assembly, and if my vote would expel him from Parliament I would give it against him.

An HON. MEMBER : And many others, too !

Mr. DIBBS : I wish the hon. member had his brains !

Sir HENRY PARKES : That shows the spirit in which this matter is dealt with. He has got his courage, at all events !

Mr. SEAVER : A man might have brains ; and I, for one, do not wish to insinuate for a moment that the hon. member has not brains and ability ; but have not men with the best of brains and ability made the worst use of them ?

Mr. DIBBS : As instanced to-night on the right-hand side of the House !

Mr. SEAVER : I am surprised to see hon. members taking the part of the hon. member for West Macquarie.

Mr. DIBBS : They have not taken his part. I condemn his conduct !

Mr. SEAVER : I should like to ask whether the instance in regard to which the hon. member for West Macquarie has

been placed in custody is the only instance in which the House has been insulted?

Mr. DIBBS: The House is not trying him for that, or condemning him, I hope!

Mr. SLATTERY: I hope that the House understands sufficiently what is the usual practice in judging of the conduct of any one who has offended. It is not to be supposed that the House is to punish for more than one offence. The worst criminal in the country may have been convicted of the highest crimes a hundred times over, but that fact is unknown to the jury when he is put upon his trial; and if that is the law in regard to the trial of a criminal, surely, in regard to one of our fellow-members, we should not be less generous. I wish to say at once that I entirely disapprove of the conduct of the hon. member for West Macquarie. No hon. member could possibly find a particle of justification for his conduct. Let us, however, be just in considering his case, and let us look at the whole of the surrounding circumstances. What were those circumstances? The hon. member for West Macquarie was in possession of the Chair, and he was going to deliver a speech. He was about to deliver an attack on the head of the Government. I did all in my power—which I regret to say was very little—and I know the leader of the Opposition also did all in his power, to prevent him from making this attack at what we considered to be an improper time.

Mr. DIBBS: He had consented to withhold it!

Mr. SLATTERY: The leader of the Opposition, of course, had more control over him than I had. The hon. member for West Macquarie was in possession of the Chair at the time, and was entitled, therefore, to debate the amendment. What took place? I went across to him, and my hon. friend also went across to him, and we suggested that he should sit down, that the amendment should be put on the voices, and that he would be heard when the right motion was brought on. Did that not take place? But then the hon. member was tricked—I do not say wilfully—in this way. When the original question was put, the hon. member for West Macquarie rose in his place and addressed the Chairman. The hon. member for Mudgee (Mr. Haynes) rose at the

[*Mr. Seaver.*

same time, and moved that the question be now put. That is known as the gag. It is necessary that forty members should vote in favour of that motion before it can be put into effect, and there were forty-three members who voted for it, including three members whom we had reason to believe would vote on our side. Those three members were the hon. member for Bourke (Mr. Waddell), the hon. member for Sturt (Mr. W. Brown), and the hon. member for Wilcannia (Mr. Dickens). Those three hon. members stated that they were opposed to the payment of the item on the estimates to Mr. Davies, and yet they actually went over to gag their own party. Human nature is weak, and in a moment of excitement it is liable to commit error. The best, and the most experienced, and the calmest are liable to error; but here was a young man, new to public life, full of fight, full of power, and seeing himself tricked out of a speech by these three members, he used language which I very much regret he did use.

Mr. BRUCE SMITH: Not to them though; but to the Premier!

Mr. SLATTERY: Other language may have been used; but the only language I heard was addressed to the hon. member for Mudgee. That language was such as should not have been used towards any member of this House.

Mr. DIBBS: Hear, hear!

Mr. SLATTERY: I left the Chamber, and I do not know whether any other language was used; but I heard language from behind the Chair which I have never heard the hon. member for West Macquarie use before. I am bound to say that I have taken a warm interest in the hon. member's career. It is only within the last few years that the hon. member, as a young man, came from the back blocks outside Dubbo, where he was tending sheep upon the selection held by his father. This young gentleman came to town to attend a conference. This was six or seven years ago, and at time I do not think he was 20 years of age. And yet he came down as the representative of the free selectors of Dubbo, and he showed so much ability that my hon. friend and partner, who is now a member of the Upper House, thought that if anything could be done for so able a young man, it should be done. My partner suggested to

me that it would be advisable for us to do something for him, and we did it. I deeply regret that the hon. member for West Macquarie, in his public career, has not tried to imitate Mr. Heydon and myself; but I will say this in justification, that he was with us about four years, and during the whole of that time we never once had to correct him or call him to order for any misconduct. The hon. member, however, appears on the floor of the House in quite a different capacity to that in which he appears elsewhere. He is a man of remarkable ability. In my judgment he is one of the ablest young men in this country. He is full of ability and full of courage, and he only wants what I should like him to have, and which I hope he will get, and that is a little more veneration.

Sir HENRY PARKES: A little more?

Mr. SLATTERY: I say that he ought to have more veneration and respect for those with whom he comes in contact in discussions on public affairs. I will ask the head of the Government why not accept the suggestion which has been made for his release? What will you do with him? Keep him here until Tuesday, and you make him a martyr and a hero. Take his right of speech away, let it be known that he was dragged out of the House, and he will go before the public and say he was fighting for the people's money, and that he was tricked out of his right of speech.

Sir HENRY PARKES: According to the hon. member, he was tricked out of uttering a libel!

Mr. SLATTERY: I am pleased that it was so. I think it is a terrible thing, in connection with our public life, that we cannot meet and debate like gentlemen. I could understand a logical position being taken up by hon. members in moving that the hon. member for West Macquarie be expelled. That would be logical, and that would be a punishment; but the punishment now proposed will be no punishment at all. I could understand punishment of the kind proposed being inflicted upon the Secretary for Public Works.

Sir HENRY PARKES: Or on me!

Mr. SLATTERY: Yes, or on the hon. gentleman at the head of the Government.

Sir HENRY PARKES: It would be more appropriate then, would it not? It would give the hon. member intense pleasure!

Mr. SLATTERY: The hon. gentleman at the head of the Government knows that I have always been able to hold my own with him in every way in official life and in public life. When the hon. member suggests that I wish any wrong to him, I would ask him if I have ever said a word which can be considered as offensive to him during the last nine years?

Sir HENRY PARKES: The hon. member has never lost the opportunity of wronging me if he could!

Mr. SLATTERY: I never did any wrong to the hon. member in any way whatever. Let the hon. member not ask me to say anything about the case.

Sir HENRY PARKES: Let the hon. member say what he has to say!

Mr. SLATTERY: I do not want to say it. Any wrong I have done the hon. member has not been as a public man. The hon. member may imagine I have done him wrong; but what I have done was in the performance of my professional duty, and no more. I challenge any man in this country to say I have ever said a word which was wrong against the hon. member.

Sir HENRY PARKES: I know the hon. member has!

Mr. SLATTERY: I never have.

Sir HENRY PARKES: I know he has!

Mr. SLATTERY: The hon. member may know what he likes; but my word is as good as his to any man in this country. My hon. friend, the Postmaster-General, was associated with me in opposition for years. He walked home with me, night after night, and I could call him and put him in the witness-box to prove that, whenever I have opposed the hon. member, I have opposed him as a public man, and have not slandered him behind his back.

Sir HENRY PARKES: I do not believe it!

Mr. SLATTERY: What does the hon. member say? My word against the hon. member's! Who would take his word against mine? This matter is being turned into a farce. It is a complete farce to issue a warrant against the hon. member for West Macquarie and to keep him in custody until the prorogation of Parliament takes place. The prorogation must take place in a few days, and he is a member of Parliament still. Impose punish-

ment upon him, if you like. Have the courage to do it. Be courageous for once, and move his expulsion.

MR. BRUCE SMITH : I rise to a point of order. It appears to me that all through this debate the hon. member is in a quiet way imputing a motive to those who may happen to differ with him as to the course which should be taken upon this motion. It appears to me that this is a motion upon which there should be allowed great freedom of thought and expression. One set of members who have been intimately associated with the hon. member for West Macquarie may think that he should be treated more leniently than hon. members who have been opposed to him.

MR. SLATTERY : What is the point of order ?

MR. BRUCE SMITH : The point of order is that the hon. member is attributing motives to those who appear to be differing from him on this side of the House. The hon. member said, "Do not be cowards for once."

MR. SLATTERY : I said, "Be courageous for once" !

MR. BRUCE SMITH : The hon. member has no right whatever to find fault with the view we are likely to take upon this question. The hon. member can express his own opinions ; but surely he will give us liberty to hold our opinions. To attribute to us want of courage is —

MR. SPEAKER : I do not think the hon. member has exceeded the liberty of debate. I do not understand him to attribute motives, but simply to ask hon. members opposite to take a certain course.

MR. SLATTERY : If the head of the Government thinks I have done an injustice to him, it is unknown to me. If any one has slandered me to him, he knows that neither I nor any one belonging to me wants anything from him or any other member of the Administration. I am not cringing to the hon. gentleman. I am only speaking in justification of my position.

SIR HENRY PARKES : I simply want to know nothing about the hon. member !

MR. SLATTERY : The hon. member said that someone had communicated to him that I had done some wrong to him.

SIR HENRY PARKES : Oh, dozens of people !

[*Mr. Slattery.*]

MR. SLATTERY : I say again and again that, never behind the hon. member's back, but on the hustings during my election, I have argued against him only as a public man, and in no other way. I have never done anything against him excepting as a public man ; and surely he is public property, and I am entitled to deal with him. If any one has told him that I have said behind his back what I would not say before his face, I say they are slanderers—they have not told him the truth, and they had an object in view, which, of course, is entirely unworthy. The punishment of the hon. member for West Macquarie is no punishment at all. No doubt punishment of that kind would be a serious punishment to the head of the Government, or to members of his Administration, or other members of the House. I do not think I myself would feel anything more keenly than that I, by the vote of the House, should be given into the custody of the Serjeant-at-Arms. The hon. member for West Macquarie will not feel that. If you desire to punish him, do not keep him about the House. He is living here in luxury, having everything he can desire. He has all the comforts of civilisation here. There is no punishment, and there is not even deprivation of ordinary liberty. If you are going to punish him at all, expel him, and send him before his constituents.

HON. MEMBERS : Hear, hear !

MR. SLATTERY : His election or rejection is a matter for their consideration. We may rest assured that however much the hon. member for West Macquarie may be opposed, he will obtain a seat in Parliament in spite of us.

MR. HAYNES : That is an insult to the country !

MR. SLATTERY : The hon. member for West Macquarie, with his undoubted ability and determination, and with his great combative power, could not be kept out. If the hon. member would only debate as a debater, and be respectful to those to whom he should be respectful, he would have as fine a public career before him as any man who has yet entered this Chamber. He would occupy by his ability a high position in this country. Nothing could keep him from it. But what are we doing now ? We know that he is utterly wrong, and no one can de-

fend him. Keep him here until Tuesday, and he will be a perfect hero. Cases have occurred before, unfortunately, in which men who had the respect and confidence of the people of the country, and who were esteemed by both houses of Parliament, have forgotten themselves in a moment of heat. They have been given into the custody of the Serjeant-at-Arms, but they have been discharged immediately the suggestion has been made, and when the discharge was accompanied by an expression of apology for having uttered offensive words. Up to now no one can defend the hon. member for West Macquarie. I do not defend him, but next Tuesday thousands will defend him. You will have the whole of the country defending him. He is by far the youngest man in the House, and we know that the people of this country lean greatly to a man of ability, who is young. They will ask, why is this young man to be punished because during six months he has once overstepped the ordinary rules of debate? Is he to be punished because, in a moment of excitement unparalleled in the history of this country, and after debating here all night and all day he breaks through the recognised rules of debate? The excitement is unparalleled in our history, and the people will say, considering his age and his ability, Parliament having detained him in the custody of the serjeant for several hours, ought to have released him. I would say do not keep him here until the prorogation of Parliament. If you were to expel him you would take up a strong and logical position. The hon. gentleman at the head of the Government mentioned that he had a son who had sat in this Parliament. I say that his son would be an honor to any parliament, for he is a man of the very highest character. If the Premier would expel his own son under similar circumstances, I ask him to take up the same position, and be equally just to the hon. member for West Macquarie; but he would not do such a stupid thing as to incarcerate his son for two or three days within the precincts of Parliament.

Sir HENRY PARKES: I think it is right for me to interpose. I have taken no step whatever in relation to the hon. member for West Macquarie, and, moreover, if I had had an opportunity, if there had

been a division I should have given my vote on his side. I have taken no part whatever in the matter. I had nothing whatever to do with the initiating of the motion, but that is quite a different thing from interposing now.

Mr. SLATTERY: I know the Premier is kindly disposed where he has an opportunity to do good.

Sir HENRY PARKES: I know I have extended kindness towards this very young member repeatedly. I have simply been met with—I will not describe them—all sorts of attacks.

Mr. SLATTERY: Any course of this kind can only intensify the situation; it can do no good. I would suggest to the hon. member that he should take up the matter and have the hon. member discharged from custody. If there were any doubt that the hon. member would come in and repeat the disorder, and prevent the passing of the Appropriation Bill, I should vote against his being admitted.

Sir HENRY PARKES: The hon. member for West Macquarie was admitted readily with the concurrence of every one, and he made his explanation the means of a violent attack on the people he insulted in this House a few hours ago.

Mr. HAYNES: It was something outrageous!

Mr. SLATTERY: No one can justify the hon. member's conduct for a moment; but the punishment will not be a bit more to him if you keep him here till Tuesday than if you were to discharge him now. I would suggest that if the leader of the Opposition would withdraw his motion the Premier should take the matter in hand himself; or as he has taken no part so far, that the Colonial Treasurer on behalf of the Government should move the discharge of the hon. member.

Mr. McMILLAN: I think that whatever heat and passion there might have been when this unfortunate event first occurred, it ought to be approached now with that calmness and judicial impartiality which becomes members of a house like this. However, I rose chiefly to protest against the conduct of the hon. member at the head of the Opposition. I listened with close attention to the speech of the hon. member at the head of the Government. I thought it was a very feeling, and a very touching speech; it simply

dealt with facts, and we have to deal with facts in considering the question, because nothing can get away from certain expressions, from certain conduct, from certain facts. The fact that an hour or two may have elapsed does not alter the undying record of certain things which have occurred. On account of the mere statement of these facts the hon. member at the head of the Opposition made a most virulent attack on the Premier. What was the whole gravamen of the charge of the Premier? It was simply this: That this gentleman, whose conduct we are reviewing, and whose attempt at explanation was a further outrage on his original conduct, has uttered words in this House, and flung insults across the table to a man past three score years and ten, which, I say, made even my blood curdle; and which were never excelled by a notorious individual who is not now in this House, and who is supposed to be the very personification of disorder. I do not want to add any passion to what has occurred; but while it is all right enough to talk about taking a generous view of this question, we have a great duty to perform with regard to the good conduct of the House, and I do say that, in the opinion of an hon. member like my hon. colleague, Mr. Brunker, who holds as high a position as any man in the House, and in the opinion of many members who have expressed their sentiments by interjections, the language of which we have complained was so vile and so unprecedented that it would scarcely be used in any part of the city, much less in this House. It is all very well to talk about generosity, and about the martyrdom of this gentleman; but what is the punishment, after all, for such conduct as his, even if he should remain in custody till Tuesday? I believe it is the opinion of a majority of the House, that expulsion would not have been too great a punishment for his conduct. Are we going to stultify ourselves by accepting to-night a simple apology, which may mean anything or nothing, and the character of which we can only gather from the outrageous way in which the explanation was made by the hon. member of his original conduct?

Mr. CHANTER: Have your pound of flesh, and be done with it!

Mr. McMILLAN: No man can accuse me of wanting generosity in the House;

[*Mr. McMillan.*]

but I stand here in the position delegated to me. Hon. members need not sneer. I have a very painful task to perform, and I shall do my duty. I am in a position which has been delegated to me by the Premier. Personally, I care nothing—why should I? Personally, I should be very glad to see this man free; but I have to say, impartially and judiciously in the position which I occupy now, that the House would stultify itself if it accepted the resolution of the hon. member for The Murrumbidgee.

Mr. GERVAN: I think that the language used by the hon. member for West Macquarie should not be tolerated in Parliament. But while we have a standard that we are willing and anxious to act up to, we also know that, owing to the weakness of human nature, that standard is not always readily obtained. From my experience of life, I think you are infinitely more likely to produce good results in an erring man or child by kindness and consideration than by a number of severe and exacting punishments; and in no circumstance of life—not even in the domestic circle—is the prerogative of mercy and kindness more becoming than in the great institution of the country, the Parliament. For, as certain as you continue any severe course of action towards one who is not an opponent at the present time of the Government, but an opponent of the House—

Mr. McMILLAN: We do not look on him as an opponent at all!

Mr. GERVAN: It should be borne in mind that when the motion was submitted affecting the hon. member for West Macquarie it found no dissentient within the Chamber. As regards the dignity and the prerogative of Parliament, hon. members stand together as one body in opposition to his conduct; so that we can approach the subject from exactly the same standpoint, and every element of party should and must vanish from the consideration of the question. I think—and I hope the Government will see it in this light—that however erring the hon. member has been, you are much more likely to produce good results in him by pursuing a considerate policy than by pursuing the opposite course. Bear in mind, that the object of dealing with the hon. member is to bring about a result which will be more conducive

to the proper conduct of business in the future. I ask hon. members, as reasonable, logical men, if they force to the bitter end their antagonism towards the hon. member, is it likely to result in amenability to the best rules of the House when he comes back? For I am convinced that, so certain as he is expelled, will his undoubted ability bring him back to the House.

Mr. HAYNES: It would be a mistake for the country!

Mr. GARVAN: The hon. member for West Macquarie will hold a position in this Parliament when many of us in the course of nature will have passed away. I ask, in the best interests of a young man of undoubted ability, who, erring though he is, is likely to maintain a position here, and is likely for many years to exercise considerable influence in the country, is it wise, at this early stage of his career, to embitter him against Parliament? It is not a patriotic course to pursue; it is not in the best interests of Parliament to take that course. Let me draw attention now to an occasion when the Premier himself was placed, not in an exactly similar position, but in a position where a resolution of a most adverse character to himself was submitted to the House.

Mr. BRUCE SMITH: Is that likely to help the hon. gentleman?

Mr. GARVAN: It is very pertinent.

Mr. GARRARD: The hon. member is a good word painter; but I think it will be difficult for him to make a similar picture!

Mr. GARVAN: I think that I shall make a very close analogy, and in no way to the detriment of the Colonial Secretary. In 1885 a speech was made by the hon. gentleman at Tenterfield; and it was deemed of so opprobrious a character by the then leader of the House, Sir Alexander Stuart, that he brought the matter under the notice of the House.

Sir HENRY PARKES: I rise to order. I cannot understand why anything in my life should be dragged into the discussion of this case; but if it is it ought to be stated correctly, and the hon. member is incorrectly stating it. It is quite clear to me that the whole of these proceedings are not directed in behalf of the hon. member for West Macquarie, but are directed against me.

Mr. GARVAN: That is certainly out of order; and it is undoubtedly inaccurate, for I premised by saying, that I was going to refer to an incident which certainly was not to the detriment of the hon. gentleman at the head of the Government.

Sir HENRY PARKES: If the hon. member did not think it was to my discredit he would not quote it!

Mr. GARVAN: I think I shall prove conclusively to the hon. member's satisfaction that I could not intend it to be discreditable to him. Well, Sir Alexander Stuart, one of the most judicial and humane men, and certainly one of the ablest men who ever graced Parliament, deemed the hon. member's address to the electors of Tenterfield so great an outrage on the Parliament of the country, that he felt it his duty to bring it under the consideration of this House; and the address, which certainly was a strong one, is quoted in *Hansard*. I shall not trouble the House with the full text of the address, I shall only quote the parts which really appeared to be offensive at the time.

I have lately seen immense sums of public money voted away by private pressure and bargaining in the face of the openly avowed convictions of members so pliantly yielding up their consciences.

I need not comment at all on the meaning which could properly be put on those words. The sentence implies as distinctly as possible that some members of that Parliament violated their consciences and voted for the expenditure of public money for their personal benefit; and that was undoubtedly the interpretation put on the language by the hon. member himself when he was asked what he had to say. I question whether there is any offence which can possibly be greater against Parliament than a charge of that character. I am quite sure that if it were addressed to myself I should deem it a greater insult than any language of a low or filthy character. Well, this language was brought under the notice of the House in a most formal manner, and the following resolution was moved by Sir Alexander Stuart:—

That in the opinion of this House the statements made by the hon. member for Argyle, Sir Henry Parkes, in his address on the 3rd November last, announcing his retirement from the representation of Tenterfield, and published in the *Sydney Morning Herald* of the 4th November last, are a gross libel on this House.

Hon. members will perceive that that was the preliminary resolution on which after-action of a most severe character was to be taken. I had the privilege of being a member of the House then, and I certainly was never looked on as a follower of the Colonial Secretary though I may have since voted with him in individual cases. I think that will be admitted.

Sir HENRY PARKES : I am by no means sure that in an erratic moment the hon. member did not pronounce himself so !

Mr. GARVAN : I never told the House that I was a follower of the hon. gentleman, and I think that may be fairly and honorably admitted at the present moment. I have frequently, I admit, taken the same views as the hon. member on some of the most important questions submitted to Parliament, and I had the courage of my opinions even though I was not a follower of his. In this important and critical moment of his life, Sir Alexander Stuart, at the head of a powerful party, submitted a resolution which under ordinary circumstances would be followed by the course to be pursued towards the hon. member for West Macquarie. It was my privilege to address the House on that occasion, and I am reported in *Hansard* of the 8th September, 1885, to have spoken as follows :—

Before the debate closes I should like to express in a few words my surprise that such a motion has been submitted to the House. Whatever the conduct of the hon. member may have been, whatever justification or otherwise there may have been for his comments, to my mind the liberty of speech is ten thousand times more sacred than the mere assertion of our purity by these proceedings. Let this motion be carried to-night, and adverse criticism of any party in power in the future becomes dangerous. Criticism of the party in power will have to be measured in future by the extent of the charity or forgiveness of those criticised.

I am laying down no new rule now. I laid down the rule when the hon. gentleman, who was the leader of the party opposed to the party I was supporting, was placed in a similar position to that the hon. member for West Macquarie.

Sir HENRY PARKES : The hon. member sat with me at that time !

Mr. GARVAN : I did not.

Sir HENRY PARKES : The hon. member did !

Mr. GARVAN : I went on to say :

If in criticism of the conduct of the Government the hon. member has stated things which

[*Mr. Garvan.*

are damning to his character, the good sense and intelligence of the constituency to which he will submit himself are the soundest judges in the matter. At any rate, as far as my vote and voice will go, I warn the House against the course they are about to be asked to take ; I tell hon. members that as far as my judgment goes it would be infinitely greater danger, a greater invasion of the liberties and rights of the Parliament and the people, to assent to such a course of procedure than it would be to let 10,000 speeches by the hon. member for Argyle of the same character go unanswered.

Let me refer to the division which took place to show how necessary and critical every vote was. For the resolution there were 31, and against it there were 27. I find that the tellers for the noes on that occasion were my hon. friend, Mr. L. F. Heydon, now a member of the Upper House, and myself, and amongst the noes was Mr. McElhone. I quote these three names for a special significance which can be understood on the present occasion. At that time of danger and trial to the Colonial Secretary, with whom there was not much in common between us, when we thought there was a possible danger to the institution of Parliament, our party proclivities were put on one side, and we voted with him in his hour of danger and difficulty. The principle I laid down then is an honest one to adopt towards an hon. member who, in a moment of heat and impulse, uttered words perhaps too violent to express his strong feelings, and the best results are produced by men of strong feelings and strong passions. It would be a disgrace to the very institution of Parliament if these strong impulses were sought to be stamped out by the exercise of too strong a hand against an individual offender. Be careful lest in the exercise of power by a majority you do not stamp out that hope of liberty which must manifest itself more in a minority than anywhere else. It should be the desire of the majority to encourage independence of adverse criticism, even though it is exceedingly distasteful at the time it is uttered. I have not a word to say with reference to the hon. member who has outraged the decency of Parliament. I was in the Chamber when the vote was taken, and my assent was given as readily as was the assent of the Government. I can hardly say readily, because it was a source of regret to me that such a vote had to be

given. There was no division; all stood together in disapproval of the offence against the dignity of Parliament. My best advice to the House at the present time is, that notwithstanding the grievousness of the offence, we shall be best studying the future of Parliament by acting in such a manner as I was willing to act when the Colonial Secretary was placed in a position of trial that might have resulted in a somewhat similar position to that in which the hon. member for West Macquarie stands.

Sir HENRY PARKES: I simply desire to deny that any analogous circumstances led up to it!

Mr. GARVAN: The Colonial Secretary cannot deny that the language he made use of was deemed of so injurious a character to the reputation of Parliament that one of the most distinguished men that ever graced this Chamber, and led this House, took the course which I have read from the proceedings of Parliament. There is undoubtedly a difference of opinion. There is no doubt that the Colonial Secretary, from knowledge within himself, or for reasons which were sufficiently strong to himself, deemed himself warranted in using the strong language which he employed. For my case, all I want to show is that the language was deemed exceedingly offensive by the majority opposed to him. I would suggest to the House the wisdom of extending this clemency to the hon. member for West Macquarie at the present time. Bear in mind that even if you do not, there is no great physical injury done to the hon. member. He is young, vigorous, and healthy, and to detain him there as a prisoner for the next few days will be no great penalty, after all, and it will look like exercising a spirit of vindictiveness towards him.

Mr. GARRARD: It is no compliment to him to say that it is no punishment!

Mr. GARVAN: Unquestionably it is not a compliment—his expulsion was not intended as a compliment.

Mr. GARRARD: I say it is no compliment when the hon. member says that the detention is no punishment because it does not physically injure him!

Mr. GARVAN: I shall not enter into any contention with the hon. member. Deeming the conduct of the hon. mem-

ber for West Macquarie as emphatically improper as I hope I shall ever deem such conduct, my best advice, in the best interests of this institution I am desirous of serving and upholding, still is to extend the spirit of clemency to the erring and offending member at the present moment.

Mr. GARRARD: I have been listening very attentively to the analogous case, which the hon. member for Eden was going to bring forward; but I venture to say that no one who listened to the quotation can find any kind of parallel with the case under consideration. What is there in those words which can be put in contrast, as a parallel case, with the conduct of the hon. member for West Macquarie? It is absurd to say there is a parallel. It seems to me that nothing can happen but the leader of the Opposition and those working with him attempt to drag in the name of the Premier for the purpose of treading it, if possible, in the dust.

Mr. T. WALKER: I rise to order. I submit that the hon. member is not in order in charging any hon. member who happens to draw an illustration from the past conduct of business in the House with a desire to drag the name of the Premier in the dust.

Mr. GARVAN: May I be allowed to point out how very unfair it is to charge me with an attempt to drag the reputation of the Colonial Secretary in the dust by the quotation I have made? If there was any discredit attaching to any one it was to me, because I stood by him by my voice and vote on that occasion. I could have no object in doing so.

Mr. SPEAKER: The hon. member for Balmain is not in order in imputing an unworthy motive to another hon. member.

Mr. GARRARD: If I have used disorderly language—and I am not aware of it—I think it was milk and water in comparison with language that has been used. What have we had here? When the leader of the Opposition first rose, and began from his own recollection to say that words had been used by the Premier which were far worse than the words used by the hon. member for West Macquarie——

Mr. SPEAKER: The hon. member will see that while strong language is allowed, improper motives are not allowed to be imputed, and in regard to the strongest lan-

guage which the leader of the Opposition has quoted, there is no evidence to show there is an improper motive imputed.

Mr. GARRARD: Well, I shall just state what has been done here to-night. The leader of the Opposition began to hold up something which he said the Premier had done, which was far worse than anything which had been done by the hon. member for West Macquarie. I venture to say that he was relying on his memory, and he did not, and he dare not, attempt to state the words he inferred, which are equal in pointedness and disgrace to those used by the hon. member for West Macquarie.

Mr. GARVAN: That has nothing to do with the question. Cannot the hon. member leave that alone?

Mr. GARRARD: It is to be dropped: after all the venom is poured out there is to be no antidote. The poison can be spread broadcast, a person's character can be taken away; but no voice is to be raised in his behalf. That is very nice, after all that has been said; but I am not going to stand by and allow statements to go abroad which are not in accordance with fact. I draw your attention, sir, to the remark of the hon. member for Redfern, who accused me of gagging members on that side to-day. I demand an apology, and the withdrawal of the words.

Mr. SCHEY: I beg leave to say that I did not accuse the hon. member; but if he thinks it applies to him, I have much pleasure in withdrawing it, and soothing his wounded feelings.

Mr. GARRARD: The hon. member for The Murrumbidgee stated, from his recollection of certain things which took place here some years ago, that language was then used by the Premier equal to the language used by the hon. member for West Macquarie. I was present during the whole of that sitting. The hon. member for The Murrumbidgee was not present during the whole of the time, for he was in and out of the Chamber, and I say that the language used by the Premier then was language which has since been used over and over again in this House, namely, that the action which was then taken was the action of a brutal majority.

Mr. DIBBS: No, no; those are not the words at all. I will write them on paper for the hon. member, if he likes; I will not publish them!

[*Mr. Garrard.*

Mr. GARRARD: If they had been uttered, they would have been reported.

Mr. DIBBS: Strangers were excluded at the time!

Mr. GARRARD: We know that certain language has been imputed outside to the Premier by hon. members; but as one that was present during the whole of the debate, I maintain it was never uttered by him. The strongest language which he used was that the action of the Government was the action of a brutal majority, and in his explanation to the House he said that the words were not used in the ordinary conventional sense, but simply to describe the action of a majority who, by brute force—namely, by bringing beds here, were keeping hon. members here for twenty-four or thirty-six hours.

Mr. DIBBS: No, no. It is a term of endearment only used amongst sailors. The hon. member will find it in "Johnson's Dictionary"!

Mr. GARRARD: I do not think I will. I have been down in many a forecastle, but I have never heard the term used there.

Sir HENRY PARKES: I hope I shall be permitted to say that I did not use the words.

Mr. LYNE: I heard the hon. member use the words!

Sir HENRY PARKES: I never used the words!

Mr. GARRARD: I say, as a spectator on the occasion, that the words which are attributed to the Premier were not used by him.

Mr. DIBBS: I will go and get "Johnson's Dictionary" for the hon. member, and show him the words.

Mr. GARRARD: To come back to the question. We are asked to release the hon. member for West Macquarie from custody. Is a thin house like this going to set itself up against the 100 members who said that punishment should be meted out for the offence committed by the hon. member? Is a bare majority of twenty members to take upon itself to release the hon. member from custody and that punishment which we so unanimously inflicted on him? I say most assuredly the House has no right to do so. The hon. member for Eden has told the House that the hon. member for West Macquarie is of such composition that the punishment

really will have no effect, and that we ought to have expelled him. All I can say is, that if he knew so intimately the hon. member's character, and knew what would be a punishment to him—if he knew that expulsion would be the only way to make him feel —

Mr. SLATTERY: I do not think so. I said, "Have the courage to do something which would be punishment, and not have the farce which we have now!"

Mr. GARRARD: The hon. member said that the fact of being in custody was no punishment at all to the hon. member.

Mr. SLATTERY: It is none whatever to be in custody until next Tuesday. It is a farce!

Mr. GARRARD: But that if you wish to punish him, expel him. The hon. member sat on that bench, and, with the rest of the House, came to the conclusion that the hon. member for West Macquarie should be punished. He was a deliberate party to a punishment which, according to him, was no punishment at all, while he had in his mind a knowledge of what would be a punishment.

Mr. SLATTERY: I say it is no punishment to detain the hon. member in custody until Tuesday. It is no punishment if you release him now; but if you leave him there until Tuesday, you will make him a martyr.

Mr. GARRARD: I do not think it is at all likely that the martyr business will be worked up, in spite of the eloquent speeches delivered on behalf of the so-called martyr. Unless I much misunderstand the people of this country, I do not think they will much sympathise with the language which has been used by the hon. member, who is now suffering for the use of language which is not fit for the lowest pot-house in the land. If such language had been used in the lowest public-house in the city, the landlord would immediately have taken the law into his own hands, and ousted the offender out of the place neck and crop. Are hon. members to come here, day after day, not knowing at what moment they may be grossly insulted? The language for the use of which the hon. member is suffering is not the worst he has used during the debate. I say the House has no right to release him from custody. I have known cases where members who have been given into custody have

been called in for the purpose of making what explanation they thought necessary, and they have made an explanation in the majority of cases acknowledging they were wrong; but punishment has been inflicted on them. I ask, what was the explanation given by the hon. member? It made the offence ten times worse than it was.

Sir HENRY PARKES: The first thing he did was to insult Mr. Speaker!

Mr. GARRARD: What is usually done in a case of this kind, when a member has been taken into custody? Some one, on his behalf, comes to the House and says that he is desirous of making an abject and humble apology; but the first thing we hear of in this case is an hon. member standing up and asking that on condition that the hon. member comes in and makes an apology, he be released. What guarantee have we that if he comes in he will not be guilty of the very same disgraceful conduct which characterised him before?

Mr. SLATTERY: Then deal with him and expel him!

Mr. GARRARD: Are we going to put ourselves in a position to be insulted and degraded again? No. If the hon. member feels that he has done wrong, and is prepared to make an apology for the insult he has offered to the House and to its members, I say he should commission a friend to come into the House, and make a representation that he is prepared to make a suitable apology, and then it will be for the House to consider it.

Mr. LYNE: Perhaps I may be allowed to say that it can be done at the present time if the House desires it to be done.

Mr. HAYNES: It is too late now!

Mr. SLATTERY: The hon. member was the whole cause of these proceedings!

Mr. HAYNES: I call your attention, sir, to the most disorderly utterance of the hon. member, and I ask that he be directed to withdraw the words and to apologise.

Mr. SLATTERY: The statement is true. The hon. member for West Macquarie gave way when he was speaking on the amendment, he rose to speak on the original motion with the general concurrence of the House, but the hon. member for Mudgee caught the Chairman's eye, and instead of debating the question, he moved that the question be now put, which was the beginning of all the disorder. I do not see, therefore, how I could be called

on to apologise for the interjection. It was within the right of the hon. member to move that motion; but it is nevertheless the fact that it was the cause of all the disorder.

Mr. HAYNES: I think it is a grievous insult!

Mr. SPEAKER: The interjection as it was made is capable of the interpretation that the hon. member for Mudgee was almost willingly the cause of the disorder. If the hon. member for Boorowa says that all he intended to convey was that the course pursued was the cause of the disorder, I think it will be sufficient.

Mr. SLATTERY: I intended to refer to the hon. member's conduct in that way.

Mr. GARRARD: We have been told that the proper punishment in this case would be expulsion, and I think so too, as the House has to maintain its dignity and protect its members from indignity and insult which is so frequently hurled at them by the hon. member for West Macquarie. If hon. members are to be subjected to such insults, I say something will happen which will be perhaps a dishonor to this Parliament, and teach the hon. member a lesson.

Mr. T. WALKER: Is that a threat?

Mr. GARRARD: There are some creatures —

Mr. GARVAN: The hon. member's speeches are tending very much to bring it on!

Mr. GARRARD: There are some creatures who can only be made to feel through their hides.

Mr. T. WALKER: That is a threat!

Mr. GARRARD: I venture to say that if hon. members who come here as representatives of the people, and behave themselves as men and gentlemen, are to be exposed to the threats and tyranny of the hon. member for West Macquarie, then in their own self-defence, and in order to protect themselves against insults, some other steps will have to be taken.

Mr. SLATTERY: The hon. member had better not try it on, lest he get worse results. I can assure him that he had better not encourage that kind of thing!

Mr. GARRARD: When we have the same language we shall retaliate. Physical indignity has been threatened by the hon. member whose case is under consideration.

[*Mr. Garrard.*]

Mr. SLATTERY: I can promise the hon. member that if he tries physical force he will have to go into the hospital next door!

Mr. GARRARD: I shall be prepared; when I come out I shall get the hon. member to defend me.

Mr. SLATTERY: The hon. member wants defending!

Mr. GARRARD: I shall not be turned from my speech by what the hon. member says. If fair argument and manly behaviour are not to be allowed, persons who resort to other means will have to be treated with their own weapons. For the reasons I have already stated, this House has no right, in its present condition, to reverse the decision which was arrived at by a House consisting of 100 members; and if this grave offence is to be forgiven with this small modicum of punishment, I say good-bye to all law, order, and good behaviour in the House.

Mr. PAUL: I did not hear the remarks of the Premier when he first addressed the House on this subject to-night; but I can only judge of his feelings from what has since fallen from his lips. I must say that the remarks of the leader of the Opposition, which I first heard, were of such a character as to lead me to believe that he was willing to sacrifice the hon. member for West Macquarie for the sake of insulting and injuring the Premier, and promoting some unworthy end in this House.

Mr. DIBBS: How dare the hon. member impute that I am willing to do something for an unworthy end!

Mr. PAUL: I withdraw the expression if it is offensive to the hon. member.

Mr. DIBBS: If it is offensive to me! No, it is offensive to the House. I do not care what the hon. member says!

Mr. PAUL: I withdraw it. I say that both his manner and his irritating words to the Premier were a disgrace to the House. Coming back to the question before the House I think that the conduct of the hon. member for West Macquarie deserves censure. I believe he committed one of the greatest outrages which have ever been committed in the House; his language was a disgrace even to himself. I am very glad to see that not one member on this side, or indeed in the House, is prepared to justify his conduct.

Mr. DIBBS: We all condemn it

Mr. PAUL: To show my feelings in the matter, when the hon. member for West Macquarie was behind the bar of the House it was suggested that certain statements of his should be taken down with a view to laying them before Mr. Speaker. I asked the friend who made the suggestion not to put it into effect, first of all out of consideration to the House, hoping that the matter would not get publicity, or so much publicity, and secondly out of consideration to the hon. member himself, because I felt that he was hardly responsible—he seemed to have lost all control over his temper, and I was making every allowance for him on account of his youth and disposition. I felt that he would be very sorry when he came to reflect on the gross conduct of which he had been guilty. I shall not repeat the epithets that he applied to this side, but many of which have not been conveyed to your ears yet, and I hope they never will. Something has been said about the *clôture* having been applied this evening. Well, I was very pleased indeed that the hon. member for Mudgee succeeded in catching the Chairman's eye, and that he acted in the way he did, because the hon. member for West Macquarie had promised to make a gross attack on the Premier, stating that it would take him some two hours to say what he had to say in condemnation of that hon. gentleman. Already amongst my friends on this side I have expressed the hope that the hon. member for West Macquarie will be dealt with in a lenient manner. But I contend that the business of the House has no right to be suspended to consider the proposition of the leader of the Opposition. The House has been kept for many hours over this question, and I understand from the Premier that before the House rises he is prepared to do something similar to what that hon. member is asking. I protest against the business of the House being suspended at this time. I urge every hon. member to insist upon the business being proceeded with and then to deal with this particular matter in as lenient a way as has been suggested by the leader of the Opposition.

Mr. T. WALKER: I regret exceedingly the necessity for this discussion. I am not going to apologise for any disorder which has taken place, as there can be no doubt that the hon. member for West Macquarie

acted in an extremely disorderly manner. But I think that all the circumstances should always be taken into careful consideration in the infliction of punishment. For one, I protest against those who imagine that simply because illustrations have been taken from the history of Parliament, it has been done with the object, not of defending or of placing the conduct of the hon. member for West Macquarie in juxtaposition, but simply to drag the name of the Premier in the dust. I think there can be no desire to drag any one's name into the matter when a case is quoted merely for the purpose of informing the House that in the case of others who have offended in an equal manner the punishment has been comparatively light. That is a fair argument, which need not necessarily have the slightest tinge of animus. When it is shown that men of older years, men of long parliamentary experience, men who are known to have control over their tempers, men of tact and position, have forgotten themselves under the irritation of a moment, surely when a young man with hot blood in his veins, with his nervous system unstrung by long mental effort, and by want of sleep, and perhaps somewhat stirred up by the speeches delivered, forgets himself, we ought to be more considerate. I do not say that we ought not in a gentlemanly manner to show our antipathy to such conduct. We ought to reprehend it, and do all we possibly can to prevent it recurring in the future. We ought not to be vindictive to one who is opposed to us. I heard an expression fall from the hon. member for Balmain, to which I do not feel inclined to draw attention, but which partook of the character of a threat to the hon. member for West Macquarie before he had offended to the extent that he afterwards did. I saw the feeling which was welling from those who were opposed to him, and it is now clear that some hon. members were glad that the *clôture* was moved in order that his mouth might be stopped. It was applied to me under somewhat similar circumstances. It will be distinctly in your recollection that I rose to speak on what I believed, and what I still believe, to be a great question, namely, the establishment of a naval force in connection with the colonies. At that time the hon. member for Parramatta rose in his place, as I imagined for the purpose of speaking to

the question, and out of respect for his age, and a desire to hear his views, I said I should give him precedence; but immediately upon my giving way in that manner the hon. member moved that the question be now put. You will remember that I resisted the putting of that question. I acted under what might be properly termed a sense of wrong. I believed that I was fighting for my rights. I believed that my mouth was being closed to prevent me from defending the rights of the colony. I was accused of disorder—I was accused of wilfully and vexatiously interrupting the orderly conduct of business of the House; and precisely the same resolution was moved this afternoon in the case of the hon. member for West Macquarie. What was my punishment? What was the punishment of my hon. friend, the member for South Sydney, Mr. Toohey, my hon. friend, the member for Northumberland, Mr. Melville, and other hon. members? I had not to apologise; the only poor unfortunate who had to apologise on that occasion was my hon. friend, the member for South Sydney, the last member who was sent out. All the rest of us had no punishment whatever accorded to us, and we were readmitted about five or ten minutes afterwards. But I was equally as disorderly as the hon. member for South Sydney, so that I can well understand the feelings of the hon. member for West Macquarie when his mouth was closed upon a subject which to him involved a considerable amount of his reputation and a considerable amount of his honor. Suffering under the sense that he had been maligned, suffering under the sense that he had been unjustly treated—whether rightly or wrongly I shall not attempt to decide; I am only showing what main-springs were at work in his breast—suffering from the fact that he was gagged and denied liberty of speech, and from the physical cause leading to the irritation of his nature, he gave vent to what he himself, I am sure, in his reflective moments will regret as long as he lives. We are not to correct offences of this kind with a harsh hand. We are not to correct them with the bitterness that was displayed in the speech of the hon. member for Balmain, Mr. Garrard. If we show as much harshness as that hon. member showed, we should

[*Mr. T. Walker.*

degrade Parliament. The vindictive spirit shown on the Ministerial side of the House is degrading to the Assembly. How will the country look at it? We ought not to punish the hon. member for West Macquarie for the language which he used at the time when he believed that the Treasury was being looted, when he was standing up for the interests of the public, when he was opposing what he believed to be and what the public believed to be, a great swindle. When he was doing this he was not only gagged, but he was placed in custody and imprisoned. That will exalt his character instead of injuring him, it will make him feel that he has been a martyr. If he is treated in a fair spirit I believe we can win him over, and make him one of the brightest and most respectable members of the House.

Mr. HAYNES: I am inclined to speak on this motion; but if hon. members will agree to go to a division I will not do so.

Mr. R. B. WILKINSON: It is to be deplored that this discussion has been brought on at this time. I need not state my opinion of the action of the hon. member for West Macquarie. His conduct has been condemned on all sides of the House. The mistake that has occurred in the discussion is, that the feeling and the weakness of character of the hon. member for West Macquarie have been more considered than the dignity of the House. Our first duty is to maintain the dignity of Parliament. I have a very high opinion of the hon. member for West Macquarie; I believe him to be a young man of very great promise, and one who, when he gets rid of some characteristics which are not very admirable at the present time, will become a very useful member of the House. What we have to take into consideration is the fact that he has insulted the dignity of the House, and done a great deal to lower the character of the House in the estimation of the country. The proper course is not to interrupt the business of the House; but to act in a dignified way. Let us get rid of the business before the House; then, before the Assembly adjourns, let us take into consideration the case of the hon. member for West Macquarie.

Mr. McMILLAN: I think, for the good order of business, it would be well if, after this discussion, we agree that whatever

motion is made, should be made after we have got through the business of the House. That will give time to members on both sides of the House to consider the matter fully.

Mr. DIBBS : We may find ourselves in this position : a number of hon. members may go home, and the resolution may be defeated by those who remain.

Mr. JOSEPH ABBOTT : I think that before we deal with the subject we ought to go on with some business. I am not going to say anything on the merits of the case as a whole. The business of the House has been disorganised through what has happened, and we ought to proceed with the business, and deal with this case afterwards. I have no doubt that if this is done, every consideration will be shown for the hon. member for West Macquarie.

Mr. STEVENSON : We have discussed the question, and I do not see any necessity for delay. Hon. members ought to be prepared now to vote either one way or the other, and I hope that the mover of the resolution will insist on going to a division.

Mr. DIBBS : I hope that the Colonial Treasurer will not allow a question of this sort to be dealt with on party lines.

Mr. McMILLAN : It is not intended to do so.

Question put. The House divided :

Ayes, 15 ; noes, 24 ; majority, 9.

AYES.

| | |
|-------------------|-----------------|
| Chanter, J. M. | Schey, W. F. |
| Cruikshank, G. A. | Slattery, T. M. |
| Dibbs, G. R. | Stephen, Harold |
| Fuller, G. W. | Stevenson, R. |
| Garvan, J. P. | Walker, T. |
| Goodchap, C. A. | <i>Tellers,</i> |
| Lyne, W. J. | Howe, J. P. |
| McFarlane, J. | Mitchell, J. |

NOES.

| | |
|-------------------|---------------------|
| Abbott, Joseph | McMillan, W. |
| Brown, H. H. | O'Connor, D. |
| Brunker, J. N. | Seaver, J. C. B. P. |
| Carruthers, J. H. | Smith, Bruce |
| Clubb, G. | Smith, S. |
| Garrard, J. | Teece, W. |
| Gould, A. J. | Wheeler, J. |
| Greene, G. H. | Wilkinson, R. B. |
| Hawken, N. | Wilshire, J. T. |
| Hawthorne, J. S. | |
| Haynes, J. | <i>Tellers,</i> |
| King, R. J. | Brown, A. |
| Lee, C. A. | Cooke, H. H. |

Question so resolved in the negative.

Mr. DIBBS : I think I have a right to complain of the action of the Colonial Treasurer. When I rose to reply, I was assured by the hon. gentleman that the division would not be a party one, and I was done out of my right to reply, because a party vote was made of it.

Mr. McMILLAN : I said, as I say now, that it was not a party vote. It could not be a party vote ; we have been discharging one of the most painful duties that I have ever had to perform in this House.

Mr. SEAVER : I rise to say that I cannot be considered to have been acting in a party spirit.

Mr. SPEAKER : There is no question before the House.

APPROPRIATION BILL.

In Committee of Ways and Means :

Motion (by Mr. McMILLAN) proposed :

That, towards making good the supply granted to her Majesty for the service of the year 1889, the sum of £7,287,427 0s. 5d. be granted out of Consolidated Revenue Fund of New South Wales.

Mr. DIBBS said he would like to know from the Colonial Treasurer that sufficient revenue had been provided to cover the votes that had been so lavishly granted this session ? The Committee would bear in mind that the hon. member had not strengthened his financial position by imposing any new taxation, and we were asked to vote away supplies more lavishly than we had ever done before. It would be seen, on looking through the estimates, that a great many increases of salaries had been granted, grants had been made to agricultural societies, a new staff had been provided for the military secretary to the Premier, and money was being paid away with a lavish hand. We had a right, therefore, to demand that the Colonial Treasurer should not push through his Appropriation Bill unless he satisfied the Committee—of course, hon. members on the other side of the House did not require satisfying—that there was ample provision to meet all liabilities.

Mr. McMILLAN : I am not sufficiently acquainted from long experience with the course that is adopted in passing an appropriation bill, but I have had sufficient experience to know that the question which the hon. member has asked can

have very little effect upon what the Committee is doing to-day. Hon. members know that the Appropriation Bill is simply a bill covering the estimates that have been passed by the House, and, as was stated by the hon. member for Boorowa, is practically the same thing. I do not think that the hon. member for The Murrumbidgee has ever at any time had a similar question asked of him under circumstances similar to the present. Some time ago I showed an estimated surplus on the accounts of about £85,000. The only thing that can have affected that estimate is a decrease of the revenue for the past month. I may here take the opportunity of saying that it has been alleged that I, to a certain extent, kept this House and the country in the dark in regard to the state of the finances. I did nothing of the kind. The statement that I made was literally correct as to the nature of the public accounts. The last statement I made brought the accounts up to the 31st July, 1889, when I showed an estimated surplus of £84,279, taking credit for an increase of £80,000 in the revenue during the remainder of the year, as compared with the corresponding period of 1888. Now we come to the month of September, in which there was a falling off of revenue to the extent of £100,000. Hon. members will recollect that it appeared in the press a short time ago that in the month of August there was an increase of £34,000. When I made that last short statement to bring the accounts up to the 31st July, I showed an estimated surplus at the end of the year to which I have referred of £48,000 odd. Since then the figures were borne out in the month of August by a surplus in that month alone of £34,000. £80,000 I had estimated as the surplus revenue for the remainder of the year; but in the month of September we came into comparison with very peculiar circumstances, which were not so prominently before me at the time. The Melbourne exhibition was in full swing at that time, and the railway revenue was very great, as would naturally be the case under such circumstances. The falling off in the revenue, I may say, for the information of hon. members, was made up of about three items. There was a falling off in railway receipts, owing to the cause I have mentioned of £65,577. That hon. mem-

[*Mr. McMillan.*]

bers will see was a special item, arising out of the services of the country, and out of the fact of the Melbourne exhibition bringing about an enormous traffic upon the southern line. In land revenue there was a falling off of £37,596, arising to a great extent, I presume, from the fact that matters have been in abeyance to a great extent pending the settlement of the land question. The other large item which about makes up the sum was, Stamps, £16,364. I cannot say accurately, but I presume that twelve months ago we were in the full swing of the land and mining booms, and that there was a large amount of stamp duty collected which is not likely in the present state of depression, to be reproduced. But the bulk of the falling off in the revenue arises from the railway services being brought into comparison with the extraordinary state of affairs during the time of the Melbourne exhibition. I have got particulars up to the present time of the revenue for this month, and I am happy to say that in the first two days there is a surplus of £32,736. I have a revenue of £32,736 extra up to the present moment, allowing for the loss of last month. I have a substantial surplus, according to my own calculation at the present time, of revenue over expenditure. That, I think, is all that can be required.

Mr. GARVAN: How much does the hon. member now estimate that the surplus will be at the end of the year?

Mr. McMILLAN: I estimate that, under any circumstances, allowing for the falling off of the £100,000 in the last month, which I look upon as, to a certain extent, an exceptional thing, that the surplus during the next three months should be about my estimate of £80,000. But allowing for every possible contingency, I have every reason to believe that under any circumstances the original estimate that I made in my first financial statement of a surplus of, at any rate, £25,000, will be realised, and my forecast is this, that whilst there will not be a large, there will be a distinct surplus on the year's operations. I think that is all that it is necessary for me to say. My principal reason for rising was to show hon. members from the country that there had been no misstatement on my part of the public accounts, that any falling off in

the revenue occurred last month, and that anything that I had said previously was substantially correct.

Mr. DIBBS said he was satisfied with the explanation given by the Colonial Treasurer, and he was glad that the statement was comparatively satisfactory. The hon. member had the luck to drop into some good windfalls this year.

Mr. McMILLAN: We have not got Mr. Berry's yet!

Mr. DIBBS said the hon. member would soon have it; but he ought not to count his chickens before they were hatched.

Mr. McMILLAN: I have not counted Mr. Berry's, although I believe the amount will be £100,000; that will all be extra!

Mr. DIBBS said he was bound to be satisfied with the hon. member's statement, and he only hoped that the Colonial Treasurer might be able to realise a surplus at the end of the year. If the hon. member would take his advice as an old colonial treasurer, he would say, "Draw in your horns with regard to promises as much as you can during the next three months. Promise nothing, and give nothing, get all the windfalls that come, and economise." He did not know of any other windfall, with the exception that one other gentleman contemplated giving the Colonial Treasurer some £30,000 or £40,000. These windfalls which were dropping in were wanted. The hon. member's calculation was based upon the old process of omitting the interest for the current year. Some of that interest must be charged for the present year. He supposed the Colonial Treasurer was ignoring the fact that he might have to provide a sum of £750,000 for interest which had hitherto been kept out of the accounts until the year following that in which it was paid. He thought the hon. member would do well to adopt an amended form of book-keeping, and to show the country what the state of the finances was each year without having to take into consideration how much would have to be charged from 1889 to 1890.

Mr. GARVAN said it was a matter of undoubted interest to the country to know what was likely to be the state of the finances at the end of the year with this Government in office. When the Colonial Treasurer made a financial statement some

time ago, he estimated a surplus of £25,119, and after the statement made by him, in a document issued from the Treasury, he estimated that there would be an increase in the revenue of £159,000, less £38,000, leaving a net sum of £121,000, and the estimated surplus of the whole year was £80,000. The hon. member then showed charges against the surplus, which reduced it to £24,379. The Colonial Treasurer had now made a similar financial statement, and as we were approaching the end of the year, its accuracy could be more depended upon than that of any of the others. It appeared that the hon. member would very nearly balance his account, having about £25,000 to the good. He would point out, however, that even this could not be absolutely depended upon not to alter. In 1887, when the hon. member for St. Leonards, Mr. Burns, made his financial statement, we had a very glowing picture put before us. That gentleman estimated that there would be a surplus of £910,000; but we knew when the present Colonial Treasurer came into office, he submitted a statement of the accounts of the year 1887 very much at variance with that given by the hon. member for St. Leonards, and instead of showing a surplus of £910,000, the accounts for 1887 showed a clear deficit of £947,000. That was dealing with it upon the true obligations of the year. That result was an exceedingly unsatisfactory one for the country. There were some charges which fairly might have been, and, he thought, should have been made against the expenditure of the year 1887, instead of, as the colonial treasurer of the day charged them, on the supplementary estimates against the expenditure of the preceding year. There was the vote for the Custom-house, £15,000; the vote for court-houses for different places, notably for Goulburn, and a large sum for the purchase of parks, £30,000. These were, to his mind, legitimate and proper charges to be made against the year 1887; but they were omitted from the accounts of that year. When the present Colonial Treasurer submitted the accounts, the surplus estimated by the hon. member for St. Leonards, Mr. Burns, had vanished into thin air. The hon. member for St. Leonards characterised the deficit as a monument of Dibbs extravagance; but he thought the manner

in which it had been dealt with and the inability to reduce it, furnished a monument of free-trade incapacity—he might even use the term imbecility. He wished to bring under notice that in the year 1887 there were no loan bills authorised by Parliament. Whatever expenditure took place was expenditure which had to be defrayed out of the consolidated revenue, and that expedient which had been too frequently resorted to by colonial treasurers, of introducing loan bills to raise funds to enable them to carry on works which should be paid for out of the consolidated revenue, was not adopted in 1887. The facts he had stated would have special significance as to how the finances of the country should be dealt with in view of the importance that must attach to the proposal to borrow money for works that were not of a reproductive character. In 1888 the hon. member for St. Leonards, Mr. Burns, made another statement, showing a surplus; and it appeared from that statement of accounts that the country was living well within its income; but he might draw attention to the fact that the hon. member showed in the budget speech for 1887, not only that the country was living within its income, but that we should have a magnificent surplus at the end of the year. Instead of that, however, there was an adverse balance of great magnitude at the end of the year. He could submit the strongest proof of the position that he took up, that the country was not living within its income in 1887. The hon. member for St. Leonards being new to the Treasury, and to what he might call the political tricks of his office, went through the year 1887 without providing by loan bills to cover expenditure which ought to be defrayed out of the consolidated revenue; but in his second year he had learnt by experience, and whilst he still showed a fairly satisfactory balance-sheet, he was determined that there should not be a result so adverse as that which he obtained in 1887. He therefore adopted the practice of inviting Parliament to allow him to borrow money to construct works which he had not money in the consolidated revenue fund to pay for. It would be the easiest thing in the world to show a satisfactory balance-sheet in any business if the person conducting the business were allowed to borrow as much as

[*Mr. Garvan.*]

he thought fit, and not to include the amount in the balance-sheet at the end of the year. The position which he took up was this: that the amount of borrowed money expended on public works was not shown in the public accounts at the end of the year. The budget statement of the finances did not deal with the expenditure of borrowed money. The colonial treasurer of the day was, therefore, at liberty, and he exercised that liberty with wonderful freedom, to defray, out of loans, expenditure which should come out of the consolidated revenue, and that expenditure was totally ignored in the budget speech, so that the statement submitted to Parliament at the end of each year was of a most fallacious character. The hon. member for St. Leonards, Mr. Burns, showed in his statement in 1888 that the colony was apparently living within its income; but he had resorted to the expedient of borrowing money for a number of public works, which were of necessity forced upon the ministers of the day. In 1888 the hon. member obtained from Parliament authority to borrow money to the extent of £1,190,000 for works of an unproductive character, for works the cost of which should have been charged to the consolidated revenue. He was, consequently, able to show a surplus at the end of the year; but he had obtained that surplus under most unsatisfactory conditions, so far as the future welfare of the country was concerned. In 1888 the hon. member for St. Leonards, in his financial statement, showed an estimated surplus of £329,965. At the end of the year the present Colonial Treasurer, in dealing with the finances of that year, and separating them from various conflicting accounts, showed a surplus of £51,000. But he would impress upon the minds of hon. members that that surplus was only a nominal one, because to show it there had been ignored items of expenditure to the extent of £1,190,000 for public works which were properly chargeable against the consolidated revenue, but for which the Colonial Treasurer had obtained the authority of Parliament to borrow the money. In order that there should be no doubt about it he would refer to the loan bill under which that authority was given. On 24th July, 1888, a loan bill was passed in this House covering a number of these items which he maintained in any sound

dealings with the finances of this country should be defrayed from the consolidated revenue. The colonial treasurer of the day should not shirk his responsibility, and throw upon succeeding colonial treasurers, and upon posterity, the debt and the obligation of having to pay interest upon the capital that he borrowed in order to tide him over the difficulties of his financial year. Of the works that he referred to as included in that loan bill—one was an item for “warlike materials ordered from England, £250,000”; and another was for “warlike stores, new submarine mining and electric light, stores, boats, &c., £22,280.” It only required to point to any of these items to show that they were not fit or proper ones to be charged against the permanent debt of the colony; but obligations that attached undoubtedly to the every-day life of the colony—obligations that in a sound and healthy dealing with the finances of the country should have been defrayed from the consolidated revenue, and should have appeared in the balance-sheet of the year submitted to Parliament by the Colonial Treasurer in his budget speech. Among those items which authority was given to the hon. member for St. Leonards, Mr. Burns, to borrow, and which in the generosity of the Government they decided to carry out, he found “dredge and punts to be used first on the Myall River, £8,000”; and no one would ever say that that was a warrantable item on which to base the public debt of this colony. It was entirely unproductive—under no circumstances or conditions could it possibly be reproductive. The very nature of it was fleeting, and so opposed to permanency, that it was unquestionably a charge which should have been defrayed out of the consolidated revenue of the colony. Take another item—“towards improving the navigation of the Darling and the Murrumbidgee Rivers, £20,000.” The government of the day, recognising the fair claims for that expenditure, rightly assented to the carrying out of those public works; but they failed to discharge an important duty connected with them—the only duty that involved statesmanlike action and capacity in connection with the carrying out of those public works—and that was to provide from legitimate taxation, to provide from the consolidated revenue of

the country, funds to pay for those public works. Another item was—“Australian Museum extension, £12,000.”

Mr. McMILLAN: Cannot we leave this debate on loan matters till we get to the loan estimates?

Mr. GARVAN pointed out that he had been much disappointed in not having had an opportunity to deal with this subject before. The Colonial Treasurer was well aware that it was a subject in which for years he had taken a great deal of interest, and he felt himself under an obligation to deal with it now.

Mr. McMILLAN: There was some difficulty last night owing to the lateness of the hour about beginning a general discussion. But I think now we will get through with the Appropriation Bill, and practically the loan estimates are the only ones to which we shall have to give our attention. I myself should like to make a short speech on the general principles connected with the loan account, and I should be very glad, with the consent of the Committee, to devise some means by which the hon. member would have an opportunity of making a succinct statement on this very important matter when the hon. member would have a proper audience. It is scarcely decent or fair that he should be addressing empty benches, and in fairness to the hon. gentleman I would suggest that he should make his speech when he is fresh and vigorous. It is a thing that requires close attention, and I do not think he is doing himself justice. I should be very glad if the House agreed to give him, as well as myself, an opportunity to speak generally on the policy of loans.

Mr. GARVAN was very much obliged to the Colonial Treasurer for his courtesy, and had no doubt that the hon. gentleman made the offer in all sincerity; but having had so much difficulty in arriving at this stage of the proceedings when he could make this statement he regretted he could not, in justice to himself and to the importance of the subject, delay it any longer. When the subject was before the Committee last the very form in which it was submitted, and the rules, as they were interpreted by the Chairman, precluded his dealing with it in the general and comprehensive manner which he proposed, and was at liberty now to adopt.

The CHAIRMAN : The Colonial Treasurer has expressed a desire to enter into a general statement as to the loan policy, and there can be no objection, when the loan estimates are under consideration, to the Colonial Treasurer following that course. If he takes that course on Tuesday, when the loan estimates are before the Committee, the hon. member for Eden will be at liberty to discuss the subject fully.

Mr. GARVAN preferred to deal with the matter now. He was referring to those items for works unquestionably of great public utility, and which it was unquestionably the duty of a government to carry out ; but which were of such a character that they should never come within the category of works upon which the permanent debt of the country should be based. Among the items was, "fortifications and defence works generally, further sum, £125,000." Another item was, "towards completion of buildings and other works in connection with naval stations, £165,000." In looking through the estimates of expenditure of Great Britain, he found that, notwithstanding the enormous expenditure recurring year after year, with almost unerring certainty, for the maintenance of the naval and military establishments, the national debt of England was not increased for that purpose, but was gradually and repeatedly being reduced. Here, where we were not in a state of preparedness for war, where we were not under the panic or danger of an immediate war, where we were not in actual conflict with anybody, these works of a military character were items that above all others should be absolutely provided for by the minister of the day out of consolidated revenue. There was too great a tendency to readily and lavishly expend money for purposes of armament when it entailed no difficulty on the part of the colonial treasurer who assented to the expenditure. But it was a wholesome and sound check that none of that expense for military and warlike purposes should be assented to by Parliament except upon the basis that the colonial treasurer of the day should provide the funds from the consolidated revenue. That imposed a wholesome and natural check on the tendency to extravagance on the part of the colonial treasurer or the government of the day ; but, give the Government, as

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they had been claiming during 1888, carte blanche to expend money in warlike armaments, and give them authority to borrow every shilling to defray their obligations under that head, and you encouraged the danger of running into militarism. There were other items of expenditure such as "Lighthouse, Smoky Cape, £18,000," "Purchase of site for court-house, Parramatta, £8,675," "General Post Office, further sum for additional works, £7,000." Now, with reference to lighthouses, while they were in all civilised countries unquestionably works that claimed the consideration of every government, and which could not be refused by any government in office, still he claimed that they were not public works of that reproductive character which warranted the borrowing of money to construct them. Take the other item—"Purchase of site for court-house, Parramatta, £8,675." He contended it was absolutely a wrong principle to borrow money for such a purpose as that. Originally all the land belonged to the Government of this country. This land was alienated, sold by the Crown, and the proceeds of sales, large or small, passed into the consolidated revenue of the country at the time, and had been expended in carrying on the ordinary government of the country. He maintained that no matter how much the land might have improved in value, the proceeds of its sale having once passed into the consolidated revenue, if any government afterwards required the land for any public purpose it should be bought back by the government and be paid for out of the very same fund that received the money for which originally the land was sold. The soundness of this contention must be apparent to every hon. member who gave any consideration to the question ; otherwise, if it was recognised as a sound principle that the Government could sell any portion of its public estate and use the proceeds of that sale for consolidated revenue purposes, it could have a sale to-day and buy to-morrow, using the proceeds of the sale one day for consolidated revenue and buying on the following day with money borrowed to pay for the property. By bringing the two transactions into juxtaposition the utter absurdity of the principle adopted must manifest itself to every member of the Assembly. If there were a gap of a

few months or a few years between the two transactions that fact in no way lessened the soundness of his contention; and that principle had been growing. Assuming that Parliament would consent to the proposal of the Minister to borrow money, the Minister had invited Parliament, and never without success, to borrow money to carry out that character of works. The result had been a growing tendency to run into debt. In the loan bill, to which he had referred, were items of expenditure under the head of "Roads and Bridges." He did not think that there was one man in this Committee, he did not think there was any one in the colony, who had given consideration to this subject, who would say that the borrowing of money for the purpose of the construction of roads and bridges was not an unsound and dangerous course of conduct with reference to finance. But a large proportion of the expenditure voted on our estimates and from the consolidated revenue every year was for items similar to those in that bill. There was no line of demarcation to indicate for what character of works the Minister would be warranted in borrowing, and for what other class of works he must provide out of consolidated revenue. He did not find that any healthy or intelligible line of demarcation had ever been recognised by the Colonial Treasurer. In fact the only line that had guided the Colonial Treasurer as to whether he should or should not borrow money was whether he had sufficient funds in the consolidated revenue to carry out work which was of an urgent character. It must be apparent to members of the Committee that that system of dealing with the public finances—that system of paying for one set of roads and bridges out of consolidated revenue, and of paying for other roads and bridges out of loan funds—was a most dangerous and anomalous one. In one loan bill, for roads and bridges alone, authority was given to the Colonial Treasurer last year to borrow money amounting to £152,000. For those and several other items of that sort, amounting in the aggregate to £1,190,000, authority was given last year to borrow money, and the hon. member for St. Leonards, Mr. Burns, and after him the present Colonial Treasurer, when submitting to Parliament and to the country a balance-sheet for the

past year, entirely ignored, in preparing the balance-sheet, that sum of £1,190,000. There was a pretended surplus of £51,000 as submitted by the present Colonial Treasurer—a pretended surplus, which in reality was no surplus at all. For instead of the expenditure and the revenue for the year 1888 producing the favourable result of a credit balance of £51,000, there was borrowed and charged against loan votes for that year a number of items which he had detailed to the Committee, and which no reasonable man could contend were items which it was warrantable to charge against the permanent public debt of this colony. While there was nominally a credit balance of £51,000, in reality there was a deficiency of upwards of £1,100,000 for 1888. In the previous year it was dealt with in a fairly business-like manner. In his review of the accounts the present Colonial Treasurer showed upon that year's working of the revenue and the expenditure a deficiency of £947,000, and he pointed out how very reasonably and fairly, he could have largely added to that adverse balance by taking from charges made against the year 1886 a number of items for works carried out in 1887, and which more properly should have been charged against that year. This was a subject of undoubtedly alarming magnitude and importance; for he had shown that while for the year 1888 it was made to appear that there was a small credit balance, that credit balance had been brought about only by adding to the permanent debt of the country £1,190,000 for works that in their very nature and essence were works that should have been paid out of and charged against the consolidated revenue of the country for that year. Among the items was one which he had not yet referred to, namely, "completion of the Lands Office, £160,000." From the public estate of this colony we received a princely revenue, averaging upwards of £2,300,000. From the public lands of this colony there was derived a larger revenue in proportion to our population than was derived in any other country known to him on the face of the globe, so far as his research could enable him to discover. He was certain that he stood on the highest possible ground when he said that it was an unsound principle that that portion of our land revenue which

was the result of the sales of public estate should be used for the ordinary purposes of government. But notwithstanding the fact that we received that magnificent revenue into the public treasury, and used every shilling of the £2,300,000 in carrying on the ordinary obligations of every-day government, yet we actually borrowed in England the money to build our Lands Office. This item, with the other items he had brought under the notice of the Committee, was excluded from the annual statement of our accounts. He asked hon. members approaching this subject with a desire to build up a sound system of finance upon which to conduct the affairs of state of this young colony, was that a sound principle to establish—was that a sound principle to hand down? While obligations were coming in against the consolidated revenue—obligations which he admitted were so weighty and incumbent that they could not be ignored—the government of the day, from year to year, were constantly running the country more into debt in order that they might be free from the necessity of providing funds legitimately for carrying out those obligations. There was another loan bill also assented to on the 24th July, that contained within it elements quite as debatable, and quite as unsound in principle as the ones he had been condemning. [*Committee counted.*] There was another class of expenditure equally objectionable from the standpoint he took—another class of expenditure which should receive consideration when the items came before Parliament. He referred to the renewal of our loan bills, under which for the construction of public works authorised at the time, money was borrowed on debentures of certain periods, but running generally thirty years. When those bills fell due it became the obligation of Parliament to carefully, and in the most business-like manner, review them before allowing the Colonial Treasurer to renew them; and while he was prepared to admit that the Colonial Treasurer should be allowed to renew bills to a very considerable extent, and in all cases where there was a tangible reproductive asset to represent them, he would yet submit this to the Committee: that when money had originally been borrowed for the construction of a public work—perhaps justifiably in the poor state

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of the country at the time—if when the bill became due we found that the building or asset for which the money had been borrowed had ceased to exist, it would be exceedingly unsound, and entirely unwarrantable in any business-like review of the obligations of Parliament and of ministers, to allow the Government to re-borrow the full amount. [*Committee counted.*] Many of the items to which he referred had been borrowed for works of which there was now not a vestige remaining; and he claimed that it was unquestionably an obligation of the colonial treasurer of the day when those bills became due, to carefully go over every asset represented by the borrowed money, and where an asset had ceased to exist, to pay the amount out of the consolidated revenue when the bills fell due, and only renew such portion of the public debt which had fallen due as was still represented by tangible assets. Take, for instance, the Loan Bill of 23 Victoria, No. 10, to the renewal of which Parliament was asked to assent. Parliament was asked to assent to its renewal to the full extent of the money originally borrowed. Let us review some of the works upon which that money had been expended. One of the items was “Glebe Island punts, £1,882.” The money was borrowed thirty years ago, and the punts ceased to exist years ago. The bill had fallen due, and he maintained that that portion of the bill representing the punts should now be defrayed out of consolidated revenue, and it was an utterly unsound principle to permit the Colonial Treasurer to renew the bill to the full extent of the original loan. Another item was, “Harbour defences, £2,425.” Any harbour defences constructed thirty years ago were now entirely without value. The very nature of that expenditure in almost any country, and particularly our original expenditure under the head of harbour defence, made such works to-day that character of asset upon which we should not be warranted in building up our public debt. It must be apparent that those works, constructed thirty years ago, were absolutely valueless as a harbour defence at the present time, and on that ground alone it was not warrantable, or in accordance with the sound principles of finance, or in due recognition of the obligations of a statesman, to renew the bill and make the

amount part of the funded debt of the country on the basis of an asset that years ago ceased to be of any value. Another item was, "Additions to works at Fort Macquarie, £4,500." This was exactly of the same character as the one to which he had just referred. While all those bills had fallen due the colonial treasurer of the day had shirked the responsibility that attached to his office, and had asked and obtained the sanction of Parliament to borrow the full amount of the money, though there was no asset to represent the money borrowed. It was by a system such as that that the colonial treasurer of the day had been enabled to show a credit balance at the end of each year. But what was the use of a credit balance if we were running largely into debt? It was merely blindfolding our eyes to the weightier portions of our expenditure—to those weighty portions of the expenditure that were obligations against the consolidated revenue. If the credit balance was only brought about by closing our eyes to that expenditure, and leaving out of consideration every shilling of the cost of those works, was it a satisfactory statement of accounts at the end of the year? What value could be attached by any man with the slightest business conception, to a statement either of the country's finances or of his own business, if it showed an apparent credit balance of a moderate amount, but when he investigated it he found there had been omitted from the other side of the ledger large and weighty disbursements? What earthly use would a balance-sheet of that character be to him? Would it not be not only of no use, but absolutely misleading to the person who used it; and had not the annual statement of accounts submitted to Parliament and to the country been an absolute delusion? Had it not been an absolute fraud upon the people of this country, deluding them into the idea that they were living within their income, when they were in reality largely exceeding it? [*Committee counted.*] In some of the loan bills we renewed last year, or were asked to renew this year, were some items actually for the construction of works not within the colony of New South Wales at the present moment. Some of them were for snagging and clearing some of the Queensland rivers. He contended that it was unsound originally to borrow money

for such a character of work; and now that the bill had fallen due after thirty years' currency, it was certainly incumbent, in any sound or proper dealing with the finances of the colony, that the full amount should be paid out of the consolidated revenue. It was entirely unsound and absolutely disgraceful in the financial management of the affairs of the state that bills should be renewed on assets that had no existence within the colony at the present moment. It was almost absolute dishonesty to renew a bill on such an asset as that; but, leaving the question of dishonesty out of consideration, it was instituting a system of finance in the colony that must eventually result in disaster of a very grave kind. Another item was "towards clearing the channel of the Murrumbidgee River, £1,000." The clearing of a river thirty years ago from snags, was not a work of a permanent character, for in the course of months or years snags, as numerous as those removed would occupy their places. Perhaps, in the impoverished state of the colony thirty or forty years ago, it might have been justifiable to borrow money for the clearing of the Murrumbidgee River; but when the bill for £1,000 fell due, the work was not a justifiable basis on which to continue the public debt of the country. Owing to the loose, slipshod manner in which we had allowed the finances of the colony to be conducted, and to the manner in which we had permitted colonial treasurers from year to year to submit balance-sheets to this House, all those items of expenditure had been defrayed from loan votes, and every one of them had been excluded from the annual statement of accounts. What would we think of the statement of a colonial treasurer like his hon. friend, the present occupant of that office, with his business-like knowledge and experience, if he presented a balance-sheet to this House of last year's finances of the colony, and claimed that we had lived within our income, when in connection with expenditure for the colony for last year large numbers of items were entirely disregarded in the balance-sheet? Unquestionably the Committee should know the real state of the public finances; and the "fool's paradise" in which we lived, imagining that our revenue was sufficient to meet every obligation, should be broken into at once.

The manhood of the colony should approach the subject and deal with it in a vigorous, manly manner; and though some of his opponents were never tired of attributing to him only a desire to injure the country, he claimed that it was the first duty of a man who loved his country to inquire and know exactly how it stood. If there was any business in which we had a great interest, our first duty in connection with it was to examine carefully, honestly, and with the best commercial instincts, the balance-sheet of that business. [*Committee counted.*] He had now spoken as long as was necessary in placing the state of the public finances for the last year before the Committee. He had shown that, in 1887, when the expedient was not resorted to by the inexperienced Colonial Treasurer of that year of borrowing money in order to make his accounts balance, and of borrowing money for purposes for which money ought never to be borrowed, there was an actual deficit of £947,000. This statement he made on the authority of the present Colonial Treasurer, and also upon documents submitted to Parliament. In the succeeding year of 1888, however, though the statement of accounts nominally showed a very small surplus, yet, in reality, recognising the true obligations at the end of that year, there was a deficiency of great magnitude—of greater magnitude, in fact, than in 1887. There was again a proposal made to allow the Colonial Treasurer to continue the same unsound principle this year. That principle was practiced last year, and by reason of its practice the Colonial Treasurer was enabled to show a small credit balance. Following in the wake of his predecessor, the present occupant of the office proposed this year to borrow, on a very much larger scale than the past Colonial Treasurer, for works of an unproductive character. The Colonial Treasurer, in submitting, as he had done, a review of the actual revenue and expenditure of the year, as far as it had gone, and a statement of what it would be at the end of the year, estimated that there would be a credit balance at the end of the year of £25,000. The Colonial Treasurer was about to practice this much-to-be-condemned system of borrowing for works of a non-reproductive character. He was proposing to borrow these sums of money, startling in their magnitude, for

[*Mr. Garvan.*

works which, beyond all question, we were not justified in charging against loan votes. These works had been proposed, and had been gone on with, and, recognising his obligation to the country, the Colonial Treasurer intended borrowing money in England, and entirely excluding from the balance-sheet he had roughly submitted to Parliament every shilling of the large sums he would now bring under notice. He intended, at a later stage, to refer to the neighbouring colony of Victoria, in order to show how, in connection with works of an exactly similar kind, the Victorian Parliament dealt with obligations which we proposed to deal with by allowing the Colonial Treasurer to borrow the money. He would show now upon what lines the Colonial Treasurer estimated a credit balance of £25,000 at the end of the year. He would take first the item of £1,000,000, which the Colonial Treasurer had asked Parliament to allow him to borrow, and for what purpose?

Mr. McMILLAN rose to a point of order. He desired a ruling on the question as to whether this item of £1,000,000 on the loan estimates was a proper subject to be debated in connection with the Appropriation Bill?

Mr. GARVAN was under the impression that in dealing with finance he would be allowed the fullest latitude.

Mr. McMILLAN: Before the hon. member resumes I would like to make a personal explanation. As no doubt the extraordinary proceedings of the House have been keenly watched by the outside public, I think that I, as the Minister in charge of the financial business, owe the duty to myself, the Government, the House, and the country, to state as lucidly as I can the position in which we find ourselves, and how we find ourselves in that extraordinary position. Last night when we were discussing the loans account, and when it was generally perceived that no good result could come from a prolonged discussion, the hon. member for Boorowa occupied the floor. A distinct understanding was come to, and the leader of the Opposition, who came into the Chamber immediately afterwards, decidedly acquiesced in the arrangement, that if we agreed to defer the debate on the loan estimates until next week, and that the Appropriation Bill should be allowed to

go through practically as a formal matter. One of the arguments adduced by the hon. member for Boorowa when debating the question of paying the civil servants, was that we had really passed the estimates, and that the Appropriation Bill was purely a formality. We then moved the Chairman out of the chair, and got back into the House. Then, Mr. Speaker, reported certain matters connected with the arrest of the hon. member for West Macquarie. We could then very fairly, for we had a majority in the House, have dissented from the debate regarding the position of the hon. member for West Macquarie intercepting the Appropriation Bill; but feeling satisfied that the debate must take place sooner or later that evening, and feeling satisfied with the compact we had made with hon. members opposite, we allowed that debate to intervene in the full assurance that passing the Appropriation Bill would be practically a formal matter. Now, what was the result? After the debate upon the hon. member for West Macquarie had ended we went into Committee of Ways and Means. It then appeared evident that there was to be a long debate upon this Appropriation Bill, because, forsooth, we would not agree with the proposition of the hon. gentlemen opposite regarding the way we should deal with the hon. member who has been the source of a great deal of this annoyance and loss of time. The position then was this: That the gentleman who had been adjudged guilty of contempt in this House, and placed in the hands of the Serjeant-at-Arms, was still the cause of delaying the progress of business. What was the next thing? The hon. member for Eden, after having agreed tacitly—if there is any agreement to be made amongst hon. members opposite—to the postponement of the loan estimates, deliberately came to the table with a mass of material for a two or three hours' speech, as he himself confessed, not on the Appropriation Bill, but on the loan proposals. Now, I say that we have been unfairly treated by members on the opposite side of the House, and I say distinctly on behalf of the Government, that whatever may be the result of this sitting, if we sit continuously for a week, we will have no more compacts with the other side of the House. We will leave the country and

the respectable, intelligent members on the other side to decide between us and our opponents. Now, I have stated absolute facts, and I am willing to stand by them in every particular. The fact that the Appropriation Bill has not been passed, and that the civil servants still remain unpaid, must be left on the shoulders of the Opposition.

Mr. DIBBS was at a loss to understand what the speech of the Colonial Treasurer was intended for. Did the hon. gentleman intend that it should appear in the first edition of the evening papers?

Mr. McMILLAN: I do not care so long as I have done my duty!

Mr. DIBBS said the Opposition had a duty to perform too, and that duty they would perform if they sat the whole week. The public out of doors were the best judges whether they were doing their duty. The hon. gentleman said that the Government would have no more compacts with the other side. The hon. gentleman and his chief were notoriously fond of setting up imaginary arrangements made with the Opposition. We heard from the Premier that a compact was made with the Opposition that the prorogation should take place last Friday week.

Sir HENRY PARKES: I said the arrangement was made by the House, not by that side!

Mr. DIBBS: That was to say that the House had entered into a compact with the Premier to smuggle through the business of Parliament. The Opposition was insulted by the Colonial Treasurer's statement that there had been some compact which had been broken. He had repudiated last night the Premier's effort to thrust upon the Opposition the charge that they had broken the compact with regard to the prorogation, and he now thrust back into the teeth of the Colonial Treasurer his impudent assertion that a compact was made by hon. members on the Opposition side with regard to the Appropriation Bill.

Mr. SLATTERY wished to say that he had distinctly stated that he would follow the leader of the Opposition in whatever he did. He had understood that an arrangement had been made with the Government that business should be allowed to proceed. He was in no way responsible for

the present state of affairs. How could he dare, or presume to enter into any compact without the authority of his leader?

MR. McMILLAN: The hon. member will perhaps explain to this Committee how it was that he stopped the speech which he himself allowed was to be carried on for a certain purpose? How was it that he stopped that speech, that the Committee got into a good humour, and that the Chairman left the chair?

MR. SLATTERY had been acting in the most perfect good faith, believing that the whole matter would be arranged. More than that, he was out of the Chamber when his motion, "That the Chairman leave the chair," was put and negatived on the voices. The press and *Hansard* would have it recorded that he said over and over again that whatever his leader would agree to he would agree to. In reply to some interjections to the effect that he was acting in opposition to some vote which had been come to in the Opposition room, he stated that he had nothing to do with any vote, he would follow the leader of the Opposition. He had no power to make any compact. He was very anxious indeed that the matter should terminate in a friendly way, and he would appeal to hon. members if he had not done all in his power to bring that about.

MR. DIBBS rose for the purpose of repudiating the charge that any compact was entered into. The House adjourned for half an hour for the purpose of allowing the Opposition to consult with each other as to what course they should follow, and the course they decided upon was to ask the Government not to press for a long sitting, and they would consent to the House meeting on Monday next for the purpose of passing the Appropriation Bill and the loan estimates. That was how the matter stood. What was the meaning of all this talk about the civil servants? The Opposition agreed that the civil servants should be paid to-day, and they repudiated the charge that they were delaying the payment of the civil servants. If the Government had had any pluck, they would have paid the civil servants on the 1st of the month, and the House would have indemnified them. The Opposition would join in any indemnity that the Government required for the payment of the civil servants, so they must not be held up

[*Mr. Slattery.*

before the public as being responsible for the civil servants going without their pay. The Opposition were not going to fail in their duty because the civil servants were kept out of their money, in order that the Government might throw the responsibility on their shoulders. It was an utter absurdity on the part of the Government to try to throw it upon their shoulders. Last year, when they wanted to pay £275,000 for the purchase of Campbell's Wharf, they did it without waiting for a vote of the House. They paid money for the purchase of certain lands in Parramatta, to some gentleman named Taylor, without waiting for a vote of the House. They could take all the responsibility of things of that sort, but they pretended to be afraid to take the responsibility of paying the civil servants. Let anybody look at the supplementary estimates and see the hundreds of thousands of pounds that had been paid without any vote of the House. All those things they could do when they had some political object in view; but now they thought it was a good popular cry that the civil servants were not paid because of the action of the Opposition. It was because of the action of the Government in endeavouring by means of the gag to force money out of the Treasury in a manner which was never attempted in this colony before. He hoped such a thing would never be attempted again—that the gag should be used for the purpose of taking money out of the Treasury to pay friends of the Colonial Secretary. He hoped we would shortly have the honor of going before our constituents, and then, of course, the cry would be that the Opposition had prevented the civil servants from getting their money. Civil servants were too intelligent to be taken in by claptrap of that kind, seeing that if there was anything to be paid for land speculations or wharf purchases, or if any favoured individual was to get fees out of the public funds, the Government never scrupled to take the money. The Government existed for carrying on the administrative functions of the country, and if they had courage they would take the responsibility of doing so on their own shoulders. If they did what was right they could come boldly to the House and get an indemnity. When the Government of which he had the honor to be the head was formed, they found no

provision for the civil servants. The Premier wrote to him, through his Excellency the Governor, offering to provide supplies for the incoming Government. He accepted the Premier's offer, and asked for three months' supply, which Sir Henry Parkes agreed to give; and he thanked Sir Henry Parkes by letter, through his Excellency the Governor, for the kind offer. After all that, he got a letter from Sir Henry Parkes saying that his colleagues did not approve of the arrangement he had made; but that they would give supply for a shorter time. He consented to take supply for a shorter period, provided the advance account for the year was thrown in to enable the incoming Government to pay any outstanding engagements of the late Government. The House would remember that his hon. friend, the present Colonial Treasurer, Mr. McMillan, headed the party on that occasion who refused to give the incoming Government supply, under the idea that they would thrust out of office a government that had never been sworn in. In justice to the Premier he would say he did not believe that hon. member was any party to it. The young colts ran away with the position. The Premier asked the House to give the incoming Government supply; but his young friends, new to political life and office, refused the incoming Government that courtesy and that right.

Mr. SLATTERY: After a caucus at the Royal Hotel!

Mr. DIBBS: The same hon. members were now claiming sympathy with the civil service; but then they endeavoured to choke the Government before it was fairly formed, and the civil service, as far as they were concerned, might have gone to the devil. What did the new Government do under the circumstances? They took upon themselves the responsibility of taking the public funds, and meeting the public engagements, and paying the civil servants without a vote. Some members of the Cabinet were in one place and some in another; so they held a cabinet meeting through the telegraph office—the most curious cabinet meeting, he supposed, ever held in the world—at which they decided to pay the civil servants at all costs, and to ask the House for an indemnity. They took the money and paid the civil servants, and the House gave

them an indemnity. Why could not this Government do the same? The trick was palpable. "We will not pay the civil servants; the responsibility rests with the Opposition." The leaders of the fly-away party did not care a rap for the civil servants when the new Government was being formed. They all remembered the cheers when they carried a vote of censure against a government which had not been sworn in. Then his hon. friend, in the best broadcloth, was seen hovering about the precincts of Government House, expecting a guard of honor turning out to receive the incoming Premier; but the Governor did not require him. Sir Henry Parkes was disposed of altogether. He had done his duty. It must be admitted that on that occasion Sir Henry Parkes manfully endeavoured to keep the promise he had made. Some members of Sir Henry Parkes' old government and the new "calico" party clubbed together to choke the Government before it was fairly breathing, and then the hon. member hovered round Government House, expecting to be sent for. On his way down to the Governor, he nearly ran over the present Colonial Treasurer; and he believed the hon. member actually went inside Government House itself, so that he might be conveniently sent for to form a government.

Mr. McMILLAN: Will the hon. member allow me to explain?

Mr. DIBBS: They were all hovering about the Colonial Secretary's Office. Mr. B. R. Wise was on the steps of the Colonial Secretary's Office, trying to decide whether he would be Colonial Secretary or Attorney-General. His hon. friend, would admit that what he had said was perfectly true.

Mr. McMILLAN: Perfectly true, every word of it!

Mr. DIBBS: Now, he would allow his hon. friend to explain. Let his hon. friend say what he was doing inside Government House grounds the day after having displaced, as he thought, a government that was barely formed.

Mr. McMILLAN: This is rather a peculiar circumstance, and I am sorry, in some respects, that I have to explain it; but in justice to myself I must give a most explicit explanation. About two years ago I was down in the Pacific

islands on business connected, not with my own firm, but what I might call a kindred firm, W. McArthur & Co., of Auckland. I visited the whole group of islands, including the Tongan group and the Samoan group, and I made out rather an elaborate report, especially bearing upon the German occupation of those islands. When I came back I interviewed the hon. the Premier, Sir Henry Parkes, and proposed to him, I then being a private member, that I should move a resolution in the House so as to bring what I considered the unwarrantable conduct of the German Government with regard to the natives of Samoa, before the people of this country. The Premier told me it was a matter entirely outside the province of the Government of New South Wales. I then went to interview Lord Carrington, whom I personally knew at the time, and he asked me to put into writing the opinions which I had given to him verbally. Accordingly, I put into a long memorandum of several pages a sort of precis of the whole of the matters connected with the occupation of Samoa. An interval of two years elapsed, and this German embroglio continued. I then found that exactly the state of affairs that I had forecast had come about in those islands—that the position of affairs, as regards the Germans and the natives, was exactly what I had foretold. There was a great deal of excitement in the public mind in connection with Samoa, and I wanted an opportunity of putting my opinions before the public of New South Wales; but having written this memorandum for Lord Carrington I thought it would be courtesy to his lordship to ask his permission to publish it. Now, so little do I care for going to Government House that I did not call upon Lord Carrington; but I wrote asking him if I could publish this document. That was a week before this unexpected event connected with the Ministry, and hon. members know that the whole affair happened within twenty-four hours. Lord Carrington wrote back to me, asking me if I would kindly interview him on a certain day a week ahead. That day, by a curious coincidence, was the day after the vote taken in this House. I called on Lord Carrington according to the appointment made a week before. Lord Carrington did not see me for half an hour; then he

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came into the room occupied by his private secretary and said, with that genial look which we all know so well, "A curious thing, I have Mr. Dibbs in the other room." I then discussed the matter with Lord Carrington, and if I could only get out of the House for half an hour to refer to the *Daily Telegraph* I could show that the article upon Samoa and its affairs, which some hon. members may possibly recollect, appeared in the *Daily Telegraph* that week. That was the memorandum I had given to Lord Carrington, as the only party representing imperial interests who could deal with the question. That is an absolute statement of fact, and that accounts for the coincidence. I may say this, that I thank the hon. member at the head of the Opposition for having given my present chief credit for not interfering with supply on a previous occasion, and as he is at the head of this Government the acts of the young colts ought not to be thrown in his teeth.

Mr. BRUNKER was sure that it would be admitted by hon. members that it was very seldom he took part in debates of a personal turn, and he would not have risen were it not for the laboured speech in which the leader of the Opposition had attempted to show his honesty of purpose in protracting the business of the country. He rose to say only a few words, and those few words would be a challenge to the hon. member to answer a question he would put to him. He had frequently asked himself since somewhere about this time yesterday, why the public business should be protracted in this way; but the reason was clearly disclosed last night or during the early hours of the morning by the leader of the Opposition, who said to him, "If you will release the hon. member for West Macquarie you can get your appropriation bill in five minutes." If that was the only reason why hon. members were detained from their business and from their homes; if that was the only reason why the Appropriation Bill was not passed, there was no justification for it. So far as the hon. member for West Macquarie was concerned, in his opinion as a native of this country, and as one who represented the people in this Parliament, the privilege which every hon. member possessed of protecting and guarding the institutions of this country was of

greater importance than either the Appropriation Bill or the Loan Bill. In studying that we were doing our best to protect the best interests of the people of this country, and doing our duty as representatives in Parliament. His object in rising was to show that the propositions propounded by the leader of the Opposition in the speech which he had just made were scarcely tenable from the fact—which he knew the hon. member would not deny—that the hon. member had told him last night that if the resolution asking for the release of the hon. member for West Macquarie were agreed to, we could get the Appropriation Bill in five minutes.

MR. DIBBS: How clever these hon. gentlemen were!

MR. BRUNKER: I ask the hon. member to say whether that is not true? It is a simple question, and I ask him for a simple answer.

MR. DIBBS said that perhaps the hon. member would like to put it in the usual forensic style, "On your oath, sir, yes, or no?"

MR. BRUNKER: No, I will take the hon. gentleman's word!

MR. DIBBS said the hon. member had not told those hon. members who were absent last night that he had moved a resolution that the hon. member for West Macquarie should be released upon making ample apology to the House. The hon. member might also tell those members who were not here last night, that he had waived his right of reply on the Colonial Treasurer informing him that it would not be made a party matter. He supposed hon. members opposite did not intend to press a young man too severely; and he waived his right of reply in the expectation that hon. members would not vote as a party. We went to division, and found the Government and their party on one side and the Opposition on the other.

SIR HENRY PARKES: That is not correct!

MR. DIBBS: What the Secretary for Lands had said was perfectly true in one sense. He did say to the hon. member, in a chaffing spirit, "Release your prisoner, from whom you are exacting the pound of flesh, and we will not be hard on you with the Appropriation Bill." He said so then,

but he would not say so now. The whole of the trouble yesterday occurred through the Government trying to enforce the iron hand, employing the closure rules for the purpose of facilitating a great public job. He even induced the hon. member for West Macquarie, who wished to make an inflammatory speech against the Premier, to abstain from speaking; but no sooner had that member given up his right in order to allow the matter to go to a vote, than the hon. member for Mudgee moved the enforcement of the *clôture*. It was the first time in the history of the country that so great an outrage had been perpetrated upon the Treasury. It was nothing short of a modified form of burglary. The Treasury had been looted by the Government in order to pay Mr. John Davies.

THE CHAIRMAN: The hon. member must withdraw the expression that the Treasury has been looted by the Government, because it is an aspersion upon the action of the House, and not the Government.

MR. DIBBS said his words were "an attempt to loot the Treasury."

MR. McMILLAN: It is the same thing!

MR. DIBBS withdrew the words, as he should always be found withdrawing any words which might admit of the slightest disorderly interpretation.

MR. BRUCE SMITH would like to draw attention to one fact —

THE CHAIRMAN: I think the Chair is perfectly justified now in bringing this matter of personal explanation to an end, otherwise I would certainly suggest to the hon. member leading the Government that the House should resume, when personal explanations would be more in order than in Committee of Ways and Means. The hon. member conducting the Government business, Mr. McMillan, and the hon. member, the leader of the Opposition, have made some representations, and certain representations made by the Secretary for Lands have been replied to. I think if any other hon. members enter into this matter of explanation, then the reply could not be confined to the leader of the Opposition.

MR. GAVAN said that on the cessation of the debate this morning he had reviewed the financial operations of the years 1887 and 1888; he had shown that the year 1887, upon the authority of the present Colonial Treasurer, resulted in

a deficiency of £947,000. He held in his hand the official document upon which that statement was made, dated 9th April, 1889, under the hand and authority of the present Colonial Treasurer. He then went on to show that while the present Colonial Treasurer, in the same document, showed for the financial operations of the year 1888 a net surplus of £51,000, that was an artificial credit balance, brought about by invoking the assistance of the Parliament to enable the Government to carry out public works of a non-reproductive character, and charging part of them against loan votes. Works had been charged against loan votes to the extent of £1,190,000, not one of which was the Government warranted in charging against the permanent debt of the country. The last official balance-sheet from the Treasury had been announced to the House this morning. The Colonial Treasurer had informed the Committee that he would have a credit balance of £25,000 at the end of the year. Now, he would show by the proposed expenditure of the Government for the present year how unreliable was that presumed credit balance. There were numbers of public works which the Government were submitting, every one of which was undoubtedly an obligation attaching to the consolidated revenue of the country. The Colonial Treasurer was taking advantage of the loan fund to save him from an adverse balance at the end of the year, to a much greater extent than any of his predecessors. At the time of the interruption this morning he was proceeding to deal with one item which he had selected by reason of its importance on many grounds—the proposed expenditure of £1,000,000 for the reconstruction and improvement of rolling stock and permanent way of the railways. It could not be questioned that the attempt to increase the public debt of the colony by that amount was the most unwarrantable proceeding ever attempted to be put upon Parliament. He would call the attention of the Committee to the only way in which the swelling of the railway revenue could take place. It could take place only by permitting the Government to increase the permanent debt of the colony by the same amount of money as would be paid into the consolidated revenue. Without going into details more than was necessary to

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illustrate the position which he took up, he would refer to the railway reports since the present commissioners came into office—he would not go further back than that. On the 31st January, 1889, in accordance with the act under which they were appointed, the commissioners for railways laid their official report on the table of the House. In it there was a reference to the condition of the lines and of the rolling stock. He would quote from that report the following paragraph:—

The commissioners have found, on their personal inspection of the lines, that a considerable amount of money will have to be spent out of revenue in excess of what has been done in the past, in painting station buildings and in relaying the permanent way with steel rails, as a large quantity of the original rails and light chairs, weighing only 25 lb. each, which were put in many years ago, are still in the roads, and the rails show much signs of wear. The commissioners hope, however, to be able to effect economies in various ways, so as to meet this additional expenditure to a great extent.

Those words were of the weightiest importance to the Committee in dealing with the finances as submitted by the present Government. Unquestionably it was necessary to expend money to improve the state of the rolling stock and of the permanent way, and in the report from which he had quoted it was as clear as anything could be that the commissioners recognised the proper obligations attaching to the administration of the Railway Department, and that they considered that the cost of improving the rolling stock should be defrayed out of the consolidated revenue of the colony. To his mind it would not be necessary for him to adduce one tittle of evidence beyond the quotation of that report, to warrant the Committee in condemning the principle involved in the financial statement of the Colonial Treasurer. He would read from the report a little further on, where the same sound principle as to the obligation attaching to the commissioners and to the Minister presiding over the railways was laid down:

Rolling Stock.—The rolling stock generally is far from being in a satisfactory state, very little painting having been done for years past; and a large number of antiquated carriages, with open sides, are still standing on the books at their original value.

Could it be contemplated by any member of the Committee, without absolute alarm, that the financial condition of the country was so bad that the Colonial Treasurer

proposed to borrow money to pay for the painting of the railway carriages? The rolling stock was standing on the books of the department at its original value, and not one shilling had been written off for depreciation. The capital value stood on our books at the full amount of the original cost, and yet the Colonial Treasurer proposed to increase the capital cost of the railways to the extent of £1,000,000; although, when that money was expended, the asset would not be equal to the value of the original amount charged against the railways for their construction. The report went on to say:

Many of these carriages cannot be brought into use for the ordinary and general traffic, and consequently difficulty is often experienced in providing sufficient rolling stock for the ordinary working. We propose to renew these vehicles out of revenue as soon as possible.

The Colonial Treasurer proposed to renew them, not out of revenue, but, in distinct violation of the principle laid down in the report by the railway commissioners, out of the loan fund. Would the Committee tolerate such an abuse of power, such an outrage upon a correct system of dealing with the public finances? Upon what authority, or upon what reasonable grounds, could the Colonial Treasurer justify that innovation in dealing with the finances of the country. It would be fair to presume that if the principle had a shadow of argument in its favour, the report of the commissioners, when first dealing with the subject, would have been advanced by the Colonial Treasurer to strengthen his position. He had read from the official report of the commissioners, who were given great powers to enable them to manage the railways of the colony, what any hon. member with the slightest capacity for business would have known for himself. While the commissioners recommended the additional expenditure, they recommended it on the only sound condition on which it could take place, namely, that it should be paid out of the consolidated revenue. The preposterous position taken up by the Colonial Treasurer would proclaim to the world that the country was in such an impoverished condition that it had not money to pay for the painting of its railway carriages, and that it had to be borrowed for that purpose. It only required a statement from him of the real state of affairs to bring down upon the

hon. gentleman's head the condemnation of every man who had given any attention to the subject. Later on in his speech, he would carry his argument further, and show how this utterly unsound principle of allowing ministers, from year to year, to borrow money for purposes for which it was not wanted, was heaping up a great national debt for the people of New South Wales, and it was his duty, for that reason, to enter his emphatic protest against the proposal of the Government. The report continued:

The locomotives are also needing much attention, as when we took office no less than seventy-four, out of a total of 429 engines, were under, or waiting repairs.

He called the attention of the Committee to the paragraph because it was an exceedingly important one in connection with the proposal of the Government.

Revenue in future years should, in our opinion, be called upon to bear much larger sums for replacing engines, waggons, and carriages than has been the case in past years, instead of adding to the stock at the expense of the capital account, except to meet increased traffic, and opening of new lines.

The exception stated by the commissioners was unquestionably a sound one. The money which the Government proposed to borrow was not to meet such an exceptional case as that. The exceptional case was one in which the minister of the day would be warranted, in dealing with the railways of the colony, to charge anything in the shape of additional rolling stock against loan account; but he was not warranted, by any process of reasoning, or of business treatment, in charging it against the loan fund, and increasing the national debt of the country, in order to evade the responsibility attaching to his position. He was not inclined to oppose any expenditure which might be necessary to make our railways as perfect as the undoubted ability of the present commissioners could make them. Quite the contrary. Whatever amounts were required in order to make that magnificent property better adapted to accomplish what was required of it, every shilling of expenditure would have his hearty support; but that expenditure should come from legitimate sources. The business system upon which the finances of the country should be managed should be not be violated. In a later report of the commissioners, dated the 30th

April, they again dealt with the rolling stock, and there the following passages occurred:—

Since the report for the quarter ending 31st December, 1888, was made, the rolling stock generally has been the subject of special consideration and inquiry, and we find that its condition is such that the ordinary method of renewing vehicles out of revenue, year by year, will not enable us to put the stock into proper condition for many years to come.

Revenue in past years has not been made to bear anything like the amount of money for renewals that should have been the case, as will be seen from the fact that for the thirty-three and a half years ending June last, only sixteen engines, twenty-seven passenger vehicles, and 442 goods vehicles have been replaced from that source.

It is estimated that a sum of more than £1,000,000 has been underspent out of revenue on the rolling stock.

As so large a proportion of the stock is so antiquated and defective, we recommend that a special vote of £500,000 be placed at our disposal in order that we may get the stock into fair condition as quickly as possible.

He had already told the Committee that the placing of that sum of money under the control of the commissioners would receive his fullest support; but it should be obtained from legitimate sources. In the report there was also a rather interesting tabulated statement, which would be of use in dealing with the proposed expenditure. In the first report to which he had already referred, that dated the 31st December, 1888, there was a tabulated statement showing what the expenditure per mile had been for everything connected with the management of the railways.

Mr. GARRETT objected that the proceeding of the hon. member was grossly irregular. The rule of Parliament was that the discussion of a matter could not be anticipated. There was a motion on the business-paper dealing with the Loan Bill, and the proposal to borrow money for the railways. It was not regular for the discussion of subjects contained in bills to take place before the measures were called on.

The CHAIRMAN: The Colonial Treasurer has mutually agreed with the hon. member for Eden that he should at this stage deliver his opinions concerning the borrowing of this money. Exception was taken to the speech of the hon. member in the early part of the morning; but both hon. members thought that it would save time if the hon. member was allowed to

make it then. It is not always advisable to draw a hard and fast rule; but the arrangement can only affect the hon. member for Eden. The course the hon. gentleman is taking is irregular; but sometimes irregularity tends to produce regularity.

Mr. McMILLAN: The hon. member has practically got half-way through his speech, and as he is now absorbed in it it would be better for him to complete it; but I may tell my hon. friend that I do not intend to reply to it on this occasion. I shall reply to it on the loan estimates.

Mr. GARRETT saw the convenience of the arrangement on the present occasion; but he rose to protest against its being made a custom. It would be a very dangerous thing to allow as a rule, because a question set down for a future day might be anticipated, and great inconvenience would arise. However, he did not press the point, though he believed that if he did it would be carried.

The CHAIRMAN: This matter arose in a very peculiar way. It was anticipated in the early hours of the morning that the loan vote would be discussed, and the hon. member came prepared to discuss it; but in consequence of the continued sitting, a change took place, and another arrangement was made.

Mr. GARVAN explained that at an early hour in the morning the Colonial Treasurer, when he shadowed forth the expenditure for the present year as compared with the total revenue, anticipated a surplus of £25,000. His object now was to show the Committee that the hon. gentleman's forecast was not correct, if we charged against the consolidated revenue all the obligations that properly attached to it. [*Committee counted.*] In the first report of the railway commissioners there was a tabulated form, which had an undoubted significance in reference to the proposed expenditure. The expenditure per train mile as shown in the report was, for the quarter ending 31st December, 1887, 4s. 10½d.; but for the quarter ending 31st December, 1888, it was reduced to 4s., showing a reduction per train mile run of 10½d. How easy it would be to make those apparent reductions in the expenditure per train mile run, if we permitted the Colonial Treasurer, who presided over the Railway Department, to borrow money at the close

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of the year to make up for the apparent saving. He could reduce the expenditure per train mile to almost a nominal amount if we assented to the principle involved in the proposal of the Government, and allowed them to maintain and repair the permanent way out of a new loan created for the purpose. The case in the tabulated form to which he had referred was not an isolated one. He found exactly the same thing repeated in every report made since the commissioners came into office. With regard to the tramways, the expenditure per mile run for the quarter ending 31st December, 1887, was 3s. 5½d. That was reduced in 1888 to 3s. 1d., making a reduction of 4½d. on every mile run. It was proposed by the Government to make up that reduction; but to make it up from what? Not from payments out of the consolidated revenue, which was their clear obligation, but from borrowed money. Would that be tolerated by Parliament? It was by processes such as this that the public debt had accumulated to such enormous proportions, and the matter called for the earnest attention of every well-wisher of the country. We should demand that in all future dealings with the finances sounder and more correct principles should be enforced. The next report of the commissioners was laid on the table of the House on the 30th April, 1889, and dealt with the quarter ending 31st March of the same year. He would draw special attention to the tabulated form under exactly the same heading as that to which he had already been making reference. The expenditure per train mile run by the railways for the quarter ending 31st March, 1888, was shown to be 4s. 6¾d.; but for the quarter ending 31st March, 1889, that was reduced to 4s. 4¾d. Though this reduction seemed small; it was a very large one when we took into consideration the many thousands of miles run by our trains each year. The expenditure on the tramways per train mile for the quarter ending 31st March, 1888, was shown to be 3s. 4d., and that was reduced, for the quarter ending 31st March, 1889, to 2s. 9¾d. But he pointed out to the Committee that while this apparent reduction enabled the Colonial Treasurer to have a larger net capital flowing into his treasury, yet the expenditure was absolutely necessary. The

hon. gentleman came here and asked to be allowed to defray the expenditure, not from the consolidated revenue, from which it should properly be paid; but by increasing the public debt of the country. Was that a sound system in dealing with the finances? Would the supporters of the Government, who must be directly interested in matters like this, give their assent to such an unsound system as that which he was now exposing? The report of the commissioners, laid on the table of the House on the 30th July, 1889, and dealing with the receipts and expenditure of the railways and tramways for the quarter ending 30th June, 1889, contained a similar statement. The expenditure on the railways per train mile run during the quarter ending 30th June, 1888, and paid out of the consolidated revenue during that quarter, was 4s. 9¼d.; and the expenditure per train mile for the quarter ending 30th June this year was reduced to 4s. 3d., an apparent reduction of 6¼d. The expenditure on the tramways for the quarter ending 30th June, 1888, per mile run, was shown to be 3s. 0¾d., and for the quarter ending 30th June this year that was reduced to 2s. 10¾d. It was time that the full import of that should be put before the Committee fairly and properly. The reduction of expenditure was artificial, and could only be maintained by allowing the colonial treasurer of the day to come in at the end of the year and make good the expenditure required for the requirements of the permanent way and of the rolling stock by borrowing. [*Committee counted.*] He knew very well that he was not addressing a listening house; but, to his mind, the speech he was making was the most important that he had ever made in Parliament. He was only making it so that it could be placed on record.

Sir HENRY PARKES: It might be of use to the hon. member if he ever comes into office again!

Mr. GARVAN said that he was not a prophet; but he might never again in his life take office. He was only endeavouring to do what he thought would in calmer moments be commended, even by those who might now be envious critics of the position which he took up. He believed that the importance of it would be recognised even by some who felt that he was straining his rights here to-day. He was

showing the Committee that there had been an apparent reduction in the expenditure upon the railways and tramways per mile run for each quarter since the commissioners came into office; but the explanation came at the close of the year, when the Colonial Secretary asked Parliament to allow him to get rid of the necessity of paying the expenditure out of the consolidated revenue, and to borrow £1,000,000 for the purpose. The reports of the railway commissioners were not written by mere tyros in the profession of railway management, but by a gentleman who was as able a manager of railways as could be found—at least in the southern hemisphere. That gentleman submitted his first report after having been three or four months investigating, examining, and controlling the railways and tramways of the colony; and it should be a text-book for the guidance of the Minister that nothing on earth should induce him to deviate from, unless he was satisfied that the principles laid down in it were absolutely unsound. But would the Colonial Treasurer, or any member of the Committee, or citizen of the country, question for a moment the soundness of the principles contained in first official report of the railway commissioners which he had quoted. The condition of the line was set out there with accuracy and emphasis:

The commissioners have found, on their personal inspection of the lines, that a considerable amount of money will have to be spent out of revenue —

But not out of loan funds. That was the importance of the statement.

in excess of what had been done in the past.

Although the principle was recognised by the railway commissioners as a sound one, the Colonial Treasurer had laid a document on the table of the House showing that for every one of the last three quarters there had been a less expenditure per train mile than there had been for the same period of last year, and he was going to make good the additional expenditure recommended by the commissioners, an expenditure which he knew was absolutely obligatory on whoever had charge of the railways, from a loan vote. The hon. gentleman did not propose to comply with the principles contained in the report of the railway commissioners; but he showed that he had actually expended less money

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per train mile during the whole of the time he had been in office. And that the hon. gentleman now proposed to make good by asking Parliament to allow him to borrow £1,000,000. The effect of allowing the Minister to borrow that money would be to increase the revenue of the railways by the same amount for the period which it would take to expend it. We were, therefore, creating an artificial increase of revenue, while we were absolutely and tangibly increasing the public debt, and making a burden for future generations. The commissioners proposed to renew the railway carriages "out of revenue as soon as possible." The possibility of their doing that would depend upon the Minister who had charge of the finances of the country. If he recognised the obligation properly attaching to his position he would, in accordance with the principle laid down in the commissioners' report, provide means to enable them to accomplish that desirable work; but he would provide them out of revenue and not out of the loan fund. [*Committee counted.*] Notwithstanding the report from which he had quoted, and which had been laid on the table by the hon. gentleman himself, the Colonial Treasurer proposed to deviate from the principle there laid down, and instead of larger sums being expended upon making repairs and maintaining the permanent way, the expenditure had been lessened. Was this sham system of economy to be tolerated for a moment? Even if there were no authority to refer to, he maintained that the intelligence of hon. members would bring them to the same conclusion as that at which he had arrived. To conclude, he had shown the absolutely unsound principle contained in the financial statement vouchsafed to the Committee this morning, in which a surplus of £25,000 at the end of the year had been foreshadowed. He had shown that that petty surplus was to be brought about by violating every sound principle in connection with railway management, and that the Colonial Treasurer was attempting to shirk the responsibility attaching to him as the Minister presiding over the department, of providing sufficient funds from every-day revenue to maintain the railways in proper and efficient working order. Instead of allowing those funds

to be taken from the every-day revenue, the hon. gentleman asked Parliament to allow him to borrow money for the purpose. Could it be possible that any man in the Chamber would assent to the proposal? He had stated with as much emphasis as he could give effect to, that there was no man charged with representing the people who would oppose for a moment an attempt on the part of the Minister to place sufficient funds under the control of the commissioners, to enable them to put in proper working order the tramways and railways. But it must be done on sound principles. The Minister should not be allowed to set up a practice at variance with every great and sound principle in the management of public property of that kind. The surplus shown by the Colonial Treasurer only deceived us as to the real state of the public finances. If the Minister charged himself with the amount necessary to maintain in proper repair the railways and tramways under his control it would be absorbed ten times over. He would not detain the Committee any longer in dealing with that item; but he urged upon the Colonial Treasurer the wisdom of setting a good example during the time that he was in office, even though it might be inconvenient to himself to do so. The principle which the hon. gentleman advocated was so utterly at variance with his business knowledge that in any other circumstances it would receive from him a most emphatic and sweeping denunciation. He asked the hon. gentleman to apply to the management of the railways what he must know were the only sound principles. There was another item to which he would like to refer, and he took only the larger ones in order that he might not go too much into detail. The Colonial Treasurer proposed to borrow £200,000 for the erection of new school buildings, and the purchase of sites. Unquestionably public schools were of immense benefit —

Mr. McMILLAN: I have no objection, as far as I am personally concerned, to the fullest possible debate on the general principles of the loan; but this vote is in the hands of my hon. colleague, the Minister of Public Instruction, and I think it would be better, in the interests of discussion and of fair play, that he should have an opportunity of fully explaining to the Com-

mittee his intention with regard to the item. Of course, if the hon. member is determined to continue his criticism, I do not intend to interfere.

Mr. GARVAN was only dealing with principles. He was going to show that the amount which the Minister of Public Instruction desired to borrow should be paid out of revenue, and he would do it in a way that would be of advantage to the Committee. He would give a good precedent, and strong argument for the course which he intended to take, by referring to the education vote this year in the neighbouring colony of Victoria. He would show that though their expenditure was as large as ours, every shilling of it was paid out of consolidated revenue. Could he advance a stronger argument in favour of his contention than that? In page 78 of the estimates of expenditure in Victoria for the year ending 30th June, 1890, there was contained under the head of "State School Buildings" a vote of £214,266, exclusive of an item of £15,500 for the erection of a training college. And it was also exclusive of the sum of £25,000.

Mr. CARRUTHERS: To what item does the hon. member refer?

Mr. GARVAN said he was dealing with the proposed expenditure under the Appropriation Act in connection with public instruction in this colony. He was showing what items in the neighbouring colony were included in the Appropriation Bill for this very year and charged against the consolidated revenue. He was showing that items of expenditure of an exactly similar character to those for which he knew this Government intended to ask Parliament for permission to borrow money were in the neighbouring colony of Victoria provided for out of current revenue, and he produced as evidence the official account of revenue expenditure for this year, signed by the Treasurer of that colony, and amongst those items was the sum of £214,000 for state school buildings. There was no doubt that in Victoria they had been in the habit for some time of borrowing money for the erection of public schools; but as against that they adopted an exceedingly sound principle in connection with the proceeds of their land sales. They passed an act some time ago which provided that the sum of £200,000,

the proceeds of land sales, should in each year go towards the reduction of the public debt for railways, and during the past twelve or eighteen months that limit of £200,000 had been wiped away, and now not one shilling of income resulting from the sale of public lands in Victoria passed into the consolidated revenue, except what was specifically provided for in the Appropriation Bill.

Mr. GARRETT: The total proceeds of land sales in Victoria do not amount to £200,000 a year!

Mr. GARVAN said he would tell the hon. member the exact figures on the authority of the present Treasurer and leader of the Government in Victoria. That the sum applied every year by Victoria out of the product of its land sales for the reduction of its railway debt was not insignificant, was evident from the fact that there had already been passed to the credit of that account, and in reduction of the railway debt, a sum of £2,850,000. The present Government of this colony, in order to show a cash surplus at the end of the year of only £25,000, proposed to borrow £200,000 for the erection of public schools, not one shilling of which would appear in the budget speech of the Colonial Treasurer, and be shown in the annual statement of revenue and expenditure, and he was showing that this system was an undesirable one to continue, and that it was an unsound principle to allow the present Government to shirk their responsibility with reference to the consolidated revenue to the extent of borrowing £200,000 for expenditure on the public schools of the country. If sentiment could be imported into so essentially a business-like matter, he would say that he felt a natural spirit of revolt against having to go to the money-lenders of England to borrow money for the erection of schools in which to educate our children. It was an indignity to the colony, as well as being an utterly unsound principle of dealing with the public finances, to permit the country to borrow money for such a purpose. The Committee should insist that all expenditure of that kind should be provided for out of the consolidated revenue of the colony, and should be included in the Appropriation Bill submitted to Parliament. He was led more particularly into this contention with reference to our public schools from the fact

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that we received into our Treasury every year enormous sums as the proceeds of land sales. We were alienating every year large portions of our public estate, and the proceeds of these land sales should never be permitted to be included in the ordinary revenue account and treated as ordinary revenue. But while the system continued, while the proceeds of land sales were taken by our system of finance into the consolidated revenue of the country, it would be an outrage on every principle of sound dealing with finance to permit a minister to use the proceeds of these land sales to carry out the ordinary obligations of government, and to allow him at the same time to go to the money-lenders of England to borrow money to construct our public schools, thus not only violating every sound principle of business-like dealing with our finance, but also violating that sentiment which he trusted was not entirely lost in Australians, which made us feel that it would be better to educate our children even in weatherboard buildings than to go to England to borrow money for the purpose of erecting our schools. If the sound principles to which he had referred were recognised by the Government, instead of the small surplus they showed, a large deficit would be the result, and this deficit was cloaked by permitting the Government to indulge in the utterly unsound and absolutely dangerous principle of borrowing money for works such as these. If the Minister presiding over this department were really actuated by that spirit of Australian patriotism which he appeared so ambitious to flaunt before the country, he should act upon the generous and manly instincts of an Australian and refuse to go hat in hand to the money-lender of England and ask him for money to build our schools. Not only did this action of the Government outrage sentiment, but it set up in connection with education in the future a vast public debt which meant a burden to every succeeding generation. He would urge upon the Committee not to assent to any such unsound dealing with the Public Instruction Department of this colony, but to enforce on the part of the Government a recognition of the sound principles of finance in administering that great department of the state. In making reference to a neighbouring colony, he did not wish to do so

for the purpose of evoking any spirit of antagonism even between the rival parties advocating different fiscal policies. He wished to refer to Victoria only on a business basis, and to show that other men capable of dealing with the finances of a great colony—and unquestionably Victoria had been fortunate in the character and ability of its statesmen—had recognised the soundness of the principle he was contending for, and had given practical effect to it in the expenditure of that colony for this very year. He must also draw attention to some additional violations of the principle he was contending for with reference to the obligation of the Government to provide from the consolidated revenue the money requisite to carry on the ordinary government of the country. The Government, he noticed, had omitted to include in the charges against consolidated revenue for this year an item of £5,000 for the White Bay reclamation. They had also omitted to include in their proposed expenditure an item of £4,000 for a jetty at Coff's Harbour.

The ACTING-CHAIRMAN: I must ask the hon. member to confine his remarks to the question more immediately before the Committee.

Mr. GARVAN said he was pointing out that, though he knew the Government intended to carry out the works he had mentioned, he did not find in the Appropriation Bill submitted to Parliament any items to cover that expenditure. Consequently the expenditure in connection with those works was not included in the statement and balance-sheet submitted by the Colonial Treasurer; and he contended that he was legitimately within his rights in dealing with this matter in the way in which he was doing.

Mr. McMILLAN: Is the hon. member now referring to matters which are neither in the loan estimates nor in the ordinary estimates—because I fail to see how he can know that these works are going to be carried out this year?

Mr. GARVAN: I do know that the Government intend to carry out these works.

Mr. McMILLAN: This year?

Mr. GARVAN said he knew the Government had taken steps to carry them out, that they had initiated expenditure in connection with them; and that in some cases the work was actually done,

though, in the Appropriation Bill submitted to Parliament there were no items to cover the expenditure, which had been entirely excluded from the balance-sheet submitted by the Colonial Treasurer.

Mr. McMILLAN: I think it is only fair, as the hon. member's speech includes a large amount of detail, that this matter should be settled now. The hon. member's contention is that certain items have been omitted, either from the loan estimates, or the ordinary estimates which should have been included. I now ask the hon. gentleman whether he means that the money has been actually expended, or simply that there were some preliminary arrangements made indicating the possibility of its being expended? The hon. member now comes back to the statement, which may or may not be correct, that it was on the tapis that some of these works should be constructed. But he makes a further statement that some of the works referred to have actually been undertaken, and a certain portion of the expenditure incurred. I do not know whether the hon. member has any official knowledge; but if he has, I think it is only fair that he should state the works upon which money has actually been expended. As regards the other matter, the Government has a perfect right at any time to withdraw any works in contemplation, and hold them over for another year, although I am not saying that has been the case in the present instance.

Mr. GARVAN said he did not know whether or not the Government intended to take a technical point in order to interfere with the course of his speech.

Mr. McMILLAN: Not at all; I only desire to avoid any misapprehension!

The ACTING-CHAIRMAN: While the hon. member will be at perfect liberty to discuss items in the proposed Appropriation Bill, it will not be in order for him to criticise item after item of proposed expenditure in the loan estimates, which, in the hon. member's opinion, should be provided for out of consolidated revenue.

Mr. McMILLAN: I did not wish in any way to interfere with the speech of the hon. member, although he was referring to the loans account; but the hon. member is an ex-minister, and he was making a statement affecting my balance-sheet, and I merely desired to point out that it was

not fair to include in his revised statement works which were in contemplation, but as to which no steps had been taken, and which the present Government might either have agreed to abandon, or not to undertake until a future period. I do not wish to interfere with the general tenor of the hon. gentleman's remarks.

Mr. GARVAN said he might mention, and it was apparent to every hon. member, that he was making a speech on the general finances of the colony. No other opportunity than this had been afforded him, and the standing orders had been suspended in order that this measure might go through all its stages without delay. [*Committee counted.*] He had referred to some works that were in contemplation by the Government. He knew they had gone through all the preliminary stages which, according to the usual dealing with our finances, constituted them charges against the present year. By what process that knowledge had been obtained by him it did not matter for the purposes of the debate; but, acting in all fairness, he could adduce no better evidence than the official documents laid on the table of the House by the Government themselves to warrant the conclusion he was drawing with reference to these public works. It must be borne in mind that his contention was not that these items were improper or unsound items of expenditure for the Government to engage in, but that these legitimate public works should be defrayed out of the consolidated revenue of the colony, and that the Appropriation Bill should cover amounts requisite to meet the obligations which he knew the Government were incurring with reference to them. For the purposes of his argument it did not matter very much whether or not the whole of the money would be expended this year; because, even in the case of the ordinary expenditure from the consolidated revenue, it was only requisite in order to make it a charge against any year that the money should be voted that year, and the work commenced—that an obligation should be entered into with reference to it. That in itself constituted a sufficient obligation recognised by all past colonial treasurers, to make the full cost of that work a charge against the current year. He was only dealing with these items exactly upon the

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basis recognised by the present and all past colonial treasurers, and he was contending that where obligations had been incurred, and preliminary stages had been taken with reference to such public works, this had hitherto in all cases constituted the works a charge against the year in which they were initiated. These items of expenditure were not included in the Appropriation Bill now before Parliament, and the omission of them enabled a fictitious and misleading balance-sheet to be submitted to Parliament. There was the item, "Byron Bay jetty-cranes, £5,000." Further on there was another item, "Byron Bay Breakwater" —

The ACTING-CHAIRMAN: The hon. member is now referring to a document which is not before the Committee.

Mr. GARVAN: I think it would be infinitely better in the interests of debate that no attempt should be made to curtail my remarks.

The ACTING-CHAIRMAN: The Chair has no desire to limit the hon. gentleman's rights; but, at the same time, I think he will see, not only that he was reading a document not before the Committee, but also that the tone of his last remark was hardly respectful to the Chair.

Mr. GARVAN: At the present stage let me emphatically say that I intend to make my financial speech; let the odium rest upon those who would attempt to gag me in the discharge of a great public duty.

Mr. ABIGAIL: I rise to order. I submit that the hon. member has no right to threaten the Committee that he will do what the Chair has ruled that he is not in order in doing. It is grossly disorderly to make a statement of that kind. The hon. member certainly has his rights, and those rights are defined by parliamentary law and usage, and he cannot go beyond those rights, even by threatening the Chair or anybody else. The Chairman called the hon. member to order on a clear point, and his own knowledge should tell him that he was out of order.

Mr. GARVAN: Unquestionably not!

Mr. ABIGAIL: The Chair has said otherwise, and the hon. member has no right to get up and threaten that he will persist in doing that which has been ruled out of order.

Mr. GARVAN: I say again that I did intend and would make my financial speech,

unless an authority superior to myself gagged me and prevented me from making that speech.

The ACTING-CHAIRMAN : The hon. member applies that term to the Chair?

Mr. GARVAN : I have not done so. It could not apply to the Chair, because the Chair could not do it. The Committee alone could do it, and the Chairman is only the mouthpiece of the Committee.

The ACTING-CHAIRMAN : The hon. member should not use such language towards the Chair. The chairman for the time-being is the Committee. The hon. member has been contending throughout his speech that the Appropriation Bill has not made provision for certain items which may be charged to the loan fund, but which, in his opinion, ought to go against the consolidated revenue. The hon. member is in order in doing that in general terms ; but I only desire to point out that it will not be competent for him to go item by item through the loan estimates.

Mr. GARVAN : I am not doing that at all. I assure the hon. member that I do not intend to do it.

The ACTING-CHAIRMAN : I merely thought it my duty to remind the hon. member that, though a general reference to the question of loan votes may be permitted, he would be transgressing the rules of debate by referring to the loan estimate item by item.

Mr. McMILLAN : As far as I am personally concerned, I am very anxious that the hon. member should be allowed the utmost latitude. It is a pleasure to me to know that, after we have been accused of attempting to rush through the loan estimates, my hon. friend has evidently been thoroughly prepared for a long time to debate all the various items.

The ACTING-CHAIRMAN : Considerable latitude has been allowed the hon. member, because he has taken up the duty of reviewing the position. The latitude which is allowed to the hon. gentleman as a leading member of the House to deal with this matter specifically, and which would also be allowed to the finance Minister, will not be extended in the same degree to every other member of the House.

Mr. TRAILL : Why not?

The ACTING-CHAIRMAN : Simply for the reason that it is always understood that the finance Minister, or the Minister in

charge of the estimates, and the member who has taken upon himself the leading position on any particular matter, should be allowed a certain latitude. I understand that this was an arrangement come to early in the sitting; and I ask the hon. member not to go unnecessarily into details, because if he does so, other hon. members may think they have a right to do so.

Mr. TRAILL : A very serious question is involved in your ruling, sir!

Mr. GARVAN would ask his hon. friend not to press his objection at the present stage. It was within his knowledge that the Government had taken preliminary steps with reference to the public works to which he was referring, which in the ordinary course of the business of the Treasury would constitute them charges against the consolidated revenue for the current year. He was pointing out that in the Appropriation Bill submitted to the House, and in the balance-sheet announced by the Colonial Treasurer this morning, no provision had been made for these works, that this omission must result in a balance-sheet entirely misleading to the Parliament and the country, and that the credit balance of £25,000 dwindled into nothing in the light of any one of the works to which he had made reference. He had referred to a proposed expenditure at Byron Bay of £162,000, and to other works. In no case did he object to the principle involved in the construction of these works. In fact he thought exceeding great care had been taken by the Government before they committed themselves to the obligation. [*Committee counted.*] He was not contending that it was undesirable that liabilities should be undertaken on account of these works. He was only pointing out for the illustration of his argument that while they were undoubtedly justifiable works, the Minister had not taken upon himself the responsibility consequent upon his committing the country to the expenditure, and had made no provision to defray the cost of these works out of the consolidated revenue. [*Committee counted.*] His contention was that when the Government committed itself to the construction of these works, which were of a non-productive character, it became at once an imperative duty on the part of the Colonial Treasurer to provide

out of the consolidated revenue the means to defray the cost of the works. The Colonial Treasurer submitted an artificial balance-sheet showing a surplus of £25,000 by ignoring his undoubted obligation to provide for every one of these public works out of the consolidated revenue. He would like to point out how easy would be the task of any minister of finance in the future if there was no line of demarcation to indicate what he must necessarily pay out of the consolidated revenue and what of his own sweet will he could pay out of loan. If the principle now sought to be adopted were approved of by the Committee, the finance Minister would only have to obtain permission to borrow money for any purpose that he thought necessary to enable him to submit a balance-sheet showing a credit balance. He had referred to some of the items mentioned because he had a personal knowledge of them ; and he quoted them for the express purpose of showing that there was no personal animus on his part against the construction of these works. He admitted that the Government had displayed considerable regard for the public wellbeing in the undoubted investigation through which they had put every proposal that came before them ; and he knew this from his own experience of the present Secretary for Public Works in connection with some very important works in his own electorate. The hon. gentleman had submitted those works to a crucial investigation rarely given by a minister occupying his position ; and he was now quoting with all the more force the fact that the country had, even in view of that crucial test, committed itself to expenditure not one shilling of which was provided for in the bill before Parliament ; and consequently the balance-sheet based upon that Appropriation Bill was misleading both to the Committee and the country. To additionally strengthen the contention he was putting before the Committee, he would refer to the manner of dealing with similar works in the neighbouring colony of Victoria. For instance, the present Government proposed to construct a jetty at Coff's Harbour for £4,000 ; and they proposed to construct it with borrowed money. He would not quote numerous items from the Victorian estimates, but only sufficient to illustrate the

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principle for which he was contending, and to show that it was recognised in a neighbouring colony. In the Victorian estimates of expenditure for the current year, page 73, he found the item, "Towards new jetty, Apollo Bay, £3,520, plus £2,520 last year." For that work, which was exactly of a similar character to the work at Coff's Harbour, the Victorian legislature had voted £6,000, not one shilling of which came from loan account. We proposed to carry out a work of an exactly similar character, but not so large in extent ; and our finance Minister proposed to meet his obligation with reference to that work by borrowing the money in England. Was that a satisfactory state of things ? In the Victorian estimates for this year he noticed the following items :—

Towards the construction of deep-water jetty, Queenscliff, £2,000 ; towards erection of jetty near Tooradin, Western Port Bay, £250 ; towards erecting a tidal jetty and approaches in the vicinity of Muddy Creek, £1,500 ; towards extension and repair of jetty, Dromana, £1,000.

The cost of every one of those works was defrayed by the Victorian Government out of the consolidated revenue, and not a shilling was borrowed for the purpose. In this colony the Colonial Treasurer had committed the country to works of an exactly similar character, and he proposed to meet his obligations with reference to them by asking Parliament to allow him to borrow the money in England. There was an expenditure proposed to our Parliament of £5,000, for reclamation works at White Bay. In Victoria £15,000 was voted for reclamation works at South Yarra, and last year a similar sum was voted for the same purpose, making in all £30,000. While the Colonial Treasurer of this colony proposed to meet his obligation on account of the White Bay reclamation by going to England to borrow the money, the Treasurer of Victoria, in meeting his obligation in reference to a similar work of much larger extent, did not have recourse to the money-lender to the extent of a shilling. How much sounder was the system of finance adopted in the neighbouring colony ! There were other items in the Victorian estimates to which he could refer to illustrate his argument. For instance, there was the item, "Landing and depositing silt for reclaiming 25 acres of land at Footscray, £1,000." Last year

£4,000 was voted for this work, and every shilling of the expenditure had come from the consolidated revenue. We proposed to expend, for the improvement of the navigation at the entrance of the Brunswick River, £4,000, and the Colonial Treasurer asked that he should be allowed to meet his obligation with reference to that work by borrowing every shilling of the money in England. In the Victorian estimates he found that a sum of £10,000 was voted for improving the entrance to the Gippsland Lakes, and that a sum of £5,000 was voted in the previous year. Those two works were similar in character, and though in Victoria a much larger expenditure was involved, not a shilling of the money was to be borrowed in England. We also proposed to spend £18,000 for appliances for reclaiming land by sand-pump dredges, and the Colonial Treasurer proposed that he should be allowed to meet his obligation with reference to that expenditure by going to England to borrow every shilling of the money, and consequently it would be excluded from the statement of annual expenditure submitted to Parliament. In the Victorian estimates for the present year a sum of £40,000 was voted towards the Elwood Swamp drainage works, and £20,000 was voted for the same work in the previous year. The Treasurer of that colony did not ask to be allowed to borrow a shilling for the purpose. In Victoria, they very wisely used the proceeds of land sales for such a purpose as that, instead of passing the proceeds of their land sales into the Treasury. We, on the other hand, sold land to a much larger extent than they did in Victoria, and took the whole of the proceeds of these land sales into the Treasury, allowing the Colonial Treasurer to use every shilling in order to carry on the ordinary obligations of government. Another item of a somewhat similar character, as to which there was even less justification for charging it against the loan fund, was that of "Admiralty Wharf at Woolloomooloo Bay, cost of filling up the back, £15,000." The Colonial Treasurer, while committing the country to that expenditure, which was no doubt a perfectly justifiable expenditure, proposed to meet his obligation with reference to it by going to England to borrow the money. In the Victorian estimates for the present year,

page 86, he found these items—"Towards Koo-wee-rup Swamp Drainage Works, £20,000"; and also "Towards reclamation works at Port Melbourne Lagoon, to be recouped by sale of reclaimed land, £46,000." The Government of Victoria, while committing the country to this large expenditure, undertook the responsibility of carrying out the works without borrowing a shilling of the money, while for the insignificant item of £1,500 for work of a similar character to the work in Victoria just quoted, the Colonial Treasurer proposed to commit the country to the unsound principle of allowing him to go to England to borrow the money. He did not for one moment question the propriety of carrying out many of the public works to which the Government proposed to commit the country. But the works to which he was about to refer were of such a character that the Government were quite unwarranted in asking Parliament for authority to borrow in order to meet the cost of their construction. He had not made numerous references to other countries in order to illustrate the principle for which he had been contending; but in this instance he would refer hon. members to the neighbouring colony of Victoria, which had a population similar to ours, and which, from many other circumstances, constituted a good example to place before the Committee. Works similar to those to which he was about to refer were being carried on in the neighbouring colony of Victoria, and in every instance the necessary money was drawn either from the consolidated revenue or from the land revenue. In no instance did the Treasurer resort to the expedient of borrowing money.

Mr. HAROLD STEPHEN: There is not a quorum present, Mr. Chairman.

The CHAIRMAN: I must point out to the hon. member that it is exceedingly disorderly to direct the attention to the state of the Committee when there is a quorum present.

Mr. GARVAN said that he had come across numerous instances in which Victoria carried out from her consolidated revenue works, which it was proposed in this colony to carry out from loan vote; but a few instances would be sufficient to illustrate his contention. He found that the Government of this colony proposed to

borrow £13,000 for additions to the Parramatta Hospital for the Insane, and that they proposed to borrow £7,300 for alterations to fit the Parramatta Protestant Orphan School for a similar hospital. While he commended the Government for proposing to carry out the work, he condemned the proposal to discharge the obligation incurred from borrowed money. Not only was the principle in itself unsound; but the Government had to guide them a totally different practice in regard to identical works followed in the neighbouring colony of Victoria. In that colony works of this character were paid for from the consolidated revenue. On page 85 of the last estimates of the Government of the neighbouring colony hon. members would find a sum of £118,000 provided towards giving extra accommodation for 250 males, and 250 females, and for the construction of an asylum for pay patients, and receiving-house, and an asylum for inebriates.

MR. HAROLD STEPHEN: There is no quorum present, Mr. Chairman.

THE CHAIRMAN: I trust the hon. member will not unnecessarily interrupt the hon. member addressing the Committee.

MR. HAROLD STEPHEN said he had no intention of interrupting the hon. member; but he apprehended that in accordance with the rules of the House when he called attention to the fact that there was no quorum present the Chairman of Committees would take cognisance of the circumstance.

THE CHAIRMAN: I would remind the hon. member that there is another rule empowering the Chair to suppress disorderly conduct.

MR. GARVAN said that while the Government of this colony proposed to defray these comparatively small amounts on account of the insane from loan vote, the Government of Victoria proposed to expend £118,000 in connection with one work, taking the whole of the money from the consolidated revenue. It was by this system of dealing with our accounts—this system of paying from loan vote for works of a non-reproductive character, excluding the cost from the balance-sheet, that the Colonial Treasurer was enabled to exhibit accounts showing a miserable surplus of £25,000. This wretched result was brought about only by ignoring obligations which

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properly attached to the revenue of this great colony. [*Committee counted.*] He would take another item from the loan estimates of the Government, a sum of £7,000 for improvements, Cowper Wharf, Woolloomooloo Bay. He had no doubt that this was an entirely justifiable work, and that the Minister was entitled to commendation for deciding to carry it out; but he objected to the charging of the loan vote for the cost. Now, while the Government of this colony proposed to borrow money in England to carry out this work, the neighbouring colony of Victoria provided upon its last estimates a sum of no less than £60,000 for harbour works at Warnambool, the treasurer of the colony not asking for authority to borrow a single shilling in connection with the carrying out of the works. He would not occupy more time than was necessary to put his case logically before the Committee; but there was another item to which he would refer. The Government proposed to borrow £15,000 for the erection of a gaol at Silverton or Broken Hill. Let hon. members contrast with the borrowing for that small expenditure the proposal of the Victorian Government to expend £30,000 towards additions to "C" division at Pentridge for the accommodation and classification of female prisoners at present confined in Melbourne Gaol, a sum of £15,000 having been expended last year upon the same work. It was proposed to allow the Colonial Treasurer of this great colony, with its magnificent resources, to borrow £15,000 for the erection of a gaol at Broken Hill, while the colony of Victoria expended £30,000 upon additions at Pentridge from the consolidated revenue. He came now to another item, in which hon. members were more interested, the proposal to borrow £100,000 for new Parliament Houses. Notwithstanding the enormous income to the Treasury from the alienation of the public estate, notwithstanding the fact that the average income of this colony from the public estate was upwards of £2,300,000, the Government proposed to go to England to borrow £100,000 for the erection of new houses of Parliament.

MR. HAROLD STEPHEN: There is not a quorum present, Mr. Chairman.

THE CHAIRMAN: There is a quorum present.

Mr. GARRETT: Is it not a gross breach of order, Mr. Chairman, for an hon. member to call attention to the state of the Committee when there is a quorum present?

Mr. HAROLD STEPHEN said that on each occasion when he had risen to call attention to the state of the Committee he was not aware that there was a quorum present.

The CHAIRMAN: The hon. gentleman should take steps to assure himself that there is not a quorum present before he directs the attention of the Chairman to the supposed fact.

Mr. HAROLD STEPHEN: I did so!

The CHAIRMAN: The hon. gentleman cannot have done so. On several occasions when the hon. member called attention to the state of the Committee, he must have been cognisant of the fact that there was a quorum present. I trust the hon. member will cease this disorderly conduct.

Mr. GARVAN said that while the Government of this colony were prepared to go to England to borrow £100,000 for the erection of new houses of Parliament —

Mr. HAROLD STEPHEN rose to make a personal explanation.

The CHAIRMAN: The hon. member will be seated. Mr. Garvan.

Mr. HAROLD STEPHEN: I have a right to speak. I claim my right to be heard in personal explanation.

The CHAIRMAN: The hon. member will be seated. Mr. Garvan.

Mr. HAROLD STEPHEN: But I rise to make a personal explanation.

The CHAIRMAN: Will the hon. member take his seat?

Mr. HAROLD STEPHEN: Mr. Melville —

The CHAIRMAN: If the hon. member again attempts to interrupt the proceedings of the Committee, I shall use the powers vested in the Chair to preserve order.

Mr. HAROLD STEPHEN: I rise, sir, to make a personal explanation.

The CHAIRMAN: Order.

Mr. HAROLD STEPHEN: I demand a hearing. I desire to make a personal explanation, and that right must be conceded to me.

The CHAIRMAN: Will the hon. member be seated? The right which will be conceded the hon. member, if he interrupts

the proceedings of this Committee further, will be this—I shall instruct one of the officers of the House to remove the hon. member. If the hon. member has any explanation to make, he will have an opportunity to make it when the hon. member addressing the Chair resumes his seat.

Mr. GARVAN said the item of expenditure to which he was directing the attention of the Committee when he was interrupted, was of special interest, because it had formed the subject of comment by the Treasurer of Victoria. That gentleman, in his budget speech delivered in July last, referred to the proposed expenditure in connection with the Victorian houses of Parliament, and said:

Now, the erection of Parliament Houses cannot be regarded as a reproductive work, although so far as those who occupy it are concerned, we hope that their work will always be reproductive, and I do not think that we are justified when we go to the London money market to borrow money for railways and other reproductive works, including a large sum for the erection of any portion of Parliament Houses.

These were weighty words, coming from an undoubted authority on the subject. Not alone was the principle for which he was contending recognised in the neighbouring colony; but it was brought under the consideration of the Assembly there with special emphasis. The Treasurer of Victoria proceeded:

I do not think that that course is a right one, and I believe that the new departure we propose will be invaluable in the effect it will have in raising our credit in the eyes of those to whom we have to go when we desire to borrow money, and I venture to say that this proposal—we take £90,000 to build the north and east fronts of Parliament houses—is a thoroughly justifiable one.

He quoted these words in order to show how emphatically the principle upon which the Colonial Treasurer of this colony was acting was condemned by the finance minister of Victoria. To emphasise that minister's condemnation of this unsound principle, there was upon the Victorian estimates for this year a large sum of money for the Parliament Houses of Victoria. He would urge upon the Committee to consider how almost indecent it was, having regard to the resources of the colony, to go to the money lenders of England to borrow money to pay for the erection of our houses of Parliament. Not only was it

an outrage upon sound financing ; but it must grate upon the patriotic feelings of every Australian in the colony. He thought we should wait for new houses of Parliament until we could erect them out of our own money. He did not think he need mention any more items. The works to which he had referred might be fairly designated as non-productive, and in every instance the Government of Victoria proposed to expend large sums of money upon them from the consolidated revenue of the colony, while the Government of this colony proposed to go to England to borrow money for the works. He desired to make brief reference to another set of works which were of so extraordinary a character that he could not perceive how they could, by any process of reasoning, be brought into a loan bill. It was impossible to arrive at any reasonable line of demarcation between these works and a number of other items, the cost of which was every year defrayed from the consolidated revenue. He alluded to the large sums upon these estimates for roads and bridges. The Government proposed to borrow under this heading no less a sum than £248,100, excluding that large amount from our balance-sheet. Every shilling of this expenditure was excluded from the balance sheet submitted by the Colonial Treasurer that morning, showing a wretched surplus of £25,000. This was brought about by the wholesale ignoring of obligations which properly attached to the hon. gentleman as the guardian of our finances. There was one item of the same character put under a somewhat obscure heading :

Additions, alterations, and improvements to roads, stations, and buildings, and for other purposes, including purchase of land required for extending works, £200,000.

What warrant there was for such an expenditure from loan votes he could not discover. Even if there had been precedent after precedent in the past, he maintained the time had now come when a sounder system should be made obligatory on the occupants of the Treasury benches. Passing from those items, he would refer to only one other character of vote. We were to be called upon under a loan bill, with which this Parliament was to deal before it rose, to authorise the Government to borrow £718,200 to renew old bills falling due. Now, unquestionably,

[*Mr. Garvan.*

before the Colonial Treasurer attempted to renew those bills, he should have ascertained whether there was any tangible asset to represent them. Some of them were actually for works that did not exist in the colony of New South Wales ; some for the erection of buildings in Queensland ; some for the clearing and snagging of rivers in Queensland. The Treasurer was asking us to renew bills on the basis of assets that did not exist at all, and there was, unquestionably, no warrant for that. His contention was that that portion of the asset that had ceased to exist should be a charge against the revenue of the year on which the bill fell due. He would give one illustration of a rather peculiar character to show the tendency to borrow on the part of the Government. There was one item for public works, 22 Victoria No. 26, an item of £5,000, for which we were asked to allow the Government to renew the bill. Now, there had been laid on the table of the House on the 20th August a return showing the whole of the existing loans of the country, and how they had been dealt with. He found on reference to that document that the loan authorised by 22 Victoria, No. 26, was £11,600 : £5,000 for a lighthouse at Cape St. George, and £6,600 for a gaol at Brisbane. That loan was authorised so close to the time of the separation of Queensland from this colony, that only the £5,000 for the lighthouse was spent ; the balance of £6,600 remained still in the Treasury of the country. Notwithstanding that they have that £6,600 unexpended, the Government asked us to renew the bill for the £5,000. That showed the extent of the tendency to borrow on every possible occasion if there was the barest shadow of justification. All those items to which he had referred should unquestionably be charged against the consolidated revenue of the year, and not against loan votes. In this loan bill, covering an amount of £6,903,896, the items of the character of those that he had detailed to the Committee amounted to an aggregate of £2,975,313, the whole of which should be a charge upon the consolidated revenue of the year, more particularly when the consolidated revenue in this colony included the whole of the profits from the land sales. It was only by ignoring his obligations with regard to that enormous sum that the Colonial Treas-

surer was enabled to show a credit balance for the year of £25,000. Even the correctness of the principle for which he had contended might be questioned in its application to some of the items that he had detailed. It must be admitted that as to the vast bulk of them it was utterly indefensible to charge them against loan funds. It was building up a great burden of debt against the future of the country, to enable the Colonial Treasurer from year to year to relieve himself of his obligations. He had shown the result up to the present time of this most unsound system of dealing with our finances. Comparing our position with that of Great Britain, he had shown that after placing against our national debt every asset of a kind that was not possessed by England as against her national debt, we had a deficiency of £21,265,000, the annual interest on which represented a burden per head of population of 57 per cent. more than that of Great Britain. The comparison would have been still more to the disadvantage of the colony if he had not given credit for the telegraphs as an asset of a sort not possessed by Great Britain. It was not till just now that he had learnt that in England, too, the telegraphs were in the hands of the Government. He had also shown that while the result of the financial operations in this colony, after giving credit for every asset, had been a deficit of £21,265,000, the neighbouring colony of Victoria, with an equal population, had at the present moment not only no deficiency, but actually a surplus. Not only that, but we had sold more land than Victoria to the extent of 19,089,000 acres, which, at the low rate of 15s. an acre, represented £14,317,000, giving a total adverse balance of £35,582,000; as the result of government in New South Wales as compared with Victoria.

Mr. GARRETT: That is just three times the amount of the total land sold. There are the unpaid balances!

Mr. GARVAN would deal with that at some other time. He had shown that the government in this colony had been conducted on so unsound a principle that it had left us with an adverse balance as compared with Victoria to the extent of £35,582,000. As to the interjection of the hon. member for Camden about the unpaid balances, there were unpaid balances in

in Victoria as well as New South Wales; but it must be borne in mind that those balances were included in the every-day revenue of New South Wales.

Mr. GARRETT: No!

Mr. GARVAN: The whole of the proceeds of the land sales went into the consolidated revenue, and every shilling of it was used in defraying the ordinary cost of government. The balances due did not stand out as an asset to be credited against the capital debt. He regretted exceedingly that it had been necessary for him to occupy so much time, but he had been impelled by a strong sense of duty, and by a conviction that he possessed a knowledge of the subject which few other hon. members had laboured so hard to possess. He had given attention not only to the minutest details of the subject, but also to the great principles involved; and he hoped that the wrong principles he had brought under review would receive the serious consideration of parliaments in the future, and that the system, which had landed us in our present ruinous position, would be once and for all abandoned by the Parliament of the country.

Mr. CARRUTHERS said the hon. member had made a speech of about four hours' duration in the vain endeavour to show that this colony was in a bankrupt condition; but if he tried for years and years with dreary speeches of that character, he would ignominiously fail in the task.

Mr. GARVAN rose to order. There had been attributed to him conduct and a design, that by no fair interpretation of any word that escaped him, could be attributed to him. The hon. member had said that he had striven to show that the colony was insolvent. He repudiated emphatically either that he had asserted it, or that there was any truth in it, no matter who had said it.

Mr. CARRUTHERS said it only showed how the hon. member could fail to make himself understood by those who had to sit under the infliction of his speeches. The hon. member had said in the concluding part of his speech that he thought he had shown the ruinous state of affairs in the colony. No doubt it was due to some defect in his education; but he could not see the difference between a ruinous state of affairs and a state of bankruptcy. Now, the hon. member had gone to a vast amount

of pains to prepare himself for his deliverance, and therefore, if he had made any mistakes, had concealed anything that ought to have been disclosed, he was highly censurable. Having devoted so much time to the subject, it was incumbent on the hon. member to place it truthfully and clearly before the country. Before he sat down he would show that in one or two important points the hon. member had concealed matters of vital issue, and if he had done that in one or two points, it might be taken for granted that his whole speech was founded on specious arguments. The hon. member quoted from speeches of the Victorian Premier with regard to the erection of the houses of Parliament in Victoria, in order to show how that gentleman had spoken against expending money on the erection of parliamentary buildings, and to show that the money had this year been placed on the estimates as a charge against the consolidated revenue fund. Now, the fact was that the parliamentary buildings in Victoria were built out of loan funds. When any hon. member sought to mislead the Committee by suppressing a fact of that character, it showed how much value was to be attached to the whole of his utterances on the finances of the colony. When hon. members came here to speak about the financial position of New South Wales, it behoved them to speak the truth, and not to seek to gain their objects by suppressing facts of material importance. Up to the 30th June, 1887—over two years ago—there had been expended from loan votes on the law courts and Parliament Houses in Victoria, no less a sum than £481,757; yet the hon. member declaimed against the expenditure of £100,000 for parliamentary buildings in New South Wales.

Mr. GARVAN: Does the hon. member think it is a sound principle?

Mr. CARRUTHERS: The hon. member laid it down as a broad principle that the loan expenditure should be only upon reproductive works—that we should have something to show the English investor in the annual returns as against each of the works on which loans were expended. Now, the principle that had hitherto guided these colonies and all young countries in their loan expenditure was this: that whilst reproductive works were justi-

fiable charges upon loan funds, simply because of their reproductive character, there were works of a great national and permanent character, which, as they were built for posterity, it was only fair that posterity should pay for. We left to posterity the assets which, in this thinly populated colony, we had built for their benefit. By our land policy we were locking up millions of broad acres of land, and handing them down as a large and valuable asset to those who came after us. We could say to posterity, "We are depriving ourselves of the money which these lands would realise, and we are building works which will last for centuries, which will enable you to occupy those lands, to carry on commerce between one portion of the colony and another, and as we complete these works we leave to you, to a certain extent, the task of paying for them with the magnificent asset we leave you." Now, there was another point the hon. member had made in speaking of the two colonies. The hon. member had displayed a want of patriotism which was too often displayed in New South Wales. Not only here, but at public meetings everywhere, there was a constant attempt to decry the fortunes and position of New South Wales. New South Wales had to meet her obligations, to pay her public debt; but she had a larger asset in hand than the sister colony.

Mr. SCHEY: Who made the asset?

Mr. CARRUTHERS: There were many hon. members who would like to see the policy they advocated rise like a phoenix out of the ruin of New South Wales.

Mr. SCHEY asked if the hon. member was in order in describing any members of the Committee as having a dishonorable desire to see their policy rising triumphant out of the ruins of New South Wales?

Mr. GARRETT: It is true!

Mr. SCHEY must ask for protection from the barking of the hon. member for Camden.

The CHAIRMAN: The hon. member must withdraw the offensive expression he has used towards the hon. member for Camden.

Mr. SCHEY said that if he thought that the hon. member for Camden could possibly be insulted by such an expression—

The CHAIRMAN: The hon. member cannot by inference do what the Chair has ruled he cannot do directly. What is the use of offering an apology, and at the same time adding an insult?

[*Mr. Carruthers.*]

Mr. SCHEY unconditionally withdrew the words, and apologised. At the same time he would like to point out that while hon. members on the other side were very strictly guarded from insult —

The CHAIRMAN: Will the hon. member state his point of order. He is only at liberty in stating the point of order to give such reasons as to his mind, if he complains of words being offensive, show that they are offensive. He is not at liberty to enter into a general debate as to the merits of the point of order that he raises.

Mr. SCHEY conceived that the expression used by the Minister of Public Instruction was personally offensive. It amounted to a charge that hon. members on the Opposition side—of whom he was one—desired to see their policy flourish on the ruins of New South Wales. That was personally offensive to him, and was calculated to be offensive to every hon. member on that side of the House.

Mr. WALL wished to say on the point of order—if there was a point of order—that he thought we had had enough of the gag, and he regretted to see any hon. member on the Opposition side attempting to impose it. He did not consider the Minister of Public Instruction had said anything offensive. If objection were to be taken to such expressions it was time that we shut up Parliament.

The CHAIRMAN: I fail to see that the words could possibly be construed into an offence. Hon. members must not think that whenever they choose to say that an expression is offensive to them, the power of maintaining order is to be called into play. The Minister of Public Instruction has not used any offensive expressions, and is not out of order.

Mr. CARRUTHERS certainly did not intend to charge hon. members on the Opposition side with what was sought to be placed upon him. He admitted freely that there were many members sitting on the other side of the House who just as much as himself had the best interests of the country at heart—who said very little against the colony, and who spoke fairly and openly of it; but there were other hon. members against whom the charge he had made might fairly be levelled. He did not level it in an offensive way, but simply as a matter of fair debate. If we referred to the statistics compiled

from the public records of the colony by the Government Statistician, we found that the total public wealth of the colony was £183,200,000 in 1887, as against a loan expenditure of £40,000,000 at that date. That amount was made up in this way: Railways, tramways, telegraphs, and other revenue yielding works, £47,800,000. On those works we had expended something like £60,000,000; but the Government Statistician took them at £12,200,000 less than that. Then there were public works and buildings not yielding revenue, or only indirectly, £16,000,000, and unsold Crown lands and balances due on lands sold conditionally, £114,000,000. We knew that we had something like 144,000,000 acres of Crown lands which were not alienated, nor contracted to be alienated; and that we had balances due from conditional purchasers of something like £12,000,000. Any one looking fairly and impartially at the statistics of this colony would recognise that they were accurate—that they were an under-statement, if anything; and before the colony was called upon to pay these loans its assets would be worth infinitely more than they were at the present time. We had, therefore, £183,000,000 worth of assets to meet our obligations, already incurred or to be incurred hereafter. The hon. member for Eden had condemned the item of £200,000 proposed to be charged to loan account for expenditure on public school buildings, and he had tried to connect that in rather a shadowy way with the financial statement of the Colonial Treasurer for this year. Now, not one shilling of that money had been anticipated in any shape or form: the whole expenditure of the Public Instruction Department for this year had been charged to revenue, and therefore it had not been used in any way in order to do away with the obligations the Government had incurred this year. The hon. member had gone to the colony of Victoria to show that we ought not to encroach upon loan votes for the expenditure upon our public school buildings. The hon. member had quoted the report for last year, and the estimates for last year, and he left hon. members under the impression that the public schools in Victoria were built out of the annual revenue from the consolidated fund. What were the facts? In Victoria, from the establishment of the

public instruction system up to the present time, every penny for erecting public schools had been paid out of loan votes. The sum up to the middle of 1887 was £1,063,000—charged to loan account, and expended in erecting public schools throughout the length and breadth of the colony. When the hon. member went to Victoria for arguments against charging loan votes with that expenditure, he went to the very country which had been doing it from beginning to end. In New South Wales, since the Public Instruction Act had been in force, we had spent on public school buildings a sum of £1,700,000, and the whole of that had been charged against the consolidated revenue, except £60,000. Then the hon. member went to England to show how we were breaking through the rules which should govern our finance with regard to loan expenditure, and the hon. member left every member of the House to believe that in England there was no precedent for this sort of thing. The fact was that in England the amount borrowed to build board schools, and now chargeable against loans, was no less than £19,000,000. The hon. member had consumed a large portion of the time of the Committee on purpose to mislead, he would not say intentionally; but the hon. member did mislead the Committee with regard to those two items, and that should set every member thinking as to the value of his remarks. The hon. member, with all his research, had failed to grasp the broad principle underlying the charge for building public schoolhouses. He had said that in this colony we set apart none of our land revenue to meet any of these obligations, and he had quoted the very wise provision made in Victoria, where a certain amount of land revenue was set aside for certain purposes. In this colony we had done exactly the same in another way with regard to public instruction. We had 800,000 acres of the best land in New South Wales originally set apart as church and school lands now made available to meet the expenses of carrying on education in this colony. It would be easy to show that this particular item condemned by his hon. friend was more justifiable, perhaps, than any item charged against the loan votes for years past, and to show how utterly his hon. friend had failed to make out a

[*Mr. Carruthers.*

case against the Colonial Treasurer in this instance, not only had we this 800,000 acres of land to meet the obligation, but there was in the public treasury, to the credit of the public school endowment account, a sum of £198,842, and before the end of the year we should have over £200,000; so that, if the English creditor came and demanded to be paid this sum at a moment's notice, there was the money in the Treasury to pay it. We had coming in from our church and school lands an annual rental of £16,000, which was enough to pay interest at 4 per cent. on £400,000. We had one piece of land 4,000 acres in extent, within about half an hour's drive from Syney, for which the department had refused a sum of no less than £2,000,000. That was part of the asset to meet any obligation that the department might incur. If the people of this colony wanted public schools of a substantial character erected to carry on the work of education now and hereafter, it was a fair thing to charge the loan votes with the amount to be borrowed, when we had the means of paying twice as much interest as we should be called on to pay, and when we had an asset worth many millions, and ever increasing in value. Now, if we examined the other items which had been referred to by the hon. member for Eden, we should find that grossly as the case had been misrepresented with regard to those two points, the same misrepresentation had been made throughout. The hon. member might charge us with unfairness in putting harbour works upon the loan estimates. In Victoria the Government had very little harbour work to do, because the bulk of the harbour work was done by the harbour trust, which had power to pledge the credit of the colony as freely as the Government could. It incurred its own obligations, which were a charge on the national revenue. Yet in Victoria, we found that up to the end of June, 1887, there was a charge for harbour works of £129,000; for bridges, £92,000; for a graving dock, £341,000; for public offices, besides the public schools, £162,000; water supply, £4,800,000; and for railway works, £23,000,000. Their expenditure in that period from loan votes amounted to £30,000,000, out of a total expenditure of £53,000,000, while in New South Wales the expenditure from loan votes was only £40,000,000, out of a total expenditure on

public works of £63,000,000. On those few points he thought he had shown that the hon. member for Eden had misled the Committee in his comparisons between Victoria, England, and New South Wales; and when we found that on vital points like those his research had not led him to put the truth before the Committee, it was enough to make hon. members look with suspicion on the whole of his arguments. New South Wales was in as good a financial position as any colony of the Australian group; and the legislature had nothing to fear from the expenditure proposed by the present Government.

Question resolved in the affirmative.

Resolved (on motion by Mr. McMILLAN):

That towards making good the supply granted to her Majesty for the supplementary service of the year 1888, and previous years, the sum of £375,138 12s. 3d. be granted out of the Consolidated Revenue Fund of New South Wales.

Resolutions reported and agreed to.

Bill presented, and read the first and second times.

In Committee:

Clause 3 (Colonial Secretary).

Mr. DIBBS moved:

That the following item be omitted:—"Remuneration to Mr. John Davies, from 2nd May to 30th December, 1887, for services as chairman of the late Casual Labour Board, in addition to allowance paid to him for travelling expenses, £1,102 10s."

He was not going to weary the Committee with any further debate on the question; but he wished again to enter a protest against the payment of this money.

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

Ayes, 34; noes, 24; majority, 10.

AYES.

| | |
|-------------------|---------------------|
| Abigail, F. | O'Connor, D. |
| Brown, H. H. | Parkes, Sir Henry |
| Brunker, J. N. | Paul, W. H. |
| Carruthers, J. H. | Plumb, J. |
| Clubb, G. | Seaver, J. C. B. P. |
| Cooke, H. H. | Smith, Bruce |
| Dale, D. | Smith, S. |
| Fuller, G. W. | Street, J. R. |
| Garrett, T. | Taylor, H. |
| Gould, A. J. | Teece, W. |
| Greene, G. H. | Wheeler, J. |
| Hawken, N. | Wilkinson, R. B. |
| Hawthorne, J. S. | Wilshire, J. T. |
| Haynes, J. | Woodward, F. |
| King, R. J. | |
| Lee, C. A. | <i>Tellers,</i> |
| Lees, S. E. | Dangar, O. O. |
| McMillan, W. | Nobbs, J. |

NOES.

| | |
|---------------------------------|-----------------|
| Chanter, J. M. | Playfair, T. |
| Clarke, H. | Schey, W. F. |
| Creer, J. | See, J. |
| Dalton, T. | Stephen, Harold |
| Dawson, H. | Stevenson, R. |
| Dibbs, G. R. | Traill, W. H. |
| Dowel, W. S. | Walker, T. |
| Edmunds, W. | Wilkinson, J. |
| Garvan, J. P. | Wright, F. A. |
| Howe, J. P. | |
| Hutchison (<i>Glen Innes</i>) | <i>Tellers,</i> |
| Lakeman, A. | Hassall, T. H. |
| Lyne, W. J. | Wall, W. C. |

Question so resolved in the affirmative.

Bill reported without amendment; report adopted.

Bill read the third time.

RELEASE FROM CUSTODY OF MR. CRICK.

Sir HENRY PARKES: I beg to move:

That the hon. member for West Macquarie, William Patrick Crick, Esquire, on his entering the House and expressing regret for his conduct and offering a suitable apology, be discharged from the custody of the Serjeant-at-Arms.

In submitting this motion I desire to say two or three words. No friend of the hon. member for West Macquarie can more sincerely desire than I do that that hon. member's capabilities may in future be so directed as to redound to his proper usefulness and to the credit of the country.

Mr. SPEAKER: I think I am bound to say that the resolution can only be taken with concurrence.

HON. MEMBERS: Hear, hear!

Question resolved in the affirmative.

The hon. member for West Macquarie was conducted into the Chamber by the Serjeant-at-Arms.

Mr. SPEAKER: Mr. William Patrick Crick, I have to inform you that the House has arrived at a resolution to this effect, that if you, on entering the House, express regret for your conduct and offer a suitable apology, you be thereupon discharged from the custody of the Serjeant-at-Arms. I trust that that apology will be given.

Mr. CRICK: As I stated yesterday, I did not attempt to justify the words which I uttered in the heat of debate. I could not express regret for words which I did not use, not for the words attributed to me. The words which I said I did use I could not but express regret for. No one could feel deeper regret for having used them than I did myself. Mr. Speaker,

I trust that the House will see that it was at a very excited moment when the words were uttered, and I do deeply regret having used those words.

Mr. SPEAKER: I presume that the House is satisfied.

HON. MEMBERS: Hear, hear!

Mr. SPEAKER: I now direct the hon. member's discharge from the custody of the Sergeant-at-Arms.

House adjourned at 4.36 p.m. (Saturday).

Legislative Council.

Tuesday, 8 October, 1889.

Public Expenditure—Appropriation Bill.

The PRESIDENT took the chair.

PUBLIC EXPENDITURE.

Mr. JACOB asked the REPRESENTATIVE OF THE GOVERNMENT (*without notice*),—Have any payments of any kind whatever been made by the Government, or with their sanction, within this week, including to-day, out of the consolidated revenue fund, which have not been authorised by any act of the legislature of this colony; and if such payments have been made, to whom, to what amounts, and under what authority?

Mr. W. H. SUTTOR answered,—Under the exceptional circumstances of the case, and in view of a special urgency, the salaries and wages of the public servants have, without the authority of the Appropriation Act, been paid this day, amounting, without other payments, to over £250,000.

APPROPRIATION BILL.

Bill received from the Legislative Assembly, and read the first time.

Motion (Mr. W. H. SUTTOR) proposed: That the bill be now read the second time.

Mr. DE SALIS: I am not aware that leave has been given to pass the bill through all its stages.

The PRESIDENT: A motion for the suspension of the standing orders was carried on the 26th of last month.

Mr. DE SALIS: Does that remain in force during the whole session?

[Mr. Crick.

The PRESIDENT: The question was then decided with the consent of all the members of the House:

That so much of the standing orders be suspended as would preclude the passing of "A Bill to appropriate and apply out of the Consolidated Revenue Fund of New South Wales certain sums, to make good the supplies granted for the service of the year 1889, and for the year 1888 and previous years," through all its stages in one sitting of the Council, with precedence over all other business on the paper for that day.

Mr. DE SALIS: There is another question—whether the bill was in existence at all, and whether we could entertain a money bill —

The PRESIDENT: If the hon. member wishes to bring up a point of order he must do so formally.

Question proposed.

Mr. COX: There is an item in the bill, "Immigration, £8,000." I was under the impression that the immigration votes had long ceased. Certainly we had immigration votes for some years after the immigration acts had ceased; but that was to comply with engagements previously entered upon. I should like to know what this amount is meant to cover?

Mr. JACOB: I thought that some hon. member more entitled to be heard would have risen under the peculiar circumstances of the case to draw attention to the manner in which this bill is brought before us. I should have thought, too, that the Vice-President of the Executive Council would have offered some explanation of the circumstances. Possibly the hon. gentleman agrees with the view of the Premier—that this House has nothing at all to do with the Appropriation Bill, except, as a matter of form, to pass it. I do not hold that opinion, and this House has never held that opinion. This House protested long ago against that view, and also against the action which has been taken in this case, of suspending the standing orders, so that an important bill like this might pass through all its stages in one day. In 1862 an appropriation bill came into this Chamber under somewhat similar circumstances. On the 17th of January of that year I find this entry in the *Minutes*:

Appropriation Bill, 1861-2:—Upon the order of the day for the consideration of this bill in Committee of the Whole being read, the Attorney-General moved, pursuant to *contingent notice, by leave amended*, "That so much of the standing orders be suspended as would preclude