

## The Recent Ministerial Crisis.

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Presentation of an Address to the Hon. A.I. Clark.

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Condemnation of the Government Policy.  
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There was a crowded and thoroughly representative gathering in the Town-hall last evening, when an address, bearing nearly 2,000 signatures, was presented to the Hon. A.I. Clark, M.H.A., in testimony of the approval evoked by his action during the recent political crisis. Many of Hobart's most prominent citizens were present, including a number of ladies. Mr. Clark received quite an ovation upon entering the hall, and the meeting from beginning to end was exceedingly hearty and enthusiastic in character. The Mayor (Alderman Hiddlestone) presided, having Mr. Clark on his right, and among those on the platform were the Hon. F.W. Piesse, Captain J.W. Evans, M.H.A., the city members of Parliament, the chairman (Mr. G.P. Fitzgerald) and members of the Railway League and others.

The Mayor, in opening the meeting, said they appreciated the stand Mr. Clark took during the crisis. (Cheers.) He called upon the Rev. Geo. Clarke to present the address. (Cheers.)

The Rev. George Clarke, in rising to speak was warmly received. Addressing Mr. Clark, he said: - I have been requested to present to you to-night an address from the people. I take their request as a command, and am only too glad to obey that command. (Applause.) Most of my fellow-citizens, who know me at all, know that I religiously abstain from meddling with mere party politics. In regard to them I think that my duty is done when I have recorded my personal vote at an election. I am not very much concerned about who is in and who is out so long as the country is fairly governed. (Hear, hear.) But when the question becomes one of principle and not of party, when it is a question of political honour and official morality, when it is a question of observing the rules and courtesies of constitutional practice, then I am as much bound as any man to have the courage of my opinions—(cheers)—and to say, if needs be, in the face of the world, that right is right and wrong is wrong. (Cheers.) There is no doubt that lately we have been passing through a very grave, dangerous, and unexampled crisis in the administration of our public affairs. The mystery of the situation is by no means cleared up yet; but enough of the facts have been disclosed to have come upon the community with a shock of surprise. But, Mr. Clark, there is no surprise at all at the action which you have taken under the circumstances which were pressed upon you. You only did what we should have expected you to do—(Loud cheers)—as an upright, honourable and self-respecting man, and as a guardian of the public interests. You are not now establishing your confidence in the minds of your fellow-citizens; you are only confirming and justifying the confidence that we have had in you all along. Of course you will not expect, nor will any sensible man, that this confidence implies that we should see exactly as you have seen in regard to the policy of this or that political measure which you have supported amongst many others. I suppose that in reviewing the past a little doubt some times comes over your own mind as to whether you might have done better. (Laughter.) I do not quite like the use of the term "admiration" to express our feelings on this occasion, although it occurs in this address. It seems to me that the

proper word is rather “approval” or “appreciation” because “admiration” expresses more or less the wonderful and the “unexpected” as to the manner which you bere yourself throughout the very difficult circumstances of this unpleasant business. (Cheers.) We Tasmanians, I am afraid, have very short memories—(Hear, hear)—and I am afraid we have not much capacity for righteous indignation; but I do trust that this incident in our political history will not be forgotten—(cheers)—and that it will bring forth fruit for good. We all, Mr. Clark hope that the country may have the benefit of your services for many a year to come. (Cheers.) The address, signed by 2,000 persons, was then read. In handing it to Mr. Clark, the rev. gentleman told him that he thought, upon perusing the names attached, he would feel very well satisfied with the high appreciation in which he was held (Loud cheers).

Hon. A.I. Clark, upon stepping forward to speak was received with enthusiastic cheers. Having thanked those present for their warm reception, and those who had signed the address, also the Rev. Mr. Clarke for the kind words he had said of him, proceeded: When I was consulted by a member of the committees who have prepared the address which has been presented to me to-night, for the purpose of ascertaining whether I would be willing to accept it, I informed him that I would be pleased to receive the address, because the occasion of its presentation would afford an opportunity to me to make some observations on the principles of constitutional government which had prescribed for me my course of action when I retired from the position of Attorney-General of the colony in preference to retaining it in contradiction of them. (Loud cheers.) I have wished to put on record the observations which I am about to make, because the proceedings in the House of Assembly which followed immediately upon my resignation of my office as a Minister have disclosed the fact that some of the fundamental principles of the system of government under which we are supposed and under which we profess to live can be forgotten or disregarded by a large proportion of the men whose positions as members of that House impose upon them the primary duty of insisting upon the recognition and observance of those principles whenever an attempt is made to violate them. (Hear, hear.) The essential principle of all constitutional government which can be properly so described is that the people who live under it shall live under the government of prescribed and definite laws made and promulgated by the consensus of a plurality of authorities separately appointed for that purpose, and not under the uncertain and arbitrary rule of one man or of any number of men acting on his or their own motion, and for his or their own ends. But after laws have been made and published it is necessary that certain persons should be appointed to administer and execute them, and that other persons should be appointed to interpret them in all cases of disputes to their meaning. The first of these functions, the administration and execution of the laws, is entrusted by our Constitution to the Crown and its advisers, and the second function, the interpretation of the laws in cases of dispute, is committed to the Judges of the Supreme Court. (Hear, hear.) It does not require any argument to establish the proposition that in order to secure to every person subject to their jurisdiction the equal protection and benefit of the laws, they must always be interpreted to have the same meaning and effect for all persons who are required to observe and obey them; and the experience of all civilised nations has established the fact that an unvarying interpretation of the law can be secured only when the authoritative interpretation of it is confined to specific cases in which persons invoke the aid of the Courts for a declaration of their rights or for a redress of injuries in relation

to a concatenation of specific facts. But the Crown and its advisers are frequently required to administer portions of the law in circumstances in which the specific facts which would afford grounds for a judicial interpretation of it cannot arise until the Crown has acted; and it is therefore necessary that the Crown should have in its service one or more duly appointed and responsible officers who are competent to advise it and to direct its action in all such cases. In this colony that function is performed by the Attorney-General, who is the only adviser of the Crown upon pure questions of law, who, under our present Constitution, is responsible to Parliament for the advice given by him. As a member of the Cabinet, which consists of the responsible advisers of the Crown during the period of its existence, the Attorney-General is nominated to the Governor by the Premier for appointment, and the Premier is responsible to Parliament for the selection he makes of the person whom he nominates for that office. But while the Premier is ultimately responsible to Parliament for the selection of each of his colleagues it is equally true that when he selects his colleagues and nominates them to the Governor for appointment he places himself under a constitutional obligation to the Crown to consult the particular colleague upon whose knowledge and advice the Crown is specially entitled to rely in reference to any matter upon which it may be advised by the Cabinet to take action. (Hear, hear.) Therefore when a Premier requests a member of the legal profession to accept the position of Attorney-General in his Cabinet, and presents the colleague of his choice to the Governor for appointment, he enters into a constitutional engagement with the Governor that in all matters requiring a special knowledge of the law, the opinion and advice of that colleague will be sought and followed by the Cabinet in all advice tendered by it to the Crown. Whenever that engagement is broken or any attempt is made to break it, there is only one course open to the Minister whose advice is rejected, if he wishes to remain faithful to the oath of his office, and to his duty to the Crown, and to Parliament, and the people, and that course is prompt and definite resignation. (Hear, hear.) That is the course I followed in connection with the late events which have led up to the proceedings in this hall to-night, and in making this statement I conclude all the reference which I intend to make on this occasion to the matters which immediately preceded my retirement from the Cabinet. But I desire to trespass upon your patience for a short time further while I refer to the proceedings in the House of Assembly by which it was sought to evade the question involved in my resignation, and to drag the Supreme Court into the political arena, in violation of the constitutional relations of the Legislature to the Judiciary. That attempt was happily defeated, although by the narrowest possible majority, and it is possibly better for the future reputation of the present House of Assembly that the motion was put to the vote and rejected than that the Speaker should have refused to put it, as I believe he might very properly have done. (Hear, hear.) But the fact that the proposer of the motion pressed it to a division after the Speaker had expressed a strong opinion against such a course being followed, and that so many members of the Assembly voted for it, demonstrates the necessity of a frequent assertion of the fundamental principles of the Constitution, in order to prevent repeated and reckless attempts to violate them by those who should be most vigilant in the observance and application of them. (Cheers.) I once heard a member of the House of Assembly assert in his place in Parliament that whatever Parliament chooses to enact is constitutional. (Laughter.) But if that doctrine shall ever become the recognised and accepted rule of parliamentary action, the Constitution under which we have hitherto

lived, and which we have been accustomed to value as the guardian of our liberties, will soon cease to exist. (Cheers.) It is undoubtedly true that it is within the power of Parliament to put the Constitution at any time into the melting pot, and to obliterate all its fundamental features, but the Parliament that does that work without a direct and definite mandate to that effect from the electors at the ballot-box, betrays the primary trust committed to it by the people. (Cheers.) We know that in many countries the fundamental principles of the system of government under which the people have decided to live are definitely expressed in a written instrument, which is specifically called the Constitution of the country, and which the Legislature cannot, in the ordinary course of its legislative work abrogate or alter. But whether a nation is living under a written or unwritten Constitution there will repeatedly occur crimes in its history in which the only reliable protection of the Constitution against the excited passions of political parties will be the loyalty of a majority of the people to its essential principles and practice. The isolation of the Judge from the political controversies, and their independence of the Crown for the tenure of their office, are the bulwarks which our Constitution has provided for the protection of private rights conferred by law against infringement by executive authority, and if that isolation and independence shall be at any time so far destroyed that the Judges shall be converted into advisers of the Crown in matters for which private rights are involved, and in a manner that will produce an anticipatory interpretation of the law before the specific facts which would give the courts jurisdiction of those rights have arisen, all constitutional protection of private rights against executive violation of them will be abolished. (Hear, hear.) I do not for one moment suppose that any of the members of the House of Assembly who voted for the proposal to submit the controversy between myself and my late colleagues to the decision of the Judges intended to bring about such a result as I have indicated, but

It is the little rift within the lute  
That by and by will make the music mute,  
And ever widening slowly silence all.

It has been well said that eternal vigilance is the price of liberty, and a popular form of government will not be necessarily protect the people from oppressive legislation if they are not always on the alert to protect against every attempt to use the form of law for the purpose of defeating the primary objects for which laws are made and constitutional systems of government are erected. The French Convention of 1793 was elected by the people, and it perpetrated all its crimes under the colour of special laws enacted in accordance with the ordinary method of legislation. Among the members of that Convention was a medical practitioner, named Baudot, who was also an active member of a number of the committees by which the Convention carried on its system of government. He was exiled after the restoration of the monarchy, and did not return to France until after the revolution of July, in 1830. Those who made his acquaintance in his old age were struck by the greatness of his demeanour, the warmth of his heart and the breadth and sagacity of his intelligence, and a lady whose house he frequently visited after his return to France once asked him how he could account for the part he had taken in the doings of the Convention in the days of its supremacy. He replied that many men had suffered delirium in disease for a few days, but that he and his companions had undergone a delirium of 10 years' duration. We are glad to believe that the experience of the members of the French Convention as described by Baudot was exceptional, that

probably it has never been repeated in the history of the world; but it is very certain that under the pressure of political strife men frequently live in a condition of delirium for longer or shorter periods, and I am persuaded that among the members of our present House of Assembly there are some who, in after years, will confess that their perception of facts during the last two months was clouded by emotions evoked by personal friendships and antipathies. (Cheers.) It is part of the tragedy of human life that our judgment is as often warped by the nobler as it is by the baser sentiments of our humanity. The intellect apart from the emotions and the senses does not recognise any particular fact as good or bad, or make any such distinctions between facts as we describe by the words right and wrong. Our moral nature finds its roots in our emotions, and it is not until they appeal to our emotions for condemnation or approbation that the facts of life possess any moral qualities by which we can distinguish them. (Hear, hear.) But the emotions are often aroused by facts that are only imperfectly perceived by the intellect, and it may be either the nobler or the baser emotions that are so awakened, but in either case the judgment may be so obscured by them that it cannot extend its vision beyond its first imperfect perception of the facts. (Hear, hear.) This experience is as common in the political arena as in any other sphere of life, and I do not for a moment doubt that many of the members of the House of Assembly who lately voted in favour of the proposal to encroach upon the constitutional protection of private rights against executive authority did so under the influence of sentiments of loyalty to political friends and leaders. (Cheers.) Such sentiments belong in their essence to the nobler elements of our humanity, and I desire now to express my appreciation of them as they were exhibited by many of those whose actions I have criticised in the observations which I have made.

But Umpire Time,  
Serenely wise and just,  
With slow, sublime,  
Unalterable decision and august—

will slowly calm down the turbulent emotions that obscured their judgments at the time, and their greatest satisfaction at some future day will be to remember that the dangerous proposal which they supported was happily defeated by a majority of one. (Prolonged cheers.)

The Proceedings then terminated by Mr. Clark moving a vote of thanks to the Mayor for presiding, which was passed with acclamations.

Before the proceedings commenced Mr. Bradshaw Major contributed some musical selections on the organ in his usual able style, and played the National Anthem at the close.

Source: The Mercury, 21 December 1897.