Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 31 MAY 1864

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LEGISLATIVE ASSEMBLY.

Tuesday, 31 *May*, 1864.

Premiums for Agricultural Products.—Marriage Bill, read 2°.—Intestate Real Estate Bill, read 2°.—Electoral Bill, read 2°.

PREMIUMS FOR AGRICULTURAL PRODUCTS.

Mr. GROOM moved, pursuant to notice, —"That this House will, on Wednesday, the 1st June, resolve itself into a Committee of the Whole, to consider of an address to the Governor, praying that his Excellency will be pleased to cause to be placed upon the Supplementary Estimates of 1864, a sum not exceeding one hundred pounds as a grant in aid of the Royal Agricultural Society of Queensland, in offering premiums for the best samples of wheat, barley, oats, tobacco, and other agricultural produce grown in any part of the Darling Downs, and exhibited at the annual exhibition at Toowoomba." He said he had a variety of reasons for bringing forward this motion, and one of the most prominent was the recent panic which occurred in the flour market, and the high and ruinous prices of provisions in the interior. The time had arrived when the House should aid in the development of the agricultural resources of the interior; and one way of extending that aid was by offering premiums for the best samples of agricultural products, in the same manner as a bonus had been given for cotton production. The society referred to in his motion had been in existence for three years, and its head-quarters were at Toowoomba. Its establishment had done good, not only to the agricultural district of Toowoomba, but also to the whole Colony. The exhibition of sheep, for instance, had attracted the competition of the people of Gayndah and elsewhere; and good was thus done by the competition in the growth of wool. The society had a grant of land given to them, and had undergone an expense of some five or six hundred pounds in fencing it in, erecting sheep pens, and making other requisite improvements, which had been borne by some twelve or thirteen individuals. The prizes this year had been offered only for the pastoral produce of the district, as the committee were unable to offer premiums for the agricultural produce, not having funds at their disposal. He thought the time had now arrived when some effort should be made to develop the resources of the districts best adapted for agriculture, and one of the richest and most important was, in his opinion, that from the summit of the Main Range to five miles inland. At present, from £120,000 to £140,000 per annum was sent out of the Colony for breadstuffs, all of which might be grown in the Colony. Latterly, owing to the floods, agricultural occupation had not been successful. But that was an unusual occurrence. The commencement of a railway through the district was a further reason for offering a bonus for the best productions of barley, oats, tobacco, &c., as the different qualities of the land would be tested, and that most suitable for these different productions discovered. If the railway paid for itself, as the Government expected, it would be the result of some step in this direction. The district to which he had referred could grow sufficient breadstuff for the consumption of the whole Colony; and also, in time, for exportation. A great drawback hitherto to the growth of grain on the Downs had been the absence of flour mills; but a flour mill had now been erected. In the neighborhood of Toowoomba there were at present from four to five hundred acres of wheat under cultivation. If the motion were passed it would tend to bring much more land under cultivation, as the competition for these prizes amongst the farmers would, he felt sure, be very numerous. He trusted his motion would receive the favorable consideration of the House.

Mr. R. CRIBB said he did not believe in granting a Government bonus, as a general principle, to encourage any branch of industry; but this was an exceptional case. He thought it desirable to induce competition in the exhibition of the best samples of grain, and a small amount of public money could not be better expended than in the manner proposed. It would be a great boon to get the small farmers of the interior to grow wheat, as the expense of carriage to the interior in the present state of the roads was enormous, and the consequence was, that in exceptional states of the market a species of famine occurred in the inland districts. If the inhabitants grew their grain on the spot, it would be cheaper and more plentiful.

Mr. MCLEAN said he agreed with the general tenor of the motion, but thought the latter portion required amendment, inas-

much as it assumed that the annual exhibitions of the society would be always held at Toowoomba. If the resolution was agreed to in its present shape, the vote would not be available unless such exhibitions were held at Toowoomba. He would propose that the last two words be erased, so that the place where the show should be held should be left an open question.

Mr. MACKENZIE said he was not in favor of making it a practice to bolster up particular societies or particular interests in the manner proposed. The Colony had been made to pay dearly enough already in this manner. In the case before the House, it was true, that the sum asked for was small, but other societies of a kindred character would, of course, have a right to claim a grant of a similar nature. In the Burnett District there was a society which had been established, in consequence of the shows of this Royal Agricultural Society of Queensland being always held at Toowoomba. He had received a letter from the Gayndah Society that very day, urging him to ask that a sum of £100 should be placed on the Estimates for the purpose of giving premiums. Although he did not approve of the system, he would let this vote go if it were understood that the annual shows should be held in the different towns of the Colony, and not confined to Toowoomba, as had been the case upon the last two or three occasions.

Dr. CHALLINOR said he would support the resolution if it were made to apply not to the Darling Downs only, but to the Colony generally. He argued that the annual exhibitions should not be confined to one particular town.

Mr. PUGH agreed with the principle embodied in the resolution, but thought that the resolution was scarcely sufficiently comprehensive. He begged to move that all the words after the word "exceeding" be omitted, with a view of inserting the words "£500 for the purpose of offering premiums for the best samples of wheat, barley, oats, tobacco, sugar, cotton, and other agricultural produce grown in any part of the Colony of Queensland, and exhibited at the local exhibitions in the several districts; such exhibitions not to have a greater sum than £100 apportioned to each."

Mr. DOUGLAS seconded the amendment.

Mr. TAYLOR opposed the amendment, as he considered that many articles therein mentioned had been sufficiently fostered. He would instance cotton. Some remarks had been made with reference to the exhibition being held at Toowoomba. He considered that it ought to be held there for the next seven years, until the railway was made, and stock from other parts of the country could be brought up there. The society had been formed, owing to the energy of certain persons in the Toowoomba district, and the result of any attempt to remove its exhibitions from that town would be a failure. The annual exhibition of stock was to be held next year at Warwick, owing to the influence of certain gentlemen on the committee; but he very much doubted the wisdom of the step. The result, he believed, would be the same as in the case of the Darling Downs races, which, when held in Toowoomba, were the best races in the Colony. Through the officiousness of a certain gentleman, they were, however, afterwards held at Warwick for a year or two; and the consequence was, that there was a considerable falling off. He should vote for the original motion, and oppose the amendment. It was folly, in the present state of the Colony, to assert that this annual exhibition should be held in the different towns of the country alternately. Such a course was impracticable. The society referred to was originally started by fifty members, with a subscription of ten guineas. Many of those members resided in the neighborhood of Toowoomba and Drayton, though a good amount of subscriptions was obtained from Warwick. They afterwards reduced the subscription to five guineas. At one of their meetings, a Burnett gentleman, a friend of the honorable member, Mr. Mackenzie, proposed a one guinea subscription, with the obvious design of upsetting the club, but he was defeated. He (Mr. Taylor) considered that the exhibition of cereals should be held at Toowoomba; and pointed out that it need not interfere with the exhibition of stock, as one would be held in January, and the other in July.

Mr. KENNEDY said he thought this society had done more good than any other society in the Colony. He was, however, of opinion that the exhibitions should be held in the different districts, as proposed by a previous speaker. These exhibitions would prove as beneficial to those districts as they had proved to the Darling Downs. The importation of flour and breadstuffs was draining the country of its resources, and institutions of such a nature as that referred to in the resolutions should receive some small support from the House. If Toowoomba were thus favored, it was also but fair that kindred societies in other districts should receive a similar loan. He would vote for the amendment.

Mr. DOUGLAS said he was inclined to vote for the amendment, but objected to the insertion of the word "cotton," because the product of that article was already sufficiently fostered by special enactments and regulations. Not that he wished to discourage the attempt to cultivate any new product. Very possibly, hereafter, cotton would become a profitable and large export, as had been the case with tea in India. Great difficulties there at first attended those who embarked in the experiment of tea planting, but it subsequently turned out a profitable pursuit. He believed the reason that agriculture was not pursued in this Colony to such an extent as could be desired was, that pastoral and

other pursuits offered at present a more remunerative field for labor and capital. As population increased, agricultural pursuits would be attended to. The climate and soil of many parts of the Colony were all that could be desired; all that was wanting was the application of a fair amount of agricultural skill. Along the country spoken of by the honorable member for Toowoomba, there was plenty of fertile country as adapted for the growth of cereals as that of South Australia. The money asked for by the amendment would be well spent, and he should vote for it, if the word "wine" were substituted for the word "cotton." Allusion had been made to the desirability of holding the annual meetings at Toowoomba. But, considering the high-sounding nomenclature attached to the society, he thought it ought to be of a peripatetic character; and he must say, without any desire to disparage the town of Toowoomba, that Warwick was, in his estimation, the centre of the agricultural district.

Mr. WIENHOLT spoke in praise of the Agricultural Society, and maintained that its exhibitions should be held periodically at Warwick as well as Toowoomba. He contended that the Warwick district, both as regarded stock and productions of grain, was not inferior to the district around Toowoomba. He entirely agreed with the honorable member for Ipswich (Dr. Challinor) that the yearly meetings should not be confined to any particular town, but should be held wherever they were most required.

Mr. BELL contended that the amendment was superfluous, inasmuch as it related to societies which at present had no existence. It would be time enough to assist the objects of such societies when they sprang up. He would support the motion on condition that the portion referring to Toowoomba were omitted.

Mr. PUGH explained that there were already two other societies in existence similar to the Royal Agricultural Society. There was also some talk of forming one at Rockhampton. He pointed out that by his resolution no money would be expended for the purpose indicated, unless the society for which it was asked was actually in existence; and no society would receive more than £100; that was the maximum.

The COLONIAL TREASURER said he objected to the amendment, as he did not perceive from what source the money was to be derived. The original motion was for £100, and the amendment increased it to £500. If similar demands for sums of £100, which he saw on the paper for the following day were to be increased in the same proportion, he should be at a loss to know whence to meet the demand.

Mr. GROOM said he could hardly support the amendment, as he considered that Toowoomba, and not Warwick, would prove to be the centre of the largest agricultural population in the Colony. He was inclined, however, to adopt the suggestion made by the honorable member for the Western Downs, that the exhibition of stock should be held in July, and that of grain in January. He considered it was especially the duty of the Legislature to foster the growth of wheat in the Colony, in view of the large sum, £140,000, sent out of the Colony annually for the purchase of breadstuff.

Dr. CHALLINOR said he could not vote for the original motion, as he was still of opinion that the society should be open to the Colony at large. Its operations would thereby be considerably extended, and it would not be necessary to multiply the premiums.

Mr. BROOKES spoke in favor of the amendment, which he thought would tend to promote agriculture, and to relieve the House from the imputation under which it labored, of not sufficiently affording encouragement to that branch of industry. He believed the argument of want of funds, set up by the Colonial Treasurer, to be paltry and insufficient. That honorable gentleman would soon be asking the House to sanction a loan of six or seven hundred thousand pounds upon what was after all a doubtful experiment, namely, the narrow gauge railway.

The House divided on the question, "that the words proposed to be omitted stand part of the question."

Ayes 10.	Noes 12.
Mr. Macalister	Mr. Edwards
Dr. Challinor	„ Mackenzie
Mr. Wienholt	„ R. Cribb
„ Bell	„ Brookes
„ B. Cribb	„ Sandeman
„ McLean	„ Douglas
„ Taylor	„ Royds
„ Groom	„ Kennedy
„ Herbert } Tellers.	„ Edmondstone
„ Moffatt }	„ Coxen
	„ Blakeney } Tellers.
	„ Pugh }

The House then divided again, on the amendment of Mr. Pugh, which was carried by a majority of twelve to eleven, the division being the same as the above, with the addition of the name of the Attorney-General to the minority.

MARRIAGE BILL.

Mr. R. CRIBB: Sir, in moving the second reading of this Bill, I may say that there is now but little difference of opinion in the principle involved in it. The existing law which directly prohibits the marriage of a widower with the sister of his deceased wife, has been in existence since the year 1835; previous to that time any such direct prohibition by statute was avoided. In the early ages of the Christian dispensation, previous to the fourth and fifth centuries, these marriages were taken little notice of, and there was no legislation on the subject. In the reign of Queen Elizabeth the first Act was introduced, and that Act allowed people to marry according to their own consciences. The purport of it

was, that all marriages should be lawful that were not prohibited by God's law, and marriage with a deceased wife's sister, was certainly not contrary to Levitical law. The Bill which was introduced for the approbation of Parliament in 1835, was brought in to remove certain doubts which had been expressed, and it provided that all marriages of that nature which had been solemnised, should be legal. It passed through the House of Commons in its original state; but in the House of Lords, it was opposed by the Bishops, and a clause was introduced in it prohibiting all such marriages in future. This amendment was strongly objected to in the lower House, who were desirous of passing the Bill in its integrity. But as it was of the greatest importance to legalise past marriages, and as the Bill was brought in at a late period of the session, a compromise was effected, and the prohibitory clause retained. A Bill to legalise these marriages was brought in again the very next session; and, in fact, the subject has since then been perpetually under discussion, and the House of Commons has continually asserted its opinion, that marriage with the sister of a deceased wife, should be rendered valid in law. That is how the matter stands at present. Now, sir, it has been stated that these marriages are contrary to Scripture; but, I believe, it is generally admitted, that such is not the case. The Scriptures contain no authority to prohibit such unions, on the contrary, in many parts of the Bible, we are told that it is lawful to contract them. We have also the opinions of a great many good men in favor of them—men who have been revered by all denominations; clergymen, statesmen, and others, who have been looked up to as the lights of the ages in which they lived —all of whom were in favor of repealing the present law, and who advocated the principle involved in the Bill before this House. I will quote a few of these opinions:—

The Archbishop of York: "I cannot bring myself to believe that the Divine law prohibits a man from marriage with a deceased wife's sister."

The Archbishop of Dublin: "Your friend could no more convince me of the inexpediency of the existing law than he could kill a dead man; for I am convinced already. If ever the question comes on when I am in the House, I shall be prepared to vote and speak accordingly."

The Bishop of London, when head master of Rugby School, in 1849, signed a petition in the following words:—"Whether the question is considered in a religious, moral, or social point of view, such marriages are unobjectionable, while in many instances they contribute to the happiness of the parties, and to the welfare of motherless children, and among the poor have a tendency to prevent immorality."

The Bishop of Carlisle writes: "I am decidedly of opinion that the repeal of the present law will remove a barrier to marriage which now exists, but which I do not believe God ever set up. It will prevent much immorality among the poor, relieve many a burdened conscience, and tend to the increase of happiness amongst large numbers of our fellow-countrymen."

The Bishop of Ripon says: "Believing, as I do, that Scripture, so far from prohibiting, sanctions these marriages, it is a grievance of which the people may justly complain, that the law of the land is out of harmony with the revealed will of God."

The Rev. Dr. Chalmers writes: "In verse 18, the prohibition is only against marrying a wife's sister during the life of the first wife, which of itself implies a liberty to marry the sister after her death."—(Daily Scripture Readings.)

Evidence of *The late Rev. Dr. Bunting* before the Royal Commissioners on the law of marriage: "That the enactments of the Levitical law are entirely misinterpreted, when applied in condemnation of the case just mentioned, was the decided judgment of Mr. Wesley, the founder of our societies. And I believe that similar views have since been entertained by many of those among us, who have been led by circumstances carefully to examine the matter, and whose competency to judge of such a question has given great weight to their conclusion."

The Rev. Dr. Adam Clarke writes: "The unlawfulness of the case you mention arises from the canon, not the civil law. As to sinfulness, it is entirely out of the question; and as to natural consanguinity, in such cases, it does not exist. Against such a connexion as that which your friend projects, there is nothing in nature, nothing in grace. But still the canon law has hold, and if exceptions were taken against the marriage, which is a possible case, the issue might be considered as bastardized, *i.e.* in reference to inheritance, if there be lands in the family which descend to legal heirs. But such marriages are frequently formed, and, in common life, I have never heard of any of them being disturbed. There are two or three of the travelling preachers who have married in such circumstances, one lately, where the preceding sister has left a large family."

The Rev. Thomas Binney writes: "Without pursuing the subject further, I shall give it as my opinion that the marriage question is not against either nature or the law of God."

The Very Rev. Dr. Hook, Dean of Chichester, writes: "People in general do not consider such marriages improper. They cannot be proved to be improper by Scripture."

The Chief Rabbi of the Jews, in the *British Empire*, writes: "It is not only not considered as prohibited, but it is distinctly understood to be permitted, and on this point neither the Divine law, nor the Rabbis, nor historical Judaism, leave room for the least doubt;" and "according to Rabbinical authorities, such marriage is considered proper and even laudable; and where young children are left by the deceased wife, such marriage is allowed to take place within a shorter period from the wife's death than would otherwise be permitted."

These, sir, are some of the opinions of our divines. I will proceed to quote a few which have been expressed by eminent statesmen:—

"I will undertake to say that in no part of the civilized world is there to be found, a more moral and intelligent people, especially in regard to the

intercourse of the sexes—than are the people of the State of Massachusetts; and yet, my Lords, in that State the marriages which the noble lord seeks to legalise are consistent with the law. They are not only legal, but they are of constant occurrence."—*Speech of Lord Lyndhurst.*

"It seems to be established and admitted, that the moral feeling of the community at large is not with this law,—that the law, in fact, is not obeyed, and that a great number of persons not considering themselves to commit any moral offence, do contract marriages which the law prohibits. That is not a state of things which ought to exist; and not being of opinion that there is any moral objection to the contracting of these marriages, and believing that the law as it stands is the cause of a great deal of misery and social evil, especially among the middle and lower classes of the community, I shall, with great pleasure, give my vote for the motion."—*Speech of Lord Palmerston.*

"I must say that I have satisfied myself that there is not any religious prohibition of these marriages." It is a misfortune that the feeling of relationship which takes place by marriage should be weakened by any alteration of the law of marriage. But, while I admit that on the one hand, I think that there is a great and practical evil which we cannot very well refrain from remedying. The evil is not among the upper classes of society; but there is no doubt, partly among the middle classes, and much more among the lower classes, a feeling that, after the death of the wife, there is often no person so fit to take care of the children as the beloved sister of that wife. It is not, perhaps, in a great number of cases that these marriages would be contracted; but I think where persons feel that they can without scruple contract them, that they should be allowed to do so."—*Speech of Lord John Russell, M.P.*

"We consider that the feeling against these marriages is in a great measures founded rather on a vague and uninformed assumption that they are prohibited by God's Word, than on a mature examination either of the Scriptures or the law of the Church. We do not find that the persons who contract these marriages, and the relations and friends who approve them, have a less strong sense than others of religious and moral obligations, or are marked by laxity of conduct. These marriages will take place when a concurrence of circumstances give rise to mutual attachment; they are not dependant on legislation."—*Report of Royal Commissioners, signed by the Bishop of Lichfield, Mr. Stuart Wortley, Dr. Lushington, Mr. Blake, Mr. Justice Williams, and Lord Advocate Rutherford.*

(The honorable member here quoted several other authorities.)

It will thus be seen, sir, that men of learning and ability,—men whose opinions are looked up to who are foremost in any good cause, and whose word cannot be controverted, have expressed themselves strongly in favor of legalising these marriages. They have unhesitatingly asserted that in their opinion, Scripture contains no law to prohibit them. Now, in reference to other objections. There can be none on the ground of blood relationship, unless the first wife was a relation of her husband. On the score of expediency, there is everything in favor of unions of this nature. Who so likely, when young children are left, to take proper care of them, as the sister of their mother? They would be as dear to her as her own, and she would not feel them to be a burden to her. I may say that a case has occurred in my own experience, which shows the great advantages which would attend the repeal of the present law. A dear friend of mine in England had the misfortune to lose his wife, about twelve months ago. He was left with eight children, six of whom required a mother's care, and it was only by last mail that I heard that the sister of his deceased wife had taken charge of them, and that he had married her. Now, the law in England says that their marriage is illegal; but the expediency of such marriages is so generally admitted, even in England, that the parties are just as well received in society, as if they had married according to the law of the land. That shows that marriages of this nature are approved of, and that it would conduce to happiness and morality to legalise them. But, under the law as it stands, a man who had married the sister of his first wife, if he wanted to get rid of her, might turn her and her children out of doors. I believe such a case has occurred. Now, sir, one of the two objections made against the Bill before the House is, that if we pass it here and send it home for the Royal assent, the Imperial Government will throw it out. The same thing has occurred twice in South Australia. But I think, sir, that is a reason that we should pass it. In England old customs and habits have been hitherto too strong to allow of any such alteration being carried, and the more frequently we remind them the sooner will the Government be brought to recognise the importance of the subject, and to sanction a measure to render these marriages valid. They may be legally celebrated in every country in the world except England and Ireland, and one canton of Switzerland. As far as morality is affected by these marriages, I could occupy the House for an indefinite time in quoting opinions in favor of them. Robert Southey says:—

"But has it never occurred to you, my dear Wynn, that this law is an abominable relict of ecclesiastical tyranny? Of all second marriages, I have no hesitation in saying that these are the most suitable, and likely to be the most frequent, if the law did not sometimes prevent them. It is quite monstrous, judges and lawyers speaking as they have done of late, upon this subject."—*Robert Southey.*

The next is the opinion of Dr. Benjamin Franklin, who says:—

"I have never heard upon what principle of policy the law was made prohibiting the marriage of a man with his wife's sister, nor have I ever been able to conjecture any political inconvenience that might have been found in such marriages, or

to conceive of any moral turpitude in them."—*Dr. Benjamin Franklin.*

There was a select committee of the English Parliament which sat to consider this subject, and reported in favor of the marriages in question. A great deal of evidence was taken, and among other persons that of Cardinal Wiseman, who stated:—

"1161. But, taking the question first with reference to Scripture, is such a marriage held by your Church as prohibited? Certainly not. It is considered a matter of ecclesiastical legislation."

* * * *

"1166. With respect to marriages of this description, do you find, amongst Catholics, that persons contracting such marriages are received with the same kindness and the same good feeling as persons who have contracted ordinary marriages? With a dispensation, perfectly so. It is not thought in any way disgraceful or improper, the moment that the Church has give permission."

* * * *

"1174. Would a Catholic priest, supposing A. and B. had obtained a dispensation to contract such a marriage, consider himself bound by law to refuse to marry the parties; or would he marry them according to the law of his own church? In many instances he would certainly consider himself bound to marry them; and hence the clergy are often in the most painful perplexity between their duties to the church and to the law."

"1176. You spoke of the cases within your knowledge being numerous. Have the cases since the statute of 1835, been numerous? I think quite as numerous as before. I was not a bishop in 1835, but I was agent to the bishops in Rome, and all the dispensations that they sought from the Holy See went through my hands, so that I could judge pretty well of the number."

"1191. Are you aware, whether there is any prevalent feeling amongst the Roman Catholic body, that the present law is an unnecessary interference with the discipline of the church? I have never heard the laity speak much of it, but among the clergy it is felt, that it prevents their acting freely, according to the laws of the church. They would wish to have the bar of the law removed, and to have such cases left to the discipline of the church."

"1192. Do they feel it to be an unnecessary interference with their management of the ecclesiastical discipline of the people? I should say so."

"1202. Are you of opinion, that a law absolutely prohibiting such marriages would rather tend to increase the danger of immorality and sin in that class of society? I think so, certainly, because the members of those very poor families are thrown constantly into immediate contact; probably all living in the same room. If they had no hope of marriage, the danger would be, that they would, nevertheless, continue still to live together, and so be exposed to temptation; whereas now, the more common case would be, that they would at once apply for a dispensation to marry."

The following is an extract from the *Daily News*:—

"It is, therefore, matter of historical record that a union legally void, may have the character of honorable matrimony, and such is the verdict which English society generally pronounces on the marriages with the deceased wife's sister which are every day taking place. The representatives of the nation have thirty times voted them lawful, and prelates and clergy hold them no disqualification for the communion of the Church."—*Daily News.*

Out of thirty-three divisions in the English Parliament, thirty-one were in favor of an alteration in the present law, and yet the alteration has not yet been effected. In sending home this Bill we shall be doing our share towards achieving that object, and even if the measure be not assented to, we shall have taken a step in the right direction. If the Imperial Government refuse to sanction it we can send it again next year. Until some reasons can be shown to prove that it would be injurious, instead of a great boon to the community, we ought to continue to assert its principle.

Mr. PUGH seconded the motion.

Mr. GROOM had no doubt that this was a somewhat delicate subject for honorable members to address the House upon. The research of the honorable member who had introduced it showed that he had given it a great deal of attention; and he (Mr. Groom) should vote for the Bill, but not because he had any intention of marrying his deceased wife's sister. Marriages of this kind had been contracted—they need not go beyond Brisbane to see that—and the Bill was looked forward to by many persons as a relief. He would support the second reading of the Bill.

Mr. BELL would support the second reading of the Bill. The only objection that he had to it was that it did not go far enough. If it went into committee, he should be disposed to move an amendment, that it should be as lawful to marry a deceased husband's brother as to marry a deceased wife's sister.

The COLONIAL SECRETARY said that on a former occasion, he believed, he resisted the introduction of this measure to the House.

Mr. CRIBB: No, no.

The COLONIAL SECRETARY: At all events, the measure had appeared before the House during previous sessions, but they had never before had the opportunity they had that evening to hear the lucid explanation given by the honorable member who had charge of the Bill. He did not rise to oppose the measure. He did not individually concur in the opinions of honorable members who wished to see the law altered; but he did think that it was reasonable and just for those who desired it—to legalise marriage with a deceased wife's sister. The feeling of women with whom he was acquainted was not in favor of such enabling power being granted. The Imperial Government had refused to sanction an Act passed by the South Australian Parliament, chiefly because it had not been deemed expedient to have a confusion of laws in different parts of the Empire. Still that did not weigh with this Parliament, if good and satisfactory reasons were shown for the change. He believed that the argu-

ments adduced by one of the honorable members for East Moreton (Mr. Cribb) were exceedingly sound ones in favor of the side on which they were urged, and he thought the preponderance of argument was in favor of the Bill.

Mr. WIENHOLT should certainly oppose the Bill. He looked upon it as most unnatural. He maintained, that if it were a good Bill it would have been adopted in England. The idea of a man marrying a deceased wife's sister was unnatural. They might see a man, whose wife might be on her death bed, and her sister beside her, ogling the sister; and the courtship might have lasted some time, and they both waiting for the wife to be away.

Dr. CHALLINOR was not a bachelor, like the honorable member who last addressed the House, nor was he like the honorable member for Fortitude Valley, who had a wife with no sister; for, indeed, he had a wife and she had sisters. He held feelings which he had held thirty years ago; and he had always considered that marriage with a deceased wife's sister was perfectly scriptural, and unobjectionable in a physiological point of view. Physiologically, marriage with cousins was certainly very objectionable—yet such marriages were permissible by the laws of the land. In a social point of view, marriage as proposed in the Bill had very great advantages, which had been cogently brought out by the honorable member for East Moreton. It had been the practice to make fun of the honorable member on this question; but after the statement he had made in the House, he (Dr. Challinor) was quite sure there was an end to it, and that all the ridicule that had been heaped upon him would recoil upon those who cast it upon him with tenfold force. He cordially supported the motion, though he might state he did not do so on any personal grounds.

Mr. MCLEAN had no objection, personal or religious, to the Bill, but he thought it highly undesirable to have laws in the Colony which were not recognised at home; and he certainly could not vote for it.

Mr. PUGH replied to some objections which had been urged by the honorable member for Eastern Downs.

Mr. BROOKES really felt inclined to express his opinion somewhat in the same manner that the honorable member for West Moreton (Dr. Challinor) had done with regard to the admirable way in which this very important subject had been brought before the notice of the House by the honorable member for East Moreton. He felt that the amount of ridicule that had been thrown on the subject would have prevented any other honorable member from bringing it forward. He complimented the honorable member on the lucid statement he had made to the House, and he deprecated the practice of taking the laughable aspect of the matter. When honorable members came to examine the subject, they would find there was nothing laughable in it, but something solemnly sad. He would have liked to have heard some legal member of the House express his opinion on the subject; but those gentlemen would have an opportunity of doing so on a subsequent occasion. With reference to the great objection to the Bill, that it would produce a confusion of laws, there was really little weight in that. He was inclined to think that the House had not paid much respect to that consideration in times gone by. They had abolished state aid to religion, and established a system of national education, without asking whether such a system existed at home. And then, again, they had a Real Property Act, as the honorable member for East Moreton (Mr. Cribb) had reminded them. He really thought they were travelling in the right direction, and it was rather creditable to a young Colony of the British Empire to do so. He had found, he thought in a volume of "Hansard," that it was only possible for a rich man to have a marriage with a deceased wife's sister legalized,—not for a poor man. He must say that when they were called upon to examine the state of morality in the old country, they could not but think that the spirit which could look with complacency upon the violation of morality there to be seen, and yet could hardly bear to have the marriage laws amended, exhibited a species of political pharisaism. With that he had nothing to do, and with that he hoped the House would have nothing to do. Although Her Majesty's advisers disallowed the Bill in reference to this matter which was sent home from South Australia, if similar measures were continually being sent home from one Colony or another, they would become cognizant of the change in public opinion, and come to recognise the necessity, and the safety, of amending the law. He trusted that at all events the House would agree to the second reading of the Bill.

The question was then put and affirmed, on the following division:—

Ayes, 11.	Noes, 7.
Mr. Herbert	Mr. Moffatt
„ Macalister	„ Blakeney
„ Sandeman	„ Pring
„ B. Cribb	„ Kennedy
„ R. Cribb	„ McLean
„ Pugh	„ Royds
„ Groom	„ Wienholt
„ Brookes	
Dr. Challinor	
Mr. Bell	
„ Coxen	

The committal of the Bill was ordered for this day fortnight.

INTESTATE ESTATES BILL.

Mr. R. CRIBB moved the second reading of the Intestate Estates Bill. He understood that the honorable the Attorney-General had no objection to the principle of the Bill, but

that he intended to suggest certain improvements in committee. The honorable member then proceeded to explain the provisions of his Bill, illustrated by several instances of the inefficiency of the present law. He was of opinion that it was highly desirable and necessary that landed estate should come under the operations of the law, for the benefit of a deceased person, in precisely the same way as personal estate. This was the object sought to be accomplished by the Bill. He hoped it would be carried. Though it was somewhat antagonistic to the law of the mother country, he had no doubt that the Imperial Government would sanction it, for a similar measure had passed in New South Wales.

Mr. BLAKENEY said that in the last session he had introduced a Bill to amend the law relating to cases of intestacy. It was similar to the Bill which had passed the Legislature of New South Wales, and received the royal assent. The Bill of the honorable member for East Moreton fell extremely short of it. He (Mr. Blakeney) had mentioned to him on the first day of the session that he had prepared a notice for the re-introduction of that Bill; but the honorable member (Mr. Cribb) being a better lawyer than any professional member of the House, said that his own was the best. Fortunately, the honorable the Attorney-General agreed with him (Mr. Blakeney), and in committee they would make the Bill similar to the New South Wales Act. He quite agreed with every word the honorable member said about the inefficiency of the law as it existed.

Mr. R. CRIBB explained that he first introduced the Bill the session before last, and at that time he was not aware that anybody in the world had thought of it, much less that there was a similar law in New South Wales.

The ATTORNEY-GENERAL did not rise to oppose the second reading of the Bill, because, in all probability, if he did so he should out-vote it; but he did not exactly agree with the principles of the Bill. The fact was, they were simply now altering the whole course of the transmission of real property. However, he was not disposed to offer any objection to the Bill; but he knew the difficulty of working it, if it became law, would be immense. A little piece of ground, perhaps a rood, might be divided amongst twenty-five "next of kin," who would have to go into equity about it, and possibly become involved in costs amounting to perhaps £600. He hoped when the Bill went into committee the honorable member would allow him to alter it, so as to adapt it to the New South Wales Act; because he was certain that it could not work as it was at present drafted, and he (the Attorney-General) could not mend it otherwise.

The question was then put and passed.

ELECTORAL BILL.

The COLONIAL SECRETARY: Sir, I beg to move the second reading of the Electoral Bill. Although this is a somewhat cumbrous measure, containing, I believe, one hundred and thirty-one clauses, it will be apparent to all honorable members who have studied it, that a great portion of its provisions are not new, but re-enactments of the present law which it has been found expedient to retain. I shall briefly explain those which are not contained in the previous Bill. It has been admitted, I believe, since the foundation of the Colony, by all classes of politicians and the public generally, that it is desirable to have some better system for the registration of voters than has hitherto existed. We began with an annual system of collecting the lists of electors, which was very expensive, and which did not work well. It was very soon found that the lists contained the names of persons who had no right to vote, and it was not considered desirable to pay persons to do the work which ought to be done by the electors themselves. It will be seen that this Bill does not touch upon the question of the franchise, or the distribution of seats in this House, or, in fact, upon any other question except the registration of voters and the manner of holding elections. It is competent for the House to pass this Bill by a bare majority, and the Government have preferred to deal with the question in this manner rather than to introduce, at the present time, a more comprehensive measure which would require a majority of two-thirds of the whole House, in order that they might not be prevented from altering at once what are obvious blots upon the system of registering votes and conducting elections. The Bill, in fact, consists of details, which provide certain improvements generally admitted to be necessary. I think honorable members will agree that, as we are in the possession of a franchise higher than manhood suffrage, we ought to protect that franchise as far as possible from abuse of any kind whatever. It is well known that it is the practice of many persons throughout the Colony to get the names of their political adherents, whether qualified or not, placed upon the electoral roll. That is an evil which I think every honorable member will agree with me should be put a stop to as soon as possible. It has been found in all the other colonies a very difficult matter to prevent persons from tampering with the electoral rolls,—and we know that in this very electorate a number of persons, who have no right whatever to vote, have had their names registered. The main provisions of this Bill are such as to render it more difficult to get the name of an unqualified person on the roll, and much more easy to get it off. To those persons who are really qualified to vote, it offers every protection. A good deal has been said in reference to persons who object to names which should not remain upon the roll, but I do not think the

arguments which have been used against this portion of the Bill will be received by this House. The question of registration is one of the highest importance, and I think all honorable members will concur with me in the necessity of establishing a sound system. The franchise is at present a very low one, and if any laxity is permitted it may become virtually even lower than manhood suffrage. This Bill provides that certain restrictions shall be placed in the way of obtaining the franchise. It provides that every person shall have an opportunity, four times a year, of making personal application to have his name placed upon any electoral roll, in order that there may be no doubt as to his identity. This is frequently found to be a very difficult matter. Objections have been advanced against the clause which contains this provision, on the ground that it will cause unnecessary trouble to the elector. The Government are desirous to afford every possible facility to voters; but I think, sir, that a person, to obtain this privilege, ought to take some little trouble; and that if a person who is qualified to vote does not make some effort to get his name placed on the electoral roll, he ought not to have it registered by means of some friend, who is interested, for political purposes, to have him enrolled. No doubt, if a voter lives some fifty or a hundred miles away, he may be put to considerable inconvenience, but, in ordinary cases, I think he should take the trouble to apply in person, that his identity may be clearly established. There will still be applicants for voting papers whom it will be difficult to identify as the persons in whose names they claim to vote, but I believe the deputy returning officers appointed under this Act will be so many, and at such distances from each other, that very little trouble or inconvenience will arise from this score, while, on the other hand, a great advantage will accrue to those duly qualified voters who would otherwise be overridden by trespassers. Then, sir, provision having been made for personal application four times during the year, it is required that the applicant shall sign his name in a book provided for that purpose. It has been urged that this precaution will virtually involve an alteration in the franchise, because it will be necessary that each voter shall be able to read and write. But I strongly urge the House not to strike out this clause, because I say it is the only way of making sure of the identity of the applicant. There are very few persons who cannot write their names if they are required to do so. I do not say that they may be able to write, or even spell sentences, but I think it is not too much to ask a man to write his own name. It is a mere mechanical operation, and I have frequently seen a working man, who was otherwise unable to read or write, affix his signature to a paper, by recollecting the shape of the letters of which it was composed. However, if the House is of opinion that this is too strict a test, and that the identity of the voter can be proved by any other means, I have no desire to press the clause. Then, sir, there is the provision for an elector's right, which is undoubtedly the best system of voting by ballot, and has been found very successful in Victoria. It being imperative for every person who requires to vote, to produce an elector's right, it becomes impossible for a man to vote at two different polling places; whereas, under the present system, men have frequently been known to make use of their votes two or three times, and it has been found almost impossible for the returning officer to detect them. There is one provision in the seventy-fourth clause which I should wish to expunge from this Bill; it is that which has reference to the numbering of the balloting paper. I admit that it would at once interfere with the secresy of the ballot. I have never pledged myself strongly in favor of the balloting system, but having found it in operation in this Colony, I shall do my best to see it honestly carried out, and I therefore propose to omit this provision. The next alteration, sir, which is, I believe, a very salutary one, has reference to the nomination of candidates. It is proposed to abolish the system of nomination at the hustings. I believe this is not considered by any one to be one of the most valuable of our institutions. It is directly opposed to the ballot; it is, in fact, calling for an open vote which has afterwards to be confirmed by a secret one. It also leads to a great deal of trouble, and gives rise to much indiscreet talking, and the giving of a variety of pledges, which the candidates have not the slightest intention of carrying out. To speak plainly, it affords an opportunity for the display of a vast amount of humbug; or to treat the matter more philosophically, it is not at all in accordance with the principle of the ballot. Queensland and New South Wales are the only two of the Australian colonies who continue this practice. Victoria, South Australia, and Tasmania no longer make use of it. It is proposed to substitute in place of it, a system by which any ten electors, who have sufficient confidence in a candidate, may nominate him. This nomination, together with the written consent of the candidate, is enclosed to the returning officer, with a cheque for £50. No doubt this will appear to some honorable members, on the other side of the House, as a deep contrivance to deprive the poor man of his rights. But the principle is this: the £50 will be returned, if the candidate on whose behalf it is lodged, succeed in obtaining one-fifth of the number of votes polled by the successful candidate who is lowest on the poll. And I believe that will not be too much to ask. That will prevent persons from coming forward who have no claim whatever upon the constituency, merely for the purpose of obtaining notoriety. Sup-

posing one hundred votes are polled by the successful candidate, it will be necessary for any other candidate to poll at least twenty; and if he cannot obtain as many as that he can have no ground for coming forward. It It may be thought that £50 is a large sum, but it is only £5 each for the ten electors; and surely a man who has any confidence in the candidate he proposes should be prepared to advance that small sum. The principle, however, I am convinced, cannot be impugned. There is another point of view from which to regard this question. It has been the practice, in some electorates, among the publicans, to take care that there shall always be a contested election; and candidates are not unfrequently brought forward who are not at all likely to be returned, for the purpose of putting money into the pockets of the innkeepers. The proposed alteration in the system of nomination will put a stop to this practice, and will, I believe, be a very desirable provision. Then, sir, upon coming to the poll, a person who possesses an "elector's right" will be required to sign his name, and will then proceed to vote by ballot, unless any doubt should arise as to his identity; in which case his vote will be reserved for further inquiry. There will thus be a great check upon persons registering their votes who have not a proper title to do so. These, sir, are some of the most important provisions. There are one or two matters of detail which will require some further consideration; but those I have referred to are the only real alterations in the Bill. The remaining clauses are mere repetitions of the previous measure, which do not call for any comment at this time. I believe, sir, that this Bill will be acceptable to a very large proportion of the community—to all those who, having taken the trouble to provide themselves with a low franchise, do not like to see free elections interfered with. The provisions which have reference to "electors' rights," have commanded universal admiration in Victoria and other places, and have been found to prevent a good many malpractices which had previous obtained. It has been argued that the operation of this measure will entail more work upon the returning officers. It will do so to a certain extent, and for that reason the Government have placed a certain sum on the Estimates, to be divided among them. The Government would have done that in any case, because the duties performed by those gentlemen are very arduous and responsible, and it is hardly to be expected that they will undertake them, and carry them out efficiently, without any remuneration. We have found hitherto that many of the returning officers have not been at all well informed as to the nature of their duties, and that, with the best intentions, they have made many mistakes. They have had also at times to obtain clerical assistance, and the Government have frequently had to pay for looking after the rolls in some of the electorates. So that I think it will be better to provide some specific remuneration for these gentlemen. The work will only occupy them for a small portion of the year, and the revision courts will have less to do, inasmuch as they will have much more simple facts for demonstration. I have no doubt, sir, the House will accept this measure. It will require certain alterations in committee,—the clause which provides that the balloting papers shall be numbered will be omitted, and one or two minor alterations will be necessary. It is not the intention of the Government to take away the right of voting from any person who now possesses it, nor will there be any new registration, and consequently no injustice will be done. The present rolls will remain in force, subject to such provisions for their revision as I have enumerated.

Mr. Blakeney rose to oppose the motion, and said that the Bill before the House was about as an objectionable a measure as could have been introduced. Before separation the inhabitants of what was now Queensland enjoyed the same franchise as that enjoyed by the colonists of New South Wales at the present time. Now they were thrown back upon an old law which it had taken years and years of trouble on the part of the liberal legislators of the latter Colony to do away with. Instead of the House being called upon to march forward, the Government were evidently desirous of performing a decidedly retrograde movement. The Bill then before the House, he had not the slightest hesitation in saying, had been introduced in a covert and indirect way. On the last occasion when the Government had introduced an Electoral Bill they had come forward and boldly announced their determination to attempt to disfranchise those persons who could not read and write—and what was the difference between that and the present measure, except its mode of introduction? It would inevitably succeed in disfranchising no less a number than 3,491 men, who, although they were unable to read and write, doubtless possessed the other qualifications necessary to enable them to vote. He himself saw a very respectable man, a Scotchman, vote at the last election, who was unable to read and write, but who was really worth his thousands, and there was no doubt that many men of a like description existed in the Colony, whose names were on the roll, and who would be disfranchised if the Bill were passed. He contended that it was idle to say that a man would learn to write for the mere sake of a vote. He could fancy that a man with a large account at the bankers, who, although ignorant, had attained to prosperity, might learn to write his name, in order to be able to identify his autograph. But it was different in the case of a man desiring the franchise. The Colonial Secretary had said that each man should take sufficient interest in obtaining a vote, not to begrudge some

small amount of trouble in achieving this object. But it was proposed to make the voter travel miles and miles in order to effect his object. In the electorate of East Moreton, a voter might be situated fifty miles from the place where, in person, he would have to put in his claim. He might be far distant from Pimpama, the Logan, or the Pine River. Either the Government would have to create innumerable returning officers, or a great inconvenience would result to those who had a right to have their names placed on the roll. Not only, however, had the elector the trouble of travelling several miles in order to obtain his vote, but he had to pay for it before he got it. Whatever might be the voter's right in Victoria—and he (Mr. Blakeney) had been unable to obtain the Victoria measure—he believed that no elections had taken place under it; and he was well aware that manhood suffrage prevailed there. Every one in Victoria, whether literate or illiterate, had a right to exercise the franchise.

The COLONIAL SECRETARY: No, no; quite wrong.

Mr. BLAKENEY maintained that manhood suffrage was the law of Victoria, and that every man there had a claim to a voter's right. If the law which was stated to prevail in Victoria were such as was embodied in the present Bill, he (Mr. Blakeney) maintained that in that colony the facilities for obtaining a voter's right must be much greater than here. He would take the case of Wide Bay, or Port Curtis, or the Leichhardt, in which districts, unless there were a great many returning officers appointed, many of the applicants for votes would have an enormous distance to travel. He well remembered the origin of this system of voters' rights, which had its beginning in Ireland when emancipation was wrung from the Iron Duke, and when many of his (Mr. Blakeney's) oppressed Roman Catholic fellow countrymen obtained a larger share of rights than previously they had possessed. The boon was hampered by a clause in the Bill, which compelled every man, before he could vote, to be in possession of a leasehold for a certain time, and to have £10 profit per annum out of that leasehold. At that time this system of voters' rights was established, and the power of deciding on the rights of the claimants was given to the barrister of the county. The object in that instance, as in the present case, was to consolidate the power of a certain class, viz., the Tories. The parties claiming votes had a long distance to travel, and the expense was great. The great Tory landholders, therefore, used to send round to their agents to send in, as claimants, all the tenants and men whom they considered safe; and their expenses were guaranteed. Those who were not considered safe could not in many instances afford out of their own pockets to pay the cost of the journey. Thus, many persons were left without the franchise; and the entire representation would have been thrown into the hands of the Tory party, unless clubs in the Whig interest had been established for the purpose of defraying the expenses of these claimants, and rectifying the evils alluded to. What was the result? They had to pay large subscriptions, or else to hand over the whole power to a class. The same would be the case in this Colony if the Bill before the House should pass. There were parties here who would say to their superintendents, &c., "bring up the right men to the registration officer to put in their claims, and we will pay their expenses." He denied that the omission of the number from the ballot paper would obviate this evil. He protested against the principle that men should be compelled to attend in person to present their claim to a vote. Again, to whom was the appeal? Not to the Judge of the land, but to the registration court. He (Mr. Blakeney) argued, that if the returning officer were partial he might object to the style of a signature, and allege that it was not the signature of the actual voter, and thus deprive a man of a vote. Suppose, for instance, as in the case presumed by the Colonial Secretary, an uneducated man determined to learn to read and write in order to obtain a vote; when that man sent in his claim he might write a very inferior hand as compared with his style of writing when, after a lapse of a year or more, he came to vote. He would, in the interim, have improved himself. The consequence would be that, if he were an opponent of the powers that be, or of the side which the returning officer favored, that functionary would at once object to the man's vote, and say, "Oh, this is not the same fellow who has put in his claim; look at his signature." He would, in fact, be sent about his business when he came to vote because he had learnt to write a better hand than when he sent in his claim. This Bill would virtually tend to disfranchise many electors. There were one hundred and seventy respectable electors about the Logan. Because in the last election these electors were too good for the magnates of Brisbane, therefore it was determined to curb the powers of such men by this voter's right. If their claims were refused, these men had no means of redress other than coming before the registration court, a distance of perhaps twenty or thirty miles, on the January following, in order to have their claim. Another clause to which he objected was that which referred to one booth being sufficient for taking the votes of 600 electors. He knew, that under our present system, in the Brisbane election, one booth was scarcely sufficient, with its clerks, &c., to meet the convenience of more than 300 voters. At the last election, when 700 voters polled, the officers of three booths were kept as busy as they could be during the hours allotted for polling. The Bill and the Government

would tend to reduce the numbers of the voters, and this, he contended, was not the day for any British Government to throw obstacles in the way of the exercise, by the people, of that right to which every free-born subject was entitled. It was said that the machinery, with regard to registration proposed, was intended to prevent abuses which had been found to have arisen.

The COLONIAL SECRETARY: Hear, hear.

Mr. BLAKENEY: The honorable member at the head of the Government might have spared his observations on this head. He (Mr. Blakeney) did not wish to speak of an electorate in which these abuses had been practised to a great extent, and in which numberless dead men had come to life at the last election. When they saw in a certain roll more names than there were male adults in the community, then it was time to talk about rectifying abuses of registration. (Laughter, and cries of "that's Brisbane.") He denied that the electorate to which he referred was Brisbane, as there were only 2,050 names on the Brisbane Roll, whilst there were 3,500 male adults over twenty-one in the electorate. The members of the Government should look nearer home. In the former Bill, introduced by the Government, the educational right was taken intact from the Victorian measure, and why was this not preserved, similar circumstances existing, in the present Bill? It was evident that the Colonial Secretary, as he himself had admitted in his speech, desired to introduce separate Bills in connection with the subject of reform, some of which would not require the assent of two-thirds of the House. He desired to introduce in this way the present measure, which would filch from a large portion of voters their existing rights. With this Bill carried, the Opposition, weak as it was at present, would become small by degrees and beautifully less. His Excellency's speech—which was always understood to be the speech of the Ministry—last session stated that a census would be taken during the ensuing year, as without such a census it would be impossible for the Parliament to entertain the question of parliamentary representation in a manner befitting its importance. The census of 1861, it was stated, owing to the growth of the Colony, afforded no reliable basis. Thus a reform bill for the present year was shadowed forth. The policy of the present session, however, was merely that provision would be made for increased representation of certain districts. He maintained that the Government and their supporters refrained from attempting a comprehensive scheme of reform, as such a scheme would compel them to again face their constituents, which they were afraid to do. He argued that it was unjust to make the candidate deposit £50 with the returning officer under the conditions mentioned. (Laughter from the Ministerial benches.) It was all very well for the Ministry, with their thousand a-year to laugh. But it was a different matter as regarded the case of other people, who gave up their time and labor in order to serve the electors. He saw no reason for this clause. There was but little additional expense entailed upon the Government by the candidature of one candidate or a dozen. He could conceive that reasons might be adduced for the proposal, if the husting's system of open nomination were maintained—but not without. He argued that the complaint of the Colonial Secretary that fictitious names at present got upon the roll, would be best obviated by a recurrence to the old system of appointing responsible collectors to make out the electoral list, and see that no improper names were retained upon the list. He argued that the operations of the Bill would tend to the formation of cliques, coteries, and clubs. At the last Brisbane election certain gentlemen got on the electoral roll by virtue of "board and lodging" at a certain Australian club, who had no more right to be there than he (Mr. Blakeney) had to be on the Leichhardt roll.

The COLONIAL SECRETARY: Why did you not strike them out.

Mr. BLAKENEY: He maintained that nine-tenths of the Colony would be disfranchised by the Bill, and that representative government would become a sham. People would come out here, thinking they had a right to possess the franchise, the law having given it to them, and they would find that to obtain it they must undergo inconvenience, long journeys, and finally have to pay money for their right, if they were fortunate enough to obtain it. The Government, backed by a secure majority, and relying upon the support of traitors from his (Mr. Blakeney's) side of the House, might carry their Bill. (Cheers and laughter.) But their success would result in a reaction from without which would make that House tremble in the end. (Ironical cheers.)

Mr. GROOM objected to the Bill, and stated that the educational qualifications, if carried, would have the effect of disfranchising two-thirds of the electors of the constituency which he represented, viz., Drayton and Toowoomba. If any member had introduced such a Bill in the House of Commons, it would be as much as his seat were worth. He contended that the necessity of personal attendance in putting in claims for a right to vote would entail great hardship and expense in many of the scattered constituencies upon the applicants, and would virtually disfranchise many people. In the Western Downs some of the electors would have to travel two hundred miles. Their voices by this Bill would be virtually shut up. The measure was antagonistic to his notions of English liberty. He objected to the abolition of the system of open nominations, more especially as there had been no complaints against that

system either here or in England. He objected also to schedule E of the Bill as too elaborate. His own experience at municipal elections had taught him that there should be nothing but the mere names of the candidates on the ballot papers. Uneducated people often came to vote, and were ignorant of reading. They were ashamed to confess their ignorance; and the consequence was that he had seen sometimes the date scratched out, or some other formal part of the document, whilst the candidates' names were left untouched. The general tenor of the Bill was illiberal, and he should vote against it.

Dr. CHALLINOR argued that the present mode of registration had undoubtedly its faults, and something ought to be done to improve it; at the same time he could not agree with all the details of the Bill before the House. He considered that the electors of Ipswich, if that was the constituency referred to by the honorable member (Mr. Blakeney), had set an example to the Colony by undergoing a considerable trouble and expense in expunging from the roll objectionable names. It might be a fact, that many names of persons were on the roll at the last Ipswich election who had no actual claim by law to vote, as stated by the honorable member (Mr. Blakeney). But he believed that many of these voters were the honorable member's own countrymen. So many persons came up—some so marked with mosquito bites (laughter)—that it was perfectly clear they were—

Mr. BLAKENEY: New chums.

Dr. CHALLINOR: It was clear that they had not been in the Colony when the list was made up. (Laughter.) Certainly he should do no injustice to the honorable member (Mr. Blakeney) in saying that they were countrymen of his own. (Laughter, and "hear, hear.") With reference to the nomination, he said he saw no necessity why a show of hands should be taken; he did not mind being rubbed on the hustings. If a man could stand a rubbing of that House, he was quite sure he could stand the hustings. (Laughter.) But a candidate must meet his constituents sometimes before nomination. He thought that in the case of persons claiming to vote who could not write, it might be possible to do what he believed obtained in Western Australia. No person was allowed to leave that Colony without a certificate that he was a freeman, and which certificate contained his personal description.

Mr. BLAKENEY: A photograph, perhaps, would be better.

Dr. CHALLINOR: But, persons wishing to claim the electors' right, might take the trouble to learn to write their names. Some one objected to the multiplying of the deputy returning officers. Well, the magistrates in the different districts could be made deputy returning officers, and persons on the same station might register with a resident justice. The appeal might be left to the ordinary courts of petty sessions, which generally sat twice a week. After referring to a few other matters of detail, the honorable member concluded by stating that he should vote for the second reading of the Bill, without pledging himself to details.

The SECRETARY FOR LANDS AND WORKS said that the honorable member for North Brisbane (Mr. Blakeney), as well as the honorable member for Toowoomba (Mr. Groom), had wandered from the subject in the observations they had made. They were in error in supposing that any of their constituents would be disfranchised on account of their inability to read and write. There was no provision in the Bill before the House which took away any person's right to vote. The honorable member for North Brisbane was not content with maintaining that the Bill was not such a measure as the Government ought to lay before the House, or that household suffrage was not sufficient for the electors of this Colony, but he contended that every man should have a vote. He had, however, failed to adduce a single argument in support of his view of the matter. He (the Secretary for Lands and Works) had never considered that every man should have a vote, nor had he heard any reasons to induce him to alter his opinions on the subject, and he would challenge the honorable member to prove that he had ever expressed himself in favor of manhood suffrage. He maintained that in the exercise of the suffrage there was a high trust devolving upon every individual, and he thought it was a very extraordinary argument for the honorable member to advance that, while he was contending for the exercise of this high trust by individuals whom he thought were qualified for it, he considered it perfectly reasonable for men going into a bank to receive money to have to sign their names for it. He said now, and he did not conceal it from the country, that in his opinion every man who exercised the suffrage should be able to read and write. With reference to the honorable member for Ipswich (Dr. Challinor), he remembered when his opinions went even further than that; for the honorable member had held that a man ought not to be allowed to marry unless he could read and write. If honorable members had taken care to attend to the Bill, they would have found that it did not require the reading and writing as a test; but for the purpose of identification only. He could see no other test that would apply as well. In point of fact, it had been admitted by the honorable member for Toowoomba (Mr. Groom) that such a test was necessary; for that honorable member, in speaking of the manner in which the franchise was exercised, had instanced mistakes in erasing the names on the polling papers by ignorant persons, which proved that such an alteration was very desirable. The fact was that persons intending to vote, and being unable to read or write, were too proud

to confess their ignorance to the returning officer, and the consequence was that they filled up the paper incorrectly, and their votes were worthless. That being the case, ought not something to be done to compel such persons to exercise the franchise properly? It would be better to take away the privilege altogether, than to allow such a state of things to continue. The great object of the test was to identify the voter, and so far from the Bill before the House being a retrograde measure, as the honorable member for North Brisbane had characterised it, it was really the best method that could be devised of polling the mind of the Colony. It was clear that the opinions of the whole country were not collected under the present system,—that was evident from the way in which it was proved that names were placed on the electoral rolls. The honorable member would not deny that such was the case. There was nothing to compel the poor man of Pimpama, who was brought forward as an instance of the hardship that would accrue from the Bill, to travel such a distance, for what was there to prevent the appointment of returning officers in every part of the Colony, or to hinder him from obtaining an elector's right. He was not aware of a substantial objection against the provision to make a man sign his name, except the general one that it was an attack upon the freedom of election—an attack upon universal suffrage. If a man was entitled to vote, he wanted to know at what age he was to begin to vote? (An honorable member: "Twenty-one.") He wanted to know how a man was better able to vote at twenty-one than at twenty? Or, if a man was entitled to vote at twenty, why was not a woman at the same age? Where was the distinction; was it not an arbitrary one? In reply to the remark that the men were hounded up like a parcel of sheep from the stations, he answered that the system of election was still vote by ballot. He assured honorable members that the law was in force in Victoria upon which the Bill was based. With regard to the payment of £50, it was a security against sham candidates. A great many contested elections were got up in the country by publicans for their own purposes—a practice which would be checked by the operation of the Bill before the House. Again, it was asserted that the payment of £50 upon the nomination of a candidate was a great hardship. But that was only a deposit which would be returned, and the very fact that candidates only would be nominated who possessed the confidence of a fair portion of the electors, would save a great deal of the trouble and annoyance which existed under the present system. That would be an important reason, if no other reason existed, for the introduction of such a Bill. He could see nothing in it against which any reasonable objection could be urged. If, as the honorable member for North Brisbane (Mr. Blakeney) asserted, certain persons would be debarred from exercising their privilege, because they were unable to sign their names, there could be no difficulty in their learning to do so in a short time—they might do it in a fortnight. Unless some more forcible objections were advanced, there could be no further opposition to the Bill, which would be fully considered in committee. He trusted that nothing would prevent the House from passing it to the second reading, and, if possible, giving the people of the country a measure that in effect would be a guarantee for the protection of that trust which the Legislature had conferred upon them, and which it desired that they should exercise in a proper and legitimate way.

Mr. Douglas after complimenting the Secretary for Lands and Works upon his speech, and admitting that the "ring of his utterance" had induced him to rise, said that although he did not agree with him, he thought it was a matter for congratulation that an honorable member could get up and speak on the Bill with such heartiness. The honorable member laid great stress upon the fact that it was chiefly for the purpose of identification that the condition of reading and writing was introduced, and not as a test. If so, he (Mr. Douglas) considered it a very incomplete form of identification—for, if the identity of the voter depended upon his signature, there would be considerable doubt about it in many cases, and it would be difficult for the returning officer to decide. But, on referring to the Bill, he found that in another portion of it there were ample means of identification, and that sufficient opportunity would be afforded the returning officer to detect any attempts at impersonation without the necessity of personal application. The returning officer was empowered to ask a number of questions, false answers to which subjected the individuals so answering to heavy penalties. He found that a clause had been inserted, under which a voter who gave false answers to the questions put to him was rendered subject to summary jurisdiction before any two magistrates, who might punish him with imprisonment. He contended, therefore, that ample machinery was provided for the purpose of identification. It had been argued by the honorable Secretary for Lands and Works that some ignorant persons made absurd mistakes in consequence of being too proud to acknowledge that they could not read or write. He (Mr. Douglas) would ask, if therefore their political rights were to be ignored? Honorable gentlemen on the opposite side of the House appeared to labor under the impression that the mind of the country only should be represented. But were the feelings, passions, and prejudices of the country to be set aside altogether? Was the mind of the country represented in that House? He thought not. It was admitted that the

opinion of one man might be justly held in greater estimation than that of another; but it could not be said on that account that he was entitled to a larger share in the legislation of the country. It would be necessary to go still further, and say that property must be represented as well as intelligence, and to find a suitable test for either qualification. He considered it very undesirable to alienate the more ignorant classes, in such a manner as to make them feel that they were not permitted to assist in framing the laws of the country. It was expedient that all appearance of unfairness should be avoided. His great objection to the Bill was, that it was calculated by a side wind to disfranchise a considerable number of persons who were at present on the electoral roll; and if the education qualification were adopted, there could be no doubt but that an alteration would be effected in the constitution of the Colony. He had been led to suppose, by the speech of His Excellency the Governor, at the opening of Parliament, that a comprehensive scheme of electoral reform would be introduced, not that an electoral law would be prepared which would necessitate a qualification to read and write, but which, it was alleged, did not alter the constitution of the Colony. He maintained, however, that it did alter the 15th clause of that Constitution Act, and he was surprised that the Government had not boldly come forward with a measure, and said at once that it was one calculated to alter the Act. He should oppose the second reading of the Bill.

Mr. BELL said that the real battle ground of the Bill would be in committee. He did not concur in all its provisions, for he was unable to draw that close distinction which honorable members who supported the Bill appeared to do between the man who could sign his own name and the man who could not. He did not see why the latter was less qualified to vote. It was no doubt desirable that all voters should be able to read and write, but as that was not the case it was necessary to deal with them as they were. Many persons who did not possess that qualification were quite as capable of managing their affairs as their neighbors. He thought it would be better if the present system of nominations were done away with, notwithstanding the beautiful specimen of a husting's speech the honorable member for North Brisbane had favored the House with during the evening. He agreed with that honorable member, that there was no necessity for the personal appearance of the applicant in order to ensure identification. He did so, however, for a different reason, because he foresaw that all the advantage would be derived by the inhabitants of towns, and that persons living in the country would be but little benefited by the alteration; that he considered to be a very grave objection to the Bill. He thought the object of an electoral bill should be to give increased facilities to electors to obtain the franchise, instead of otherwise. The principle of placing money in the hands of the returning officer by candidates was, doubtless, a good one, and the amount could be decided in committee. He did not object to the second reading of the Bill, but reserved his right to make alterations in committee.

Mr. R. CRIBB said he thought it would be better if the Government would consent to withdraw the Bill, and introduce a simple measure of electoral reform. It had been stated by an honorable member that some of the electoral rolls contained more names than there were voters in the district. That fact could be explained without imputing improper motives to any one. Persons possessing freeholds were entitled to vote in whatever district those freeholds were situate. In that way many names had been enrolled several times. In reference to the remarks on manhood suffrage, he contended that it was virtually in operation in the Colony, for there was nothing to prevent any man from exercising the franchise if he chose. The provisions for residence and registration were necessary in any case. A great deal had been said about the clause which compelled electors to sign their names. He did not consider that provision to be practically necessary. He would do his best to improve the Bill if it went into committee, but could not support it in its present state.

Mr. BROOKES considered that the Bill was a mere political experiment, and had been introduced in the usual way by the Government, who brought up a lot of shreds and patches as part and parcel of a great whole, after the House and the country had been promised a large and comprehensive measure of electoral reform. A desire had been evinced by the introduction of the reading and writing qualification to disfranchise a large number of colonists, who possessed a good right to vote, and who would labor under a grievous disability by the passing of the Bill. The personal application clause could not possibly work well, when it was remembered that great difficulty was experienced even under the present system in getting persons to make the necessary exertion to have their names placed on the roll. He quite disagreed with the necessity urged by the honorable gentleman opposite for the deposit by the candidates of £50, as he considered it would be unjust to poor but clever men. With regard to identification, he must say that he could not understand the reason for the application of so much intensified machinery on that one point. He did not think any good would accrue from allowing the Bill to go to its second reading, as, if all the objectionable points were eliminated, none of the measure would be left. He trusted that this would be the last of the Government patch-work measures on this subject; and would move as an amendment that the Bill be read this day six months.

Mr. Pugh deemed the Bill unnecessary, although he admitted that the present registration system required amendment. He thought it would have been more desirable if the Government had embodied in their long-promised scheme any reform of the registration system. He thought it inconvenient to deal with questions appertaining to the constitution in the detached manner proposed, as it hampered the statute book with a number of Bills which might well be consolidated. He argued that the Bill before the House did virtually alter the franchise. He disagreed with the educational test, and was of opinion that every man of the age of twenty-one, in full possession of his senses, had a right to vote. He argued that, by the Bill, men now upon the rolls who could not read and write might be disfranchised, and that thus the Constitution Act would be violated, The clause relative to voters' rights would also, he (Mr. Pugh) contended, have the effect of thinning the lists, and in the widely scattered country districts would deprive many people of a vote. He disagreed with the proposition that a man should have to deposit £50 before becoming a candidate. It should be sufficient for the candidate to show that he was on the roll. He argued that a man's signature in his application for a vote might not tally with his signature at the polling booth, and he would therefore be deprived of his vote, so that he might even suffer politically for his efforts at self-improvement. He considered that, in revising lists, the names of applicants and the list of objections should have more publicity given to them, and that a better arrangement should be made than existed at present. He also contended that on stations, by the present Bill, no secrecy was afforded by the ballot box. The remedy which he recommended for this was, that the ballot boxes, at the different outside polling places, should not be opened by the deputy-returning officers, but should be forwarded intact to the returning officer, who should deposit the whole of the papers in one common box, before any were opened.

Dr. Challinor did not object to manhood suffrage in the abstract; but he thought they should take things as they found them, and he, therefore, at present objected to any further extension of the franchise. He should oppose the amendment.

Mr. Kennedy admitted that it was a difficult matter to attain the true standard for the franchise. They saw that Victoria and New South Wales were now undergoing an ordeal of transition from democracy to conservatism; they should, therefore, be very cautious in their legislation. He contended that the Bill before the House would tend to disfranchise many electors in the country districts. It was impossible that men on sheep stations could always attend at the registration court to sign their names and put in their claims, when those courts might be miles from the station. Moreover, many men might be kept back by their masters at certain seasons, and not allowed leave of absence. In this latter case, they would either have to break their agreement or else give up their vote. He did not consider it desirable that the candidate should have to deposit £50, as wealth was by no means, in all cases, a concomitant of intelligence. He thought that the returning officers should not be dismissed at will, because, for political motives, a change might be made by the Ministry of the day; the returning officer, unless guilty of some offence, should retain his position. He argued that if the Victorian law relating to the franchise had been introduced in its entirety in the Bill, he should not have so much objected to this portion of it. He deprecated the advance of any clause in the Bill prohibiting the power of mortgagors to vote. He also deprecated the absence of any attempt to introduce the principle of representation of minorities, according to Mr. Hare's scheme.

The question was then put,—"That the words proposed to be omitted (from the original motion, with a view to the insertion, in their stead, of the words of the amendment) stand part of the question;" and the House divided:—

Ayes, 13.	Noes, 9.
Mr. McLean	Mr. Douglas
„ Herbert	„ Edwards
„ Pring	„ Kennedy
„ Moffatt	„ Brookes
„ Macalister	„ Blakeney
„ Coxen	„ Groom
Dr. Challinor	„ Pugh
Mr. Royds	„ Stephens
„ Wienholt	„ Edmondstone.
„ Bell	
„ Taylor	
„ Sandeman	
„ Lilley	

The amendment was thus negatived.

The original question was then put,—"That this Bill be read a second time,"—and the House divided with the same result, as appears from the foregoing list. The Bill was then read a second time, and its consideration in committee was made an order of the day for the 21st June.