

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 21 NOVEMBER 1871

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LEGISLATIVE ASSEMBLY.

Tuesday, 21 November, 1871.

Question of Privilege.—Lunacy Act Amendment Bill.—
Mineral Lands Bill.—Monument to the Memory of
the late Governor, Colonel Blackall.—Elections Bill.

QUESTION OF PRIVILEGE.

Mr. KING said, that before proceeding with the Orders of the Day, he wished to bring forward a question of privilege, and he was very sorry that he had to move a resolution on the subject, as it to some extent reflected upon the honorable the Speaker.

The resolution he intended to move was as follows :—

That this House disapproves of the warrant of the Speaker, appointing the Elections and Qualifications Committee, laid upon the table of the House on Wednesday last.

That motion was brought forward under the 15th section of the Legislative Assembly Act, which provided—

“In the first session of every Assembly and within seven days after the election of a Speaker and in every subsequent session within seven days after the commencement thereof or in either case any later period with the leave of the Assembly the Speaker shall by warrant under his hand appoint seven members of the Assembly against whose return no petition is then pending and none of whom is a party to any petition complaining of any election or return to be members of a committee to be called “The Committee of Elections and Qualifications” And every such warrant shall be laid on the table of the Assembly and if not disapproved by the Assembly in the course of the three next days on which the Assembly meets for the despatch of business shall take effect as an appointment of such committee. Provided that every member who shall become a party to any petition complaining of an undue election or return or respecting whose return qualification or disqualification an enquiry is pending shall for the time be disqualified to serve on such committee.”

He thought he spoke the sentiments of a great majority of that House, and also of the people of Queensland, when he stated that the appointment which had been made by the honorable the Speaker of the Committee of Elections and Qualifications was an unfortunate one, when it was taken into consideration that, at the time the appointment was made, a petition was pending against the return of an honorable member of that House who sat on the same side as the majority of the members of the committee. The appointment of that committee was, in his opinion, calculated to lead the people to imagine that the case was prejudged. He did not hesitate to say, that there were honorable gentlemen in that House in whom the country would place every confidence; but, unfortunately, there were on the committee some honorable members who, it was well known, were blind followers of the Ministry, and in whose decision, therefore, neither honorable members on his (Mr. King's) side of the House, nor the country at large would have any confidence. He very much regretted that he should have to move such a resolution, as it was, no doubt, an impeachment on the high office occupied by the honorable the Speaker, and he was sorry that he should have to bring forward anything that might appear to question the impartiality of that honorable gentleman; but it would be seen that a committee might be nominated for the purpose of pronouncing a foregone decision upon any question before the House. He ventured to say, that it would be far better if, in the Elections Bill which had been introduced, provision was made by which all petitions against the returns

of honorable members should be referred to a Judge of the Supreme Court, instead of, as at present, to a committee of that House; and he believed he spoke the opinion of all the honorable members on his side of the House, and also of many of those opposite, when he said that the committee as appointed was one which would not reflect any credit to that House. If a committee was to assume the functions of a judicial tribunal, the very first qualification which they should possess was impartiality, and he did not think that any honorable member would assert that that was the ground on which the appointment of the present committee had been made. For the reason, that a Committee of Elections and Qualifications, which possessed judicial functions, should be thoroughly impartial, and, therefore, that any committee which was not impartial did not deserve the credit of the House, he would now move the resolution he had read.

The COLONIAL SECRETARY said that he could safely say that, until his attention had been called to the circumstance by the honorable member who had just sat down, he had not known who the members of the Elections and Qualifications Committee were, and he thought the honorable member himself hardly knew the names, as when he had asked the honorable member a short time ago what they were, that honorable gentleman mentioned the name of the honorable member for the Kennedy, whose name, however, was not on the list.

Mr. KING: He was appointed to-day.

The COLONIAL SECRETARY: He differed from the honorable member in the opinion he had formed of the honorable gentlemen forming the committee, as he thought they were all very good members indeed. Beginning with the honorable member for Brisbane, Mr. Edmondstone: well, he was one of the oldest members of that House, and he (Mr. Palmer) was sure nothing could be said against him. Then, again, there was the honorable member for Rockhampton, of whose great parliamentary experience in another colony so much was said—surely he was a good member. Then, again, there was the honorable member for the Leichhardt, Mr. Royds, who had also had a great deal of parliamentary experience; and the honorable member for West Moreton, Mr. Ferrett, who was another old member. The honorable member, Mr. Thorn, had also been on a committee before.

Mr. THORN: Four years.

The COLONIAL SECRETARY: The honorable member had had four years' experience, and therefore there could not be any objection to him; so that he (Mr. Palmer) supposed the honorable member for Wide Bay must have directed his remarks against the honorable member for the Mitchell. Now, he did not agree with the honorable member in his estimate of that honorable member, and he thought, before he had done with him, he would have reason to alter his opinion. He

certainly thought it was very unfair of the honorable member to introduce such a resolution; and he considered that, on all occasions, unless some very good cause was shewn, they were bound to support the honorable the Speaker. At any rate, he should do so as long as he could, and he trusted the House would do the same.

MR. PRING said he was not there to question the propriety of the nominations which had been made in that new Parliament, as they had been made by the honorable the Speaker; but, still, if the House was disposed to question the policy of those appointments, he saw nothing very extraordinary in the conduct of the honorable member for Wide Bay in bringing his resolution forward. Of course, as was well known to both sides of the House, there was no probability of the motion being carried against the array of honorable members facing him (Mr. Pring), especially when reinforced by the honorable member for the Burnett, whom it was rather strange to see sitting there, considering the opinions held by that honorable member some time ago; and, so far as the charge of partiality could be made against the committee appointed, he was not inclined to believe it, as he had had an opportunity of knowing that some of the members having been on a committee when he was an interested person, would not forswear themselves. But he had not risen so much to speak on the main question raised by the resolution as to make a suggestion in reference to petitions against the return of members, which was, that he thought they should adopt the practice now in force in the United Kingdom, and that all petitions should be heard by the Judges of the Supreme Court. He thought that a very appropriate time for making that change would arrive presently, when the honorable the Minister for Lands brought forward his Elections Bill. It appeared to him that, in nine cases out of ten, election petitions involved questions of law with which it could not be supposed that ordinary members of that House were competent to deal, and therefore it would be better that the committee of the House should be relieved from the labor of having to try such questions, and at the same time the comments that might be made on its actions. He believed that the Supreme Court was the proper tribunal, and that, as the Elections Bill would shortly be before the House, a very good opportunity would be offered for making provision for such a change.

MR. FERRETT said he would not have risen to address the House had not the honorable the mover of the resolution accused the members of the committee of prejudging. Now that honorable member had not shewn anything to prove that the members were prejudged, and the time had arrived when it was necessary that the honorable member should be pulled up, and not allowed to go on making such serious charges against

honorable members on his (Mr. Ferrett's) side of the House. He had been quiet for a very long time, but he would not listen to the honorable member when he made such a charge as that of prejudging. Honorable members on his (Mr. Ferrett's) side of the House had never prejudged cases, and the honorable member for North Brisbane (Mr. Pring) knew very well that he would not allow one word to prejudice him in the last case which was heard. Then why should the honorable member for Wide Bay cast aspersions on him? Let the honorable member point to one act of his (Mr. Ferrett's), and he would be quite willing to sit there and hear what he had to say. The honorable member had also referred to certain members of the committee as being blind followers of the Government. But he would ask, whether that honorable member himself was not at first a blind follower of the Ministry until he was displeased with their conduct in reference to some private matter of his own? Who was it who brought in a resolution for the appointment of a commission to inquire into the working of the gold fields, but the honorable member, as nobody wanted it except himself? The honorable member never crossed over the House until some other honorable gentleman was appointed as commissioner. Then, again, as to the committee not having the public confidence, he would like to know what public confidence the honorable member possessed, except perhaps that of a few gold diggers, who supported him because he promised to get the duty on gold repealed? He (Mr. Ferrett) had no doubt, if other members of the community wished to be relieved from a tax, they would support an honorable member who promised to relieve them from it. The honorable the Speaker had been accused of being partial, but had one word been said to prove it? How could he be accused of it, as one honorable member had already withdrawn his name from the committee? He would ask whether any honorable member had occupied a better position in the House than the honorable member, Mr. Edmondstone? What partiality had he shewn? He would like to know, then, to whom the word partiality could be applied?—for it was of no use such a charge being made unless it was applied to some one. It had been stated by the honorable member for North Brisbane that it would be better if all petitions against the return of honorable members were to be left to the Judges of the Supreme Court; but he (Mr. Ferrett) could not agree to that, for the reason that whilst it might be the practice of the House of Commons, he did not think the Supreme Court should have any power over Parliament, which was the highest tribunal in the land. He thought they could get quite as good and impartial a tribunal as they were now constituted, and one more satisfactory to the people. The people elected representatives who were

elected to serve on a committee, and therefore in his opinion, it was not right that petitions should be referred to the judges. Now, as to the preponderance of the committee being on the Government side of the House, or on any side, he quite agreed with the honorable member for North Brisbane when he said he did not believe there was a member of that House who, after taking the oath, would so far prostitute himself as to be guilty of partiality.

Mr. MILES said he did not rise to make any comments on the impartiality or intelligence of the honorable gentlemen who had been appointed a Committee of Elections and Qualifications, as he presumed the honorable the Speaker had merely followed the practice of his predecessors. He had noticed, however, that from whichever side the honorable the Speaker was elected, from that side four members were appointed to the committee against three from the other side, and the majority had thus the power of declaring the return of a member valid, or the contrary. Now, he had heard it frequently said outside, "Shew me the committee, and I will tell you the verdict"; and it was on that account, principally, that he thoroughly concurred with the suggestion of the honorable member for Wide Bay, that in the Elections Act some provision should be made for referring election petitions to the judges of the Supreme Court. He would not make any remarks upon the impartiality or abilities of the committee now appointed, and they might have as good qualifications as any members of that House; but he thought that the honorable the Speaker had acted with discretion, when he appointed the honorable member for the Kennedy in the place of the honorable member who had resigned. Although lawyers were generally looked upon with disfavor by other honorable members of the House, by whom they were denounced as robbers, and everything that was bad, he considered that it was better for a member of the committee in question to have had a legal training. However, he thought it would be better for the country if the farce of a Committee of Elections and Qualifications were discontinued, and all petitions against sitting members were referred to the Supreme Court.

Mr. FIFE differed from the remarks of the honorable member for North Brisbane, as he thought that if they sent petitions to be dealt with by the Judges of the Supreme Court, there might just as well be no Parliament at all, as it would be parting with one of the great privileges of Parliament. He considered that the House was perfectly able and competent to decide anything affecting its own constitution. As he had been nominated to the committee, it was not his intention to speak further on the resolution.

Mr. MACDEVITT said, that although, like the honorable member who had just sat down, he was a member of the Committee of Elections and Qualifications, and as such

ought not, perhaps, to address the House on the subject of the resolutions, he trusted he should not say anything which would be thought out of place. One of the honorable gentlemen who had been appointed had thought fit to resign, seeing that an imputation had been cast upon him; but he (Mr. MacDevitt) did not think that any honorable member, whose character was under discussion, should impute improper motives to another honorable member who might be appointed to a committee. He had been glad to hear the remark of the honorable member for Wide Bay that there was no imputation that any member of the Elections and Qualifications Committee would depart from the sacred obligations conferred upon him, and he should be sorry indeed to entertain any such feeling towards any honorable member. But it could be said that it was possible, and would be perfectly within the power of the honorable the Speaker, to have appointed as the Committee of Elections and Qualifications, gentlemen of the highest position on both sides of the House, as such a committee would then have been accepted, not only by every member of that House, but also by the people outside, as perfectly satisfactory in its constitution. It was unfortunate that such was not the case, and that one honorable gentleman should have felt so strongly in the matter as to have embodied his opinions in a resolution. He might mention that one of the chief elements in a judicial tribunal was that it should be above even the suspicion of impartiality. It mattered not how eloquent or how able judges might be—if they had not that great qualification, they failed in that most important requisite, namely, the enjoyment of the confidence of all parties in their decisions. Seeing that he was appointed a member of the committee, he ought not, perhaps, to make any observations; but as some honorable gentlemen had objected to the resolution being brought forward, he would say that the honorable member for Wide Bay was quite right in the course he pursued; because, if he felt that the committee had not been appointed as it should have been, it was his duty to embody his objection in a substantive motion. He had been glad to hear honorable members on both sides of the House re-echo the remarks of the honorable member for North Brisbane as to the desirability of transferring the judicial functions now performed by a committee of that House to the Judges of the Supreme Court. If any justification of such a change were necessary, he thought it would be found in the general satisfaction which had been expressed throughout the length and breadth of the United Kingdom at similar functions being transferred from the House of Commons to the Judges of the land. The prompt way in which the petitions against members had been decided by the courts at home, shewed the desirability of the same principle being adopted in this colony. Last

session he had desired to bring it under the cognizance of the House, and he trusted that, as it now had been brought forward in such a way, the honorable the Minister for Lands, who had charge of the Elections Bill, would see fit to embody the principle in that Bill in such a way that the Judges of the land should in future decide questions which now went before what he (Mr. MacDevitt) considered a very unsatisfactory tribunal, namely, the Committee of Elections and Qualifications. He did not mean to say that the present committee would not be a good one, but he was of opinion that a better could have been found. It was, no doubt, very invidious to say that certain honorable members did not possess the qualifications which were necessary to a member of such a committee, and very wisely the honorable member for Wide Bay had refrained from saying so; but it could not be denied that some honorable members were better fitted to perform certain duties than others were, and, on that ground, he thought that a better committee could have been appointed.

The ATTORNEY-GENERAL thought that it was a very invidious task that the honorable member for Wide Bay had taken to himself, in impeaching the partiality of the honorable the Speaker. It was invidious because the honorable member had not advanced any reasons for asking the House to support his resolution. That honorable gentleman stated in general terms that he did not approve of the constitution of the committee, but he had not advanced one name against which he had an objection. It might be that one objection the honorable member had, was that his own name had been omitted; but whether that was so or not, was best known to the honorable gentleman. The House, however, had certainly a right to expect that some better reason should be given than that the honorable member was dissatisfied. Every member of the Opposition had disclaimed any charge of partiality against any member of the committee, so that consequently the House had a committee which, individualized, was strictly impartial, but in the aggregate was partial. He did not agree with what had fallen from the honorable member for North Brisbane, that election petitions should be heard by Judges of the Supreme Court instead of by committees of that House; and he would mention that the circumstances of the United Kingdom, where such a change had been made, were very different from those in the colony. When the jurisdiction of the House of Commons was transferred to the Judges, it was because the committees of the House were not empowered to inflict such punishment as it was necessary should be inflicted for practices prevailing at some elections. He thought it would be time enough to follow the same course when this colony got into something of the same state as England was in when the change was made there.

Mr. KING said that before the question was put finally, he would like to say a few words in reply to the remarks of some honorable members. The speech which had just been made by the honorable the Attorney-General was the greatest piece of special pleading he had ever listened to, and he had not heard any speech where there was more beating about the bush than there was in that just delivered by the honorable gentleman. That honorable member stated, that because he (Mr. King) had not thought fit to charge any one individual composing the committee with want of impartiality or some other disqualification, that he had no reasons to shew; but the honorable member himself, and other honorable members opposite, were well aware of the reasons why the committee was looked upon with great disfavor by the country. The honorable member was perfectly well aware that there was such a thing as bias, and that any parties who had a bias were not fit to be appointed to such a committee. He considered that he would have been wrong if he had made any invidious distinction, and had made a charge of dishonorable action against a member against whom he had none to bring forward. But the same remark that applied to jurymen, would apply to members of a committee. In the former case, a man was challenged without any reason being assigned, and it was not considered an insult on the part of the person challenging—as he might be a friend or an opponent, and yet did not wish him to be on the jury. That was not an insult, and, therefore, he thought it was not invidious of him when he objected to some honorable members being on the committee—moreover it was a right given to him by the Act. In reference to the remarks of the honorable the Premier, he thought that the whole House would perceive that in answering the observations which had been made by him (Mr. King), the honorable gentleman had endeavored to lead the House from the subject. The honorable member drew the conclusion that he (Mr. King) did not object to any member of the committee, except the honorable member for the Mitchell. Now, he would venture to say that there was not an honorable member in that House who did not know that if there was a member against whom he had not an objection, it was the honorable member for the Mitchell, who had not been in the House long enough to enable any honorable member to form an opinion respecting him. He ventured, however, to say that the majority of the members of the committee should not be drawn from honorable members who were considered by members on his (Mr. King's) side of the House, as well as by the people of Queensland, to be very much biased and prejudiced. He looked upon it, that a Speaker, in appointing a committee, should appoint four from the Ministerial side of the House, and three from the other side; but from the fact that he had the power to appoint four, he should select those

of the highest standing, and whose decisions would be considered satisfactory by all parties in and out of the House. He repeated that in the present instance the choice had been unfortunate; and that if the four in question should return a verdict in favor of the sitting member, their decision would be looked upon with suspicion. The honorable member for West Moreton, Mr. Ferrett, had been pleased to accuse him of most base motives, and he thought he was bound to take notice of the charge. He knew that there was one honorable member on the opposite side of the House who could be guilty of any misrepresentation, and who had been guilty of spreading such reports outside—reports which had never been made inside—that he was astonished at many honorable gentlemen opposite, who were aware of the untruth of those reports, remaining behind the honorable member. It had been stated that he (Mr. King) went to that House pledged to support the Government, but had not done so, as he failed to get something which he wanted—and again, that it was in consequence of his not being appointed the commissioner to inquire into the gold fields, that he had changed over. Now, he would remind the honorable member for West Moreton, and other honorable members, that when he entered the House, it was as an independent member; and if the honorable member would refer to "Hansard," he would see that he voted as often against the Government as with them. He voted against the tariff resolutions, and for the repeal of the two-thirds clause. Then, again, when he moved for a commission to be appointed to report upon the gold fields, he recommended that the appointment of commissioner should be given to a legal gentleman. The honorable the Colonial Secretary suggested that one of the District Court Judges could be employed, and then the honorable member for Fortitude Valley said that it would be another "fat job for some greasy pig," and would be providing a thousand pounds for some supporter. There were many honorable members present who would recollect, that at the time, there was an expression of opinion very complimentary to himself (Mr. King), inasmuch as he had had a great deal of experience of the gold fields. But he stated that he could not accept it, as it was well known that he was largely interested in mining property, and that, therefore, it would be seen that he could not act as a commission to draw up a Bill for the regulation of the gold fields. Again, he could not have been a candidate for an office brought about by his own resolution. He would now take the liberty of informing the honorable member for West Moreton, that if he ventured again to make such a statement as that which he had that day asserted, he would be repeating that which he knew to be a lie.

Mr. FERRETT: The honorable member has stated that I have asserted what I knew to be a lie.

Mr. KING: I did not say so.

Mr. FERRETT: I beg to say that there is no reason for supposing that I would ever say anything which I knew to be untrue; but I may state that I still have my own opinions on the subjects referred to.

The question was then put, and the House divided, with the following result:—

Ayes, 8.	Noes, 15.
Mr. Hemmamt	Mr. Walsh
Dr. O'Doherty	" W. Scott
Mr. Miles	" Palmer
" Stephens	" Bramston
" Groom	" Ramsay
" Fyfe	" Bell
" Pring	" Thompson
" King.	" Clark
	" Wienholt
	" Buchanan
	" Johnston
	" De Satgé
	" Ferrett
	" Cribb
	" Scott.

LUNACY ACT AMENDMENT BILL.

The COLONIAL SECRETARY, in moving the second reading of a Bill for extending the Lunacy Act of 1869, said, it was a very short measure, the principle of which was contained in the first clause. Under the existing law, which otherwise worked very well indeed, the authorities were not able to keep a lunatic in custody in a reception house for more than one month. It had been found in practice that one month was not, in many cases, sufficient to ensure a cure, although the detention of patients for a week or two longer would have had that effect. The unfortunate lunatics were obliged to be sent on to Woogaroo, and the excitement of being sent there, and their removal from the reception house, where they had been doing very well, had had a very bad effect upon their recovery. The Bill merely authorised that—

"Any two or more justices of the peace may from time to time order that a patient detained in any lunatic reception house be detained therein for a further term not exceeding one month if the medical officer attending such house testify upon oath that such further detention is necessary for the health of the patient or will tend to his recovery."

He might say that his attention had been drawn to this matter by the medical officers of Brisbane and Rockhampton. It was found, in both places, but worst at Rockhampton, from the very considerable distance that patients had to travel to the only Lunatic Asylum in the colony, that patients who were on the eve of recovery, and who might by a detention of a week or a month longer be discharged cured—and thus the country be saved expense, and, what was of more consequence, those unfortunate persons, their health being restored, being enabled to become again useful members of society—were prevented from enjoying those advantages by the short term of detention in the reception houses allowed under the Lunacy Act of 1869. No ill effects could possibly

follow the passing of the Bill, but many good ones.

Mr. Fyfe said he should not oppose the passing of the Bill, but it was another innovation of the rights of the subject. It gave two or three justices of the peace the right to interfere with the liberty of the subject. Admitting that the measure was necessary and should pass, laws like it should not be allowed to go through the House without observation or comment. He was perfectly aware that it was requisite that justices of the peace should be allowed to exercise a wise discretion; but, at the same time, he would caution the Government that such Bills as the one under consideration ought not to pass without some notice on the part of those who protected the people. The Bill might be a benefit, but honorable members did not know how many cases of injustice might be perpetrated by a packed bench: a man might be detained in durance vile for a month or two by that means.

Dr. O'Donerty said he did not think the honorable member for Rockhampton need be under any apprehension as to the liberty of the subject being affected by the Bill. He thought it would be a very great benefit, indeed. He had some experience in consultation with the medical officer in Brisbane with regard to cases to be met by the Bill; and he thought its passing would be of the greatest possible advantage. A very large number of cases came under treatment in the temporary lunatic reception houses, which really could not receive that permanent cure that would justify the patients being allowed to go at large within a month of their being received, but which could probably be cured within a second month, or a longer period, if the patients might be detained. To that effect he was inclined to think that the Bill might be pushed a little further with advantage. He, for one, looked upon the lunatic reception houses as more important than the Lunatic Asylum, because the most important class of lunacy treatment was brought to bear there upon patients who, if transferred to the larger establishment, so far from being benefitted thereby, were, as had been stated by the honorable the Colonial Secretary, made worse, being excited in an undue degree by the change. That must naturally be much more unfavorable in the instances of lunatics sent from Rockhampton down to Woogaroo. The Bill would enable the medical officer of the lunatic reception house, he believed, to save the country a great deal of unnecessary expense for the continuous treatment of lunatics in Woogaroo; and it would enable him to turn out a very large number of cured patients—much larger than was possible under present circumstances. It might be extended with advantage, so as to allow of patients being detained for a longer period, though not to extend beyond three months, in the reception houses.

Mr. JOHNSTON asked for an explanation of the term, lunatic reception houses. Did the term apply to country lock-ups and gaols, as places where unfortunate lunatics could be kept for months?

The COLONIAL SECRETARY: No, no. The lunatic reception houses were proclaimed under the Act of 1869.

Question put and passed, and the Bill was advanced through committee forthwith.

MINERAL LANDS BILL.

The SECRETARY FOR PUBLIC LANDS moved—

That a Bill to regulate the sale of Mineral Lands be read the second time.

He said it dealt with what were known as the "Mining purchases," which were the subject of the 32nd clause of the Act 31 Victoria, No. 46, the Crown Lands Alienation Act of 1868, and which formed the law at present. That clause was divided into three sections. Many questions had arisen under it as to the interpretation of those sections;—they were extremely general, and extremely vague. When he first entered office, he could see that that part of the Act of 1868 required amendment, because of the various difficulties which arose under that very meagre clause. In the first place, it did not state how application was to be made, or where it was to be made, but left it pretty well in the hands of the Minister for the time being to say how he should deal with applications for mineral lands. The first section talked about applications, but there was no part of the clause which explained the meaning of the word; it was referred to as if it were previously mentioned, whereas it was not previously mentioned at all. The second section of the clause was plain enough; it simply referred to the price. The third section was somewhat more difficult to deal with, and had been the cause of a deal of difficulty and confusion from time to time. It would be perceived that the purchase money had to be paid within twelve months, upon approval of the application; and before a grant could issue, evidence must be produced of certain expenditure, and so forth. Now the chief difficulty that arose, was, what was to be considered an approval? There was nothing in the Act defining it, and the practice of the department had been, since the Act came into force, to conditionally approve of an application when it came in, with the view of leaving it an open question whether it should be accepted or not, there being no mode of proceeding prescribed for dealing with transactions of that sort. Then the question arose under the clause—From what date the time of acceptance should count?—from the date of first approval, when the application arrived in the office, if approved; or, from the time the land was surveyed? Those matters all appeared to him to require regulation. Although there was a power in the Act to make regulations,

that power was confined, of course, like all others, to the subject-matter of the Act, and could not go beyond it. By the Bill now introduced, he had endeavored to sketch out a short code of regulations in regard to mineral land. He thought it would be found simple and easily understood by everybody. He had cut the clauses into as short paragraphs as he could, for the purpose of making it intelligible, instead of using provisoes and so forth, as was the custom in Acts of Parliament. The first clause purported to repeal the 32nd clause of the Crown Lands Alienation Act of 1868. The second clause merely repeated part of the present Act, that the Government should have power to sell. He described the mode of application, and the application must be accompanied by a deposit and the survey fee; and the limit of the area allowed was not altered. It was necessary that any surveyed land included in an application should be taken by the applicant; as, land once surveyed, the cost should not be lost to the Government;—and it should be taken up in accordance with the surveyed boundaries. Then, there was the usual regulation as to right lines directed to the cardinal points, and so forth. The price of land would be fixed by the Government, and should not be less than one pound an acre; and the power was reserved to the applicant, in case a higher price should be put upon the land, to withdraw his application, which was not the present law. Town sites would not be available. Clause eleven gave the Crown power to withdraw land from the operation of the Act; because the Government had often found it very inconvenient in practice not to have power to withdraw certain land. The next clause dealt with the manner in which land was required to be surveyed. He had provided two modes. The Government would have the option of undertaking the survey, if they saw fit; that was, if they had surveyors in the neighborhood, they would do it. If the neighborhood was inaccessible, they would throw the onus upon the party applying for the land. It would be a matter of agreement, probably, with the person who was to do it; and if the applicant did it, the survey fee paid would be refunded to him. That would be absolutely necessary. He believed that the selection at Cloncurry remained unsurveyed for a long time; it was impossible for the Government to undertake the survey at such a distance. The survey must be completed within six months. There was a new feature, here: if applicants were at a great distance, where they were not able to get a survey made, by giving a written description, they would be enabled to get protection in their selections. The provision ran thus:—

“In cases where it shall be made to appear to the Minister for Lands that owing to the distance of any proposed selection from known or surveyed country it is impracticable for the applicant to furnish a satisfactory description thereof and that

a long period must elapse before the same can be surveyed it shall be lawful for the said Minister on proof that the land applied for has been distinctly marked by the applicant along the boundaries thereof at distances of not less than five chains from mark to mark to grant a protection in the form in the schedule annexed marked B for a period of one year.”

When protection was granted under that provision, the survey must be completed within the year; if not, the protection ceased, and the applicant ceased also to have any title to the land. Three modes were provided in which the Minister could deal with the applications:—He might approve for survey, approve conditionally, or approve altogether. The reason for that provision was, that if a man sent in a description which the department could not locate on the maps, the Minister would not consider it feasible to give him any title, but only to approve of the application for survey only. Supposing the survey came in, then the application would be conditionally approved of. When all the conditions were performed, then the application would be absolutely approved of. Clause 22nd declared:—

“On survey of a mineral selection if the Minister for Lands sees no objection or if the application contains only lands already surveyed the same may be marked ‘unconditionally approved.’”

So that, when the application was in perfect order, it was under that clause unconditionally approved. Then—

“Within twelve months from the date of ‘unconditional approval’ being signified to the applicant by writing through the post office to his customary address the balance of purchase money fixed as hereinbefore provided together with the deed fee according to scale contained in schedule I of ‘The Crown Lands Alienation Act of 1868’ must be paid into the Treasury otherwise the deposit paid shall be forfeited and the land treated and considered as if no application had been made for the same without its being necessary for the Governor to make or cause to be made any entry thereon and may be forcibly resumed if necessary without legal process of any kind.”

It was then declared, in the 24th clause, that—

“After the payment of the balance of purchase money and deed fee if the applicant shall produce satisfactory evidence to the Minister for Lands that he has expended a sum equal to one pound per acre in *bonâ fide* working the minerals on the land applied for a deed of grant in fee simple shall issue for the same Provided that if such evidence of expenditure as aforesaid be not furnished to the Minister for Lands within two years from the date of the application being ‘unconditionally approved’ no grant shall issue and the land shall thereby be and become forfeited without its being necessary for the Governor to make or cause to be made entry thereon and may be forcibly resumed without legal process of any kind.”

A portion of this was different from the present Act, which, it would appear, gave twelve months, not only for the payment of the

money, but for the performance of the conditions. He gave two years for performance of the conditions. The money must be paid within twelve months. No grant would issue if the conditions were not performed. He believed two years was the time provided in the New South Wales Act for the performance of the conditions. Next, the Bill declared how priority was to be decided. The present Act was silent altogether on the point:—

“Applications for mineral lands shall if otherwise correct take priority according to the date of their receipt in the office of the Minister for Lands. Provided that applications made on the same day shall be considered as having been made at the same time.”

In clause 26, he introduced a provision for drawing lots:—

“In cases where two or more applications for mineral lands are received at the same time priority shall be given to the one containing the most correct and precise description or to that in which all the provisions of this Act have been most strictly complied with. Provided that where two or more applications as aforesaid are equally unobjectionable it shall be competent for the Minister for Lands to require that the priority be decided by lot at a meeting of the applicants or their agents summoned by the Minister for Lands at his office for the purpose.”

He also provided, what was not provided in the present law, means of transferring applications. That had been made the subject of application to him frequently, of late;—persons desired to be allowed to transfer mineral selections; and it had been represented to him that the want of that power under the Act of 1868 had prevented capitalists from entering into speculations where, from the mineral deposits, they would otherwise have done so. He had had more than one petition on the subject. The House would do well to pass the clause enabling applications to be transferred. Although the Bill was so fully drawn that he did not think regulations would be necessary to work it, yet clause twenty-eight gave the ordinary power to make them; and section twenty-nine said it should be read as part of the Crown Lands Alienation Act of 1868. The measure was more a departmental one than anything else; the only new principle in it being, that a further time than the present law allowed was given to perform the conditions, and that transfers were allowed. The rest was merely putting into a precise form what had been chanced by the Minister for the time being, heretofore. Under the existing law, the Minister could do almost what he liked with an application, it being silent as to direction.

Mr. KING said he would begin the observations he was about to make on the Bill, by stating that it was a remarkable fact that the only measure which the Government seemed to have no time to prepare, and which they were unwilling to bring in, was the one which the House wanted most of all—the

Additional Members Bill. He could state that, if the Secretary for Public Lands imagined that he was going to pass the Bill under consideration through the House before the Additional Members Bill was passed, he was mistaken.

The SPEAKER called the honorable member's attention to the question before the House.

Mr. KING begged pardon: he was speaking to the question, and shewing how unlikely the Bill before the House was to pass in the absence of another measure, which was most required. Of course, with the majority that the Government had at their back, they could force the Mineral Lands Bill as far as the second reading; but there it would stick. Instead of devoting their time to that Bill, they should bring the Additional Members Bill before the House. That was all the colony wanted, and it was what the House wanted, at present. It was a waste of time for honorable members to be sitting without it. He would, therefore, suggest to the honorable gentleman, and to the Colonial Secretary, whether it would not save time and temper, both inside and outside, to adjourn until the Additional Members Bill was ready. There was a principle in the Mineral Lands Bill, the only one that he could find fault with, which he could not support: it was contained in the provision which reserved power for the Government to fix the price of land. He thought that was a new principle; and in a Bill which was introduced to correct what was faulty in the present law regulating dealing with mineral lands it should not be found. It was known very well that the power of fixing the price of agricultural land would not be left with the Governor in Council. Under the 9th clause of the Bill, it was possible that land might be sold to one purchaser at a pound an acre, and that the next who came might have to pay one hundred pounds an acre for land not so valuable. No limit was fixed, except that the price should not be less than one pound an acre; it might be as much more as the Government liked. He could not see what the object of that provision was; and, therefore, he would suggest to the Secretary for Lands, that when the Bill should go into committee—which he did not suppose would be, to-night, or before the Additional Members Bill was passed, as it would be a waste of time—he should be prepared to do away with that discretionary part of the clause, and to fix the price absolutely at one pound an acre. If that were done, there could be no objection whatever to the passing of the Bill. He did not know, but it was possible that some honorable gentleman on the Ministerial side of the House might have some idea of dealing with copper, as, when they were talking of gold mines, they maintained, that, because the land might be very rich, the person taking out the mineral ought to pay a higher price for

it accordingly. He might point out that for all the rich lodes discovered in Queensland, very many mines had been sunk before those lodes were discovered, and, consequently much money thrown away. The Mount Perry mine, which was perhaps the richest in Australia, but had not yet paid a dividend, was discovered in 1869; and only the other day, in the beginning of October, at Maryborough, the one pound paid-up shares were offering for twelve shillings and sixpence. About £10,000 had been invested in the mine, and it was only recently that the shares of the company were at par. Therefore, whatever the owners of that mine might draw from it, if a high price had been put upon the land, it would not have been occupied, and the value of the mine would not have been discovered; because so large an amount of money was required to open up mineral lodes, that a high price upon the land would be prohibitory to working them. Only the Mount Perry, the Peak Downs, and the Cloncurry were the valuable mines yet opened up. The Peak Downs was the only one paying a dividend; and before it paid any, it was in existence three years, and more than £50,000 had been laid out upon it. If capitalists were expected to invest their money, it would be necessary to give them some encouragement. If honorable members on the Government side of the House intended to provide means, under the 9th clause, by which the Treasurer could make the mines pay, they would be disappointed if they relied upon the profits of the successful men. They would, in reality, prohibit the laying out of capital. For every section that was taken up and that turned out profitable, there would be at least twenty sections abandoned. The Mount Perry mine was in the Wide Bay District; but there were other mines, at Kilkivan, Mount Coora, and Munna, which were not paying, and there was no present prospect of their paying, and the galena mine at Yarrol had not turned out a success. For those reasons, he hoped the honorable gentleman who had charge of the Bill would not attempt to enforce that policy. One pound an acre was a higher price than was charged for agricultural land, and it was quite sufficient to pay for mineral lands, on which so much money must be laid out before there was any return for it. He durst say honorable members on the Government side of the House thought a great deal of their own interest, and that a man who worked mineral land took a great deal of wealth out of the earth, for which he ought to pay; but a man on mineral land did more for that wealth, and created a larger interest in getting it, and invested more money in realising it, than those who invested in sheep and cattle. If a man or a company had to spend £30,000 before he or they knew that the investment was in a profitable undertaking, he or they must have a very good chance or encouragement before entering upon it. Those who took up mineral lands were entitled

to that chance or that encouragement; and a fixed rent of one pound an acre afforded it to some extent. But a high rent would have the opposite effect; it would prohibit investment. If a man spent all that money, lost it in the mine, he (Mr. King) did not suppose honorable members opposite would reimburse him for it; therefore, if the Government did not share in the loss, they should not share in his profit. He hoped to see, under the Bill, a uniform price of one pound an acre.

Mr. FERRETT said he should not have got on his legs had it not been for the honorable member for Wide Bay alluding so much to honorable members on the Ministerial side of the House. That honorable member had been, no doubt, a commissioner on the gold fields, and had seen something of mines; but after the way he had come out, it was time for someone to rise who had a little experience and to expose his ignorance. When he talked about mineral lands, did he know what they meant? Did he mean to say that they were not worth more than one pound an acre? Did he wish to rob the country? He (Mr. Ferrett), for one, would never consent that the country should be robbed. He had bought mineral lands for £40 an acre, and worked them, too, at a profit. It was time that someone should stand up and contradict the honorable member when he advanced such opinions as he had given to the House. Where did he gain his information? He did not know what mineral lands were worth to the public, and he could not know what they were worth to the State. With regard to the Bill, he (Mr. Ferrett) thought it was high time that the House should have some means of checking the way that lands were disposed of, and have some method different from that now in force. The Bill would meet the necessity. The honorable member for Wide Bay might have a high opinion of his knowledge of the value of lands; but he had not brought anything forward to justify the House in believing him.

Mr. MILLS observed, in reference to the remarks of the honorable member for West Moreton, that the House would think him the last to know anything about the lands. He admitted that he did not know anything about them. The House should congratulate themselves that the honorable member was going to teach the Opposition members what mineral lands were, and how they should be worked. He concurred in all that had been said by the honorable member for Wide Bay, that the Government were so strong that the Opposition could not prevent their majority passing the second reading of the Bill; but the Opposition were sufficiently strong to stop the progress of the measure in committee; and he for one would stick to that honorable member in stopping it. Such a Bill was not what the House should be now discussing; it was the Additional Representation Bill that they should have

before them. The House were not in a position to consider such a Bill as the one now before them. Honorable members laughed; but though there were nineteen on the Government side, they represented only 45,000 people; while the thirteen members on the Opposition side represented 75,000. If there were no other objection to the Bill, the ninth clause would be sufficient to cause it to be thrown into the waste paper basket. It might be very well for a Minister for Lands to say that no new principle was introduced in the Bill; but on the principle contained in that clause more harm could be done than by all the rest of the Bill. He should like to go further in amending the Bill than that clause, and to alter the last clause by making the title, "A Bill to provide for the supporters of the Government." Because that was the fact; its effect would be nothing else. He should like honorable members to bear in mind that the present Ministry might not always be in power. What would be the consequence if the honorable member for Fortitude Valley got into power? They would all be mineral land holders. The ninth clause would give the Government power to hand over the mineral lands to whom they liked, and it alone was sufficient to cause him (Mr. Miles) to vote against the Bill; but whether or not, to speak plainly, he defied the Government to go any further with it than the second reading. He trusted and hoped that the Government would introduce that Bill which the country was so very badly in want of, a Bill to give increased representation. The country demanded it; and the people required it. Unless the Government brought forward that measure, they were not prepared to give increased and fair representation to the people. He advised them to have an adjournment for a few days until they could bring the Bill before the House, because the Opposition would not allow them to proceed. They were trifling, now, with the interests of the colony.

Mr. LILLEY said he thought a very few words from him would be necessary at this stage of the Bill. He had no doubt that the majority at the back of the Ministry would carry it through the second reading. But he thought it was time that the House should come to an understanding that the Opposition were not inclined to proceed with any Bills of importance until they had before them the Additional Members Bill—if the Government seriously intended to bring in such a Bill this session. At all events, it was not at all unlikely that the House would be able to get through some useful legislation this session if the Government would bring in a Bill that the Opposition could accept, and that would be for the advantage of the country. It would be best that they should come at once to the determination of the position of each side of the House, and see whether there was any probability of their being enabled to settle the representation question, at all events, for the

present. If the Government did not intend to bring in a measure that would place the representation on a sound basis—he meant, a population basis—if they did not intend to give the people some kind of full measure of additional representation, the sooner the two sides of the House saw how far each were enabled to carry their views, the better for the country. Because, he was satisfied that it was not for the good of the country that the present state of things should continue. It would be better that the issue should be determined, if it was to be a short, sharp, and decisive one; and best that their fellow colonists should know in what respect as to their political rights they were to stand for some time to come. There was a great and a strong feeling outside—perhaps it was not wrong to allude to that—on the contrary, it was the duty of honorable members to look to the feeling of the country—that the matter had remained over too long. It had been acknowledged by both sides of the House, at least four years ago, that some change was required in the existing allotment of members in the various constituencies; and he hoped, therefore, that honorable members would see on the part of the Government a disposition to meet the Opposition in this respect, and that the Government would lay before the country the plan they proposed for additional representation, and that all would address themselves seriously to the determination of that question before they attempted to legislate upon any other matter of great importance. He had placed on the business paper, himself, notices of Bills of great importance, that he thought would be of very high value to the country; but he did not attempt to shut his eyes for a moment to the circumstance that the House were incompetent to deal with the questions involved in those Bills. If the other side of the House were willing to meet the Opposition with a measure that the Opposition could approve of, it would be so much the best; and he did not think there need be any serious sacrifice of principle—though even with that, it would be better to meet than keep apart on such a question;—but any Bill forced through the House, more especially a measure affecting the representation of the country, by the majority on the other side, would not be a Bill passed by the representatives of the people; it would be passed by a House who were not justly the representatives of their fellow colonists; it would be a measure not final, and it would be in no wise satisfactory. He thought that there was nothing, as all political experience taught, so unsatisfactory, nothing so dangerous, as leaving unsettled political questions between two parties in the State; and, if he could possibly induce honorable members on the Government side of the House to come to a thorough understanding of that, they might facilitate the necessary business of the country. If he could not, then, of course, the Opposition must take that

decided stand which their responsibility to those they represented forced upon them. He hoped that there would be no disposition to permit the House to deal with any large or important legislation until they had the Additional Members Bill passed and the additional members on the floor of the House.

The COLONIAL SECRETARY said the speech of the honorable and learned member for Fortitude Valley simply amounted to this—that unless the Government were prepared to allow the Opposition to carry their Bill, the Opposition would not allow them to do anything. Now, that was a condition to which the Government would never agree. It was monstrous to suppose that a minority of the House should dictate to the majority. He entirely refused to comply with any request such as the honorable member advanced, on such terms as had been used by him. He would introduce a Bill that he believed would be carried. He was asked to introduce such a one as would be carried by the Opposition side of the House! He would introduce a Bill that he believed would be carried by the majority of the House;—

HONORABLE MEMBERS on both sides: Hear, hear.

The COLONIAL SECRETARY: Not by the minority. He was tired, he was sick, of hearing such stuff talked, every time the House met:—"Unless you introduce a Bill that the minority can pass, we will not proceed with any business, but will obstruct it." That was thoroughly unconstitutional. It was a thing that would be laughed at in any other civilised country. That the minority should dictate to the majority! Well, he said they should not. He had already said, this afternoon, that the Government would bring in a Bill for additional representation next week. He intended to do so. If the Opposition did not believe him, he cared not—he cared no more than he did for the wind that blew last week. He should introduce a Bill which, he believed, would be for the good of the country, and which the majority of the House would think was for the good of the country. But he would not ask honorable members opposite what the Bill should be. He was quite prepared to meet them on fair argument. If they shewed that he was wrong, he would give way. But to introduce a Bill which would meet their views—to legislate for them—he would never condescend to anything of the sort. To shew how little honorable members knew of the forms of the House—the honorable member for Maranoa and the honorable member for Wide Bay—when they said that the Bill could not go further than the second reading, he told them that he would put the Bill into committee, and whether they liked it or not; and that was another stage. So much for their knowledge of the forms of the House. He would put the Bill into committee in spite of the Opposition. If they chose to obstruct useful legis-

lation because they could not have their whims or cranks carried out in the House, let them do so, and let the country judge who were impeding the business of the country; but he should never introduce a Bill to meet their views.

Mr. HEMMANT said it must be very satisfactory to the House to find matters were now brought to a conclusion. He must tell the honorable the Colonial Secretary that he did not feel at all daunted by the way in which the honorable gentleman met the wishes of one side of the House; but the members of the Opposition owed their duty to their constituents; and he, for one, was quite prepared to do his duty, even to the extent of obstructing the business of the country, if that should be necessary, when the Government did not do their duty. It could not be expected that the minority of the House were to bow to an accidental majority that did not represent the majority of the country. The Opposition asked, that before legislation was undertaken, the Additional Members Bill, promised four years ago in speeches by members of the Government, should be laid before the House, and that the additional members should be in their seats. The Opposition did not wish to have their own views given effect to unduly. Let the new members find themselves in the House, and the Opposition did not care on what side they found themselves. They would then throw no obstruction in the way. Until that was brought about, he would join the honorable member for Maranoa to delay legislation, until they had what he believed were their just rights.

The Hon. R. PRING said he wished to offer a few observations on what he might well regard as a kind of collateral question before the House. The real question was the second reading of the Mineral Lands Bill; but the collateral question which had been raised, and which appeared to him to be a very important one, indeed, was, whether the Government should press on any business whatever in the House until they had fulfilled their pledge in reference to the Additional Representation Bill. Now, he did not wish in the slightest degree to be supposed to dictate to the Government the course of proceeding which he thought they ought to pursue. In the first place, he did not think that anything he could say would have the slightest effect on their policy; and, in the next place, he had reason to know, from the long time he had been in the House, and from recent proceedings in the House, that anything he should say would not have much effect upon them. But, at the same time, in common with the honorable member for East Moreton, who last spoke, and others, he had a duty to perform to his constituents. He understood that at the present moment the vital question before the country was additional representation; and he fully concurred in the oft expressed opinions of honorable members on the Opposition side of the House,

and in the opinions also expressed by very clever and thinking men who were not in the House, but whose opinions were worthy of attention, that if it was once admitted that additional representation was required, it was highly inexpedient that any great question in legislation should be introduced into the House until that additional representation was granted. It might be said that the Opposition ought not to oppose the passing of measures of business, as they might be technically termed, and that, by their so doing, they were impeding the business of the country and were to blame. Even conceding, as he might do, that those measures were not of such very great importance, still, as the House were incomplete, and did not represent the country so fully as they ought to do, then, the admission must be made at once, that no legislation should take place until that additional representation was granted which would enable the whole colony to be fully represented in the Legislative Assembly. Possibly the Bill before the House was necessary, and the Government desired to pass it; possibly it was one that would be beneficial. It might be so; but if the second reading was affirmed, then, it appeared to him that one great principle that had been advocated by the Opposition would be sacrificed, that no legislation should be permitted until the House comprised a larger number of members than at present. He admitted the promise of the Government to introduce an Additional Representation Bill. Taking this point between the two parties in the House, he asked, who held the best position? There could be no necessity for any legislation until the question of additional representation was settled. That question could be settled very easily. It appeared to him that the consideration of the second reading of the Bill was premature, and holding that to be the case, he maintained that any action on the part of the Opposition against the second reading of the Bill was perfectly legitimate. The course of action proposed to be taken by the Government for going on with the public business was, he thought, under the present circumstances of the colony, one which the members of the Opposition could not agree to. Some of the Bills set down as measures that were to be brought forward by the Government this session, formed a portion of the business that was brought forward last session; and he was not sure but two of them were read a second time last session. But whether that was the case or not, it would make no difference to his argument; because he held that all other business connected with legislation ought, for the present, to give way to the great question of additional representation, which had not only for some time past been agitating the public mind, but was the subject of primary notice in the Governor's Speech at the opening of Parliament. Though reference was made in the Speech to the re-introduction of some of the Bills that were

before the House last session, little importance, or rather so little importance, was attached to their re-introduction, that little or no notice whatever was taken of them. Though he might be disposed to admit that those contemplated measures might be necessary for the welfare of the country, the Additional Representation Bill was of far greater importance to the country than any of the others, and the consideration of it required no delay whatever. He was backed up in that opinion, as he stated before, by the fact that not only had it been a matter of great debate in the House, and not only because the mass of the people desired it, but last, though not least, because its utmost importance had been recognised by the Government itself. The second paragraph of the Opening Speech said:—

“The adjournment of the Legislative Assembly, followed by its dissolution and a general election, have occupied so much time that it is of more than usual importance that you should proceed without delay to the despatch of the business which will be brought before you.”

He then, in the same paragraph, found that special attention was drawn to the necessity that existed for increasing the representation of the people. The paragraph went on to say:—

“I would particularly draw your attention to the necessity which exists for increasing the representation of the colony, for which object a Bill will shortly be introduced.”

Now, the fact of additional representation being the first question alluded to in the Opening Speech proved satisfactorily to his mind that the consideration of the question was undoubtedly regarded by the Government as of vital importance; otherwise it would not have had such prominence given to it. The necessity for additional representation was also the subject of discussion last session; and the Government at that time said they were prepared to bring in a Bill providing for additional representation; and, if it was not laid on the table, honorable members were to some degree acquainted with the nature of its provisions. With those facts before him, he was at a loss to understand why the Government should attempt, in the present state of parties, and in the present state of the representation of the country, to ask the Opposition to join with them in any matter of legislation whatever—the Government admitting, as they did, that the population of the country was not sufficiently represented. Though he had not carefully read the Bill now before the House, he was prepared to admit that it might be a very good measure; still, as it was one that proposed to deal with the mineral lands of the colony, was it a measure that should be considered by the present Assembly? If the mineral lands of the colony were to be legislated for at all, he thought that those persons who were most interested in this

species of legislation ought to have a voice in the matter; and it could not be said that at present they had any voice in the matter. If they took the Kennedy district, they would find a number of gold fields scattered all over it. Yet it was represented by only one member. There were the Ravenswood, the Cape River, the Etheridge, and the Cloncurry, and a new diggings which he understood had been opened up at the Broughton River since he left the district—all producing minerals. All those places were represented by only one member, who also represented another and a distinct interest—the mercantile interest of Bowen, Cardwell, Mackay, Townsville, and Normanston, and other towns along the coast. But besides the mining and mercantile interests, the honorable member for the Kennedy represented a large pastoral interest. There was only one member to represent those three different interests. Now, could it be said, under those circumstances, that when they were called upon to consider a Bill affecting the mining districts, the House, as at present constituted, was fit to deal with it? inasmuch as there was not a fair representation in the House of those persons who were most interested in such a measure. He therefore maintained that they should not deal with the question before the House until the question of additional representation had been dealt with, and a Bill providing for it had been passed. He could not understand why the honorable the Premier should hesitate to make a measure providing for additional representation his primary measure; and that for two reasons:—First, because the Government made it the primary measure in the Speech; and, second, because, considering the strong support the Ministry had, he did not see that they had anything to fear in proceeding with it at once. The Opposition had more cause to dread defeat on any measure they might bring forward than the Government had. Those were the reasons he had for fully concurring in the course chalked out by the leader of the Opposition—a course which was cordially approved of by every honorable member on the Opposition side of the House, although their number was small. Now he had a few words to say as to the minority, with respect to this question, as opposed to the majority. He had not the slightest expectation that this Bill would not be carried. Indeed he felt perfectly convinced by the language of the honorable the Premier, at an earlier period of the evening, that the second reading of the Bill would be carried; but at the same time he objected to the proposition which the honorable gentleman laid down—that might was right. Now he denied the accuracy of any such proposition. Might was not always associated with right. He remembered the honorable the Treasurer saying, with respect to the second reading of a Bill, that he would shove it through the

House; but the honorable member for the Maranoa told him that if he succeeded in doing so the members of the Opposition would see what they would be able to do with the Bill when it came before them in committee. He considered it was a very false position for the honorable the Premier to assume, or for any Premier to assume, that, because he had a numerical majority, he had a right to legislate just as he pleased. Why, if might was right, then, in the case of two contending armies meeting in the field, it would only be necessary that the numerical strength of both armies should be communicated to each other, in order to prevent any engagement taking place. A general with an army of 20,000 men, for example, would only have to say to the general who had only 10,000 men, "Oh, it is no use our fighting, for you see I can beat you, as I have twice the number of men that you have." But he held a very different opinion from that. He believed that a brave general, who was also a skilful tactician, might, with 10,000 devoted men, who were brave in heart and strong in will, completely put to flight the general who had 20,000 men. Now he put that to the honorable the Colonial Secretary, as a simple illustration of the untenableness of the position he had taken up, in assuming that might was right. The Opposition would not be tied down by the strength of numerical numbers; and whatever action they might take as against any measure that was brought in, or might be brought in, would not be of a factious nature. He emphatically denied that the action of the Opposition was, at the present time, of a factious nature. He fully concurred with what was said by the honorable member for the Maranoa, when he said that if honorable members on the Opposition side of the House should be beaten on the second reading of the Bill, as he fully expected they would be, they would take every opportunity of having the Bill amended in committee of the whole, even though they should be charged with factious opposition. He maintained that the Opposition, supported as they were by a large majority of the people, and acting in the manner prescribed by the constitution, for the purpose of stopping the Ministry, as far as it was in their power to do so, from proceeding in a course of wrong legislation, and when such a course of action was, as they believed, for the public benefit, could not be called a factious Opposition. But he would take a higher ground than that, and he would tell the Government that they held their present position unconstitutionally, and every honorable member on the Government side of the House not only unconstitutionally represented his constituency, but also unconstitutionally supported the Ministry; for he maintained that the present Ministry held the reins of Government unconstitutionally. His reasons for saying so were quite plain. They

were those which he had given before ; and which he would reiterate when he again heard honorable members who sat on the same side of the House with himself accused by honorable members on the other side of the House as being a factious Opposition. He had already said that the Ministry held the reins of power unconstitutionally, and he would repeat that ; and, more than that, he would tell them that the adjournment was unconstitutional, and that the prorogation was unconstitutional ; and he was not to sit in that House and support the Government or their supporters in any act that would be unconstitutional, because of there being a numerical majority of honorable members supporting an unconstitutional Government. Now, of course, he had no doubt that honorable members on the Government side of the House would contradict what he had said. Well, he had no objection to that, because it must be recollected that what he had said was a matter of argument ; and not only that, but an argument that could only be carried out by the honorable member who might at the time be debating the question. Now, if any honorable member could, on the other hand, shew him that the present Government was a legally constituted Government, he would be willing to entertain their arguments and be convinced by them, if they could convince him ; and he should be glad to hear a debate on the subject. Still he could not submit to the accusation, that had been so often repeated, that honorable members on the Opposition side of the House were actuated by factious motives in every act they did. Why ? Because, the allegation was, that the Opposition impeded the public business. Well, it might be true that the Opposition were impeding the public business as a matter of fact in the meantime ; but if it were seen that it would be for the public benefit eventually, then honorable members on the Opposition side of the House were acting as honest men, in now impeding the Government, and not as a faction. They were acting in a way that was true to themselves and true to the country.

Mr. GROOM said there was no doubt but the Bill was one which was of some importance to the mining community ; but, at the same time, he thought he would be justified in taking the course he proposed to take. Now, he gave a distinct pledge to his constituents, before his election, that he would object to every measure that might be brought into the House until an Additional Members Bill was passed, and a new House elected under its provisions. It was on the strength of that pledge that he believed he was returned by his constituency by a majority of two to one over the Government candidate. He considered that that was a sufficiently strong expression of confidence on the part of his constituency to warrant him in pursuing the course he now took. He had

given that pledge, and he felt he would not be doing his duty to his constituents if he did not carry it out. He objected to the charge of factiousness being made against honorable members on the Opposition side of the House, because they felt it to be their duty to oppose certain measures brought in by the Government before the Additional Representation Bill was brought in, and which the House had a right to believe would have been the first measure brought in, as it stood first in the list of measures mentioned in the Ministerial programme. Since 1864, the constituency which he represented had been promised an additional member or two, but at least one ; and yet they were now at the end of 1871, with a largely increased population, in the same position as in 1864, in having only one member to represent them. Now, he thought the time had come when there should be no longer any hesitation on the part of the honorable members representing populous constituencies making a firm stand to secure the passing of an Additional Members Bill. He was not in the House at an earlier period of the evening when the honorable the Premier addressed the House, but he had been informed that the honorable gentleman stated that an Additional Members Bill would be introduced in the course of next week. He therefore thought that, with such a promise before them, it would be as well that the House, at its rising, should adjourn till Tuesday next, so as to afford the Government an opportunity of completing the measure, and laying it on the table of the House on that day. Honorable members would then have an opportunity of making themselves acquainted with its provisions, and considering what course of action they should take respecting it. He did not think, for his own part, that it would be either right or just for the Opposition to allow any business to be gone on with until the Additional Members Bill was before them, especially as it was promised as the chief measure of the session. Nor did he see that there should be any delay in its production. At the opening of the Parliament of New South Wales, the Government stated that it was their intention to introduce, as the principal measure of the session, a new Land Bill ; and though the Parliament had been opened only for a few days, a copy of the Bill was now in the library here. He might be told that the completion of the census was not yet in a sufficiently advanced stage to enable such a measure to be as yet completed ; but he maintained that enough was known to furnish a basis for the preparation of such a measure. He would pursue the course he had determined to take in the matter, and would object to all measures that might be brought in until an Additional Representation Bill was passed. The large constituencies, he maintained, were not sufficiently represented, while, on the other hand, there were some small constituencies over-represented. Now that, he thought,

furnished an additional reason why the Government should come down at once with an Additional Representation Bill. He had only again to repeat, that he thought the House should adjourn till next week, and allow the Bill to be brought forward in proper form.

The question was then put, and the House divided as follows :—

Ayes, 18.	Noes, 10.
Mr. Morehead	Mr. Lilley
" Wienholt	" Pring
" De Satgé	Dr. O'Doherty
" J. Scott	Mr. Hemmant
" Buchanan	" Edmondstone
" Ferrett	" Miles
" W. Scott	" Groom
" Thorn	" Fyfe
" Bramston	" Stephens
" Ramsay	" King.
" Walsh	
" Thompson	
" Bell	
" Palmer	
" Clark	
" Royds	
" Cribb	
" Johnston.	

MONUMENT TO THE MEMORY OF THE LATE GOVERNOR, COLONEL BLACKALL

The COLONIAL SECRETARY, the House being in Committee of the Whole, moved—

That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for this year, a sum not exceeding five hundred pounds sterling, for the purpose of erecting a Monument over the remains of our late lamented Governor, Colonel Blackall.

In doing so, the honorable gentleman said he hoped the motion would be acceded to with acclamation. He regretted to say that owing to certain circumstances, this motion had not been brought before the House long ago. It would be within the recollection of honorable members that, prior to the adjournment, this was one of the first motions on the business paper of the House. He was willing to believe, from what he had heard from honorable members on the Opposition side of the House, that it was entirely owing to a mistake that the motion was prevented from being brought on before the honorable member, Mr. Mellwraith, moved the adjournment of the House. He sincerely hoped that on the present occasion no objections would be offered to the motion. Shortly after the lamented death of the late Governor Blackall, he (the Colonial Secretary) attended a public meeting in the Town Hall, which had been called together for the purpose of considering what form of testimonial to the memory of the late Governor should be adopted. The matter was discussed at some length, and he expressed it as his opinion, that it was the duty of the Parliament to erect a suitable monument over his grave. The honorable member for Fortitude Valley, who followed him, expressed it as his opinion, that that was what should be done. Various other propositions were made at the meeting, to commemorate the memory of the late Governor; but none of them, he

was sorry to say, had been carried out. The reason of that he was not aware of, unless it was that the dead were soon forgotten. The late Governor, there was no doubt, was the most popular Governor that ever came to Queensland, and he might almost say the most popular that ever came to any of the Australian colonies. He felt it was altogether unnecessary for him to pronounce any encomium on one who was so highly beloved as the late Governor was by all classes of the community. The deceased gentleman was well known and esteemed throughout the colony; and he (the Colonial Secretary) was sure that no Governor who ever came here had so firmly fixed himself in the hearts of the people of the colony. He did not think there would be any opposition to the motion, or that any reason existed for opposition to it; for it had nothing whatever to do with politics, or the representation of the country. The sole object of the motion was that means might be provided to enable the Government to erect a suitable testimonial to commemorate the memory of a revered gentleman, and a good governor. He must again express his regret that so long a time had been allowed to elapse since the death of the Governor and the bringing forward of this resolution. The Government, he felt, might with safety have taken upon themselves to spend this amount in the erection of a monument, especially when they looked back to the warm feeling that pervaded all classes at the time on the subject; but the Government thought it would be better to obtain the sanction of the House in the first place.

The motion was then agreed to, and reported to the House.

ELECTIONS BILL.

The SECRETARY FOR PUBLIC LANDS, in moving the second reading of a Bill to consolidate and amend the laws relating to parliamentary elections, said that it was almost a formal matter his doing so, as the Bill had been before the House during a previous Parliament, and it was then fully discussed; but as some new members had come into the House since then, he might, for their information, briefly indicate the general nature of the Bill. He believed that the existing Elections Act was very defective, especially because of the facilities it afforded for personation at elections; and there were, also, some other defects in it. Now, it was generally admitted by everyone that some reform in the law as regarded elections was necessary; and this Bill proposed to effect that reform; and, in addition, it proposed an extension of the franchise. It, in fact, proposed to give manhood suffrage after a six months' residence. It also proposed to introduce a new principle in the matter of elections—namely, that of issuing voters' rights, which would be the qualification for anyone offering himself to vote. The Bill also proposed to substitute written nominations in lieu of

oral nominations on the hustings, which, as had been very justly observed by honorable members on both sides of the House, were little better than a mere farce. The hustings nominations were no doubt all very well in olden times, when there were no newspapers,—which had superseded the necessity for the nomination of candidates from the hustings. There was nothing, however, to prevent a candidate from calling meetings as usual and addressing the electors as hitherto. In the first place, the qualification was manhood, with the condition of six months' residence. The Bill did not, however, prevent voting in respect of property, but it did not give any man two votes in any one electorate. The disqualifications were as before; and the Bill proposed that no aboriginal, South Sea Islander, or Chinaman, should possess a vote except upon a property qualification. That was the only distinction that was made in the Bill. In very many cases it had been found that it was extremely inconvenient for an elector personally to attend the court for the district, and have his name inserted on the roll; and it was, therefore, provided by the Bill that a claim sent in, accompanied by a solemn declaration, should be accepted as sufficient to entitle a man to have his name placed on the roll. It also proposed to abolish the courts for the examination of the roll, as they had been found to work very unsatisfactorily, and gave rise to charges of partiality against those who performed the work of examining the rolls. The task was a very invidious one, and one that occasioned a good deal of local politics, and bad feeling. As he had already stated, there was a new feature introduced into the Bill—that of the issuing of voters' rights, the production of which was necessary to entitle a man to vote in the case of his not voting in respect of a property qualification. This provision was inserted mainly with the view of preventing personation. As the law at present stood, personation could be practised to a considerable extent; and he believed it was so. If a man's name only appeared on the roll, there was nothing to prevent another man voting under that name, though the man whose name was on the roll was dead, or out of the colony, or even in the colony. But by this Bill it was provided that no man voting under a voter's right should be able to vote unless he produced his voter's right. It would, therefore, be seen that personation was almost impossible, as the exercise of the franchise was hedged in by so many checks and safeguards by the provisions of this Bill. The clause in the Bill as originally introduced last session, which required that every voter should sign his name, now stood as amended in committee, allowing persons who could not write to make their mark. The clause as to the voter's right had been taken from the Act in force in Victoria, where it had been found to work very well; but he intended to make

a slight alteration in it. There was also a provision for the issuing of substituted rights in cases where the originals had been destroyed. The elector's right was inalienable, and so he thought it ought to be. As he said before, the nominations would have to be in writing; and every candidate would have to get ten persons to nominate him, and sign a paper to that effect; and a small sum of money would have to be deposited as a guarantee of good faith. The amount was set down in the Bill at £20, which, under certain circumstances, would be forfeited. He thought it would be admitted that some such guarantee of good faith was necessary; and its necessity would be evident to those who had had experience in connection with election contests. It was well known that, in many cases, persons were proposed in opposition to the *bonâ fide* candidates, simply for the purpose of creating a contest, and benefitting the publicans of the district by making the other candidate "bleed," as it was called. He hoped this provision would have the effect of doing away with the bleeding process. Provision was made for the retirement of the candidate on the polling day. This provision was also taken from the Victorian Act. The clause, as it appeared in the Bill last session, required that a candidate, when once nominated, must have the consent of those who nominated him before he could withdraw; but he had made an alteration to the effect that a candidate might, without such consent, decline to stand. He did not see why anyone should be forced into a position which he declined to occupy. With regard to the taking of the poll, the Bill was the same as formerly, except as regarded voters' rights and other safeguards against personation; but *bonâ fide* voters would not feel those to be a restriction. In the bribery clause, he had introduced—not only in deference to English legislation on the subject, but also in deference to the opinions of some honorable members with whose opinions he fully agreed—a provision for a solemn declaration being made against bribery by the voter, if required. He had also made the keeping an open public-house by any candidate an act of bribery. For his own part, he thought they might go a little further than that, and make it an offence to keep a public-house open within a certain distance of the polling place on the polling day. He thought it would be a good thing for the community if the drinking customs at elections could be done away with altogether. The rest of the Bill was the same as the one introduced last session. In all other respects, it came as near as possible to the Victorian Act. With this explanation of the salient features of the Bill, he now moved that it be read a second time.

Mr. LILLEY said that it was not his intention to discuss the merits of the Bill now before the House, as he thought it stood on the same footing as the one which had just

been disposed of. He did not think that the House should legislate on such an important matter until the people were fairly represented, and for that reason he should vote against the second reading of the Bill, although he had no doubt that the result would be the same as it was with the Mineral Lands Bill.

Mr. DE SARGE said that he thought the honorable member for Fortitude Valley was putting the cart before the horse, when he said that before they passed an Elections Bill they should have one for additional representation. They had been told by the honorable the Minister for Lands that the Bill before the House was framed upon the Act now in force in Victoria, and with the example of that colony before them, he thought they could not do better than finish the Bill at once; and if the Government could pass it and then proceed with an Additional Representation Bill, they would be prevented from listening to wasteful discussions like that of that evening, and would be able to get on with the business, and give the people all they wanted. He might say that he, for one, was tired of listening to questions of privilege and motions for adjournment, and he looked upon the present measure as the first instalment of real business. He, for one, had no time to spare in fruitless discussions. Honorable members were all agreed that additional representation was needed, and therefore they should meet each other half way, and endeavor to do something for the country. He was, however, of the opinion that an Elections Bill should always come before a Bill for additional representation. It was merely a matter of form, and as, last session, honorable gentlemen opposite had agreed to the principles of the Bill now before the House, except in regard to the writing qualification—on which occasion he voted with the Opposition, and was prepared to do so again—he thought really honorable members should get on with the business of the country, and not continue to make a farce of legislation.

Mr. KING said he did not quite agree with the honorable member who had just sat down, in saying that the House should go on with the Elections Bill before passing an Additional Members Bill; because he thought that, in strict reasoning, if the House, as at present constituted, did not represent the country, it should not alter the places of election. He (Mr. King) was, however, prepared to assist in any way, after the Additional Members Bill was passed, in passing a proper Elections Bill, and he hoped it would not then be obstructed; at the same time he would point out that it would have to be much altered. Some honorable members had, he believed, gained great experience in election matters since the present Bill was first introduced, and could understand provisions in it which at first they knew nothing about. The honorable

member who introduced the Bill said that it would give manhood suffrage, and six months' residence qualifications; but he (Mr. King) believed that it was a measure to ease the consciences of those who were at present engaged in stuffing the electoral rolls. At present there were many rolls in which they could find the names of shepherds and hut-keepers, some put down at £25 a-year, and board and lodging; others for having huts valued at £10; and others who received £100 a-year for salary, although they had very little in their pockets. But there they were on the roll, whilst freeholders who had substantial claims were kept off the roll. He thought that the Bill was to ease the consciences of those who did not wish to commit perjury by placing the names on the roll; but so far as placing the names on the rolls was concerned, the people would be as badly off as they were at present, unless some provision was made to prevent the evils which at present existed. In England the practice was to appoint a barrister to revise the rolls, whose office was not permanent, but only from year to year, or so long as he gave satisfaction. It was the duty of that gentleman, who was not a political officer, to go about revising the rolls in the towns and boroughs; and if he placed a name on the roll which gave dissatisfaction, there was an appeal from his decision to the Court of Queen's Bench, and a *mandamus* issued by that court compelled him to remove a name, or to place one on the list. In this colony, he was sorry to say, there were a large number of political magistrates who had nothing to do but to look after the rolls; who, doubtless, were appointed for that very purpose, and from whose decisions there was no appeal. To that he attributed the fact that, although at the last census there were upwards of 7,000 persons in the Wide Bay district, there were only 263 names on the roll. Some of those persons were absent—there were five at least, dummies, placed on the roll for political purposes; and thus, out of a population of 7,000 persons, there were only 235 entitled to vote. Now, he had intended to take some proceedings to compel the magistrates to act fairly in putting names on the roll, and in striking others off; but he had been told that in Queensland nothing of the sort could be done, and that the magistrates were appointed by Government for their own purpose; there was no court which could issue a *mandamus*, compelling magistrates to take off a name or put one on. So that all magistrates had to say in striking off a name was, that they were not satisfied with it; and so long as they said that, it was quite sufficient, as the Act merely stated that they must be satisfied. The same rule, he observed, was to be carried out in the proposed Elections Bill, and qualifications were to be proved to the satisfaction of the magistrates. Now, he contended, that there must be a court superior to that of a Court of Petty Sessions,

which should exercise control over the rolls. There must be an appeal from Courts of Petty Sessions, presided over by a Bench of Magistrates, appointed by honorable gentlemen on the opposite side, to which to appeal. With regard to hustings nominations, which he saw by the Bill were to be abolished, he might say that he saw no reason for making such a change. He believed it was a good institution, as it brought a candidate face to face with the electors, who could ask him questions. He considered that an elector had a right to ask a man, who put himself forward as a candidate, questions on the topics of the day; and no place could be better for him to do so than the hustings. He also hoped that an alteration would be made in the Bill, by which all petitions against the return of candidates should be referred to a judicial tribunal. There was no doubt that a Committee of Elections and Qualifications was not a proper body, as it was not a judicial but a political body; for however fairly members of it might try to perform their duty, they would always be open to the charge of acting from political motives. For that reason he considered that all petitions should be sent to the Supreme Court. He had observed that a remark was made by the honorable the Attorney-General, that the reason why the jurisdiction was transferred in England to the Judges was, that the law of bribery was different there, as the committee could only inflict a penalty; but he would remind the honorable gentleman that, first of all, there was the petition against the return of a member, which went before a committee, and then the prosecution for bribery, which was followed up outside. That was the position in this colony, also. If there was a petition of bribery, it would first be referred to the Committee of Elections and Qualifications, and, if a person was found guilty of bribery, he would afterwards be punished outside. But, supposing the whole matter was referred to the Judges, they could decide upon the two points at once. It was admitted at the time the transfer of the jurisdiction was proposed in England, and, when it passed, that it was felt in the House of Commons that a Committee of Elections and Qualifications was not a proper tribunal for judicial questions. Now he thought that honorable members might be very well contented if the character of their House was as good as that of the House of Commons; and he did not think the people had a right to complain if they wished to follow the same course as the House of Commons had pursued. He thought the clauses in the Bill with regard to bribery would be rather hard upon candidates, in some cases. One of them was, that no candidate was to hold meetings in a public-house—that would be an act of bribery. It was not necessary that he should “shout,” to constitute bribery; but only to hold meetings in a public-house. Now, he (Mr. King) was not particularly in favor of hold-

ing meetings in public-houses; but he hoped that, if they were to be so strict in one case, they would be rather more strict than they were inclined to be in some other respects. If a candidate might not be allowed to hold a meeting in a public-house, might a Minister of the Crown be allowed to go to a constituency and endeavor to influence the election of a supporter, or of himself, by holding out promises of large public works? He saw also that it was not proper of a candidate to influence the vote of an elector by holding out to him any promise of employment, or any other benefit; and he hoped that that clause would be so strictly interpreted that it would prevent candidates, or Ministers, the friends of candidates, or people who had been candidates, from immediately after an election placing their friends or supporters in the Civil Service, or assisting them in some other way at the public expense. There was no doubt that during the late elections great expectations were held out to those who supported Ministerial candidates. It was held out to constituencies that by supporting Ministerial candidates they would secure public works in their district. As a proof of that, he might state that he was in the Kennedy district at the time of the election, endeavoring to use his influence against the Ministerial candidate, but the electors used to say, “We must support this man; here is another telegram from the Minister for Works saying we are to have all we want; they are going to deepen the creek at Townsville, and Mr. Depree has got orders to draw out the plans, and as soon as they are ready the work is to be commenced.” Again, at Rockhampton, he was assured that the friends of Mr. Lambert, the Government candidate, were going about canvassing, and telling the people that that gentleman had been promised £6,000 to build a bridge across the Dawson, if he was returned, and that for that reason they ought to support him. But he could come still nearer home, where large sums of money had been promised, some of which had been spent, and some of which had not; he supposed that where it was not spent, it was intended that the electors should be taught to do better next time. It was not openly stated, but it was well understood that if they did not vote for a Ministerial candidate they would not have the public works. Again, so far had matters gone, that he noticed lately that at a public meeting held at Toowoomba, about presenting a petition to the House for a sum of money for draining a swamp, it was stated that by not sending their request through their own member they were likely to get more money; moreover, it was stated at a public meeting there, that the electors should not have returned an Opposition candidate. Now, he thought that when a Bill proposed to be so severe on a poor candidate that he was to be judged guilty of bribery if he held a meeting in a public-house, some stringent provision should be inserted to prevent Ministers from

influencing electors by promises of the expenditure of public money.

Mr. THORN thought the honorable member for Wide Bay knew very little of the working of the electoral system in Australia, or he would not have spoken in the way he had done. There was, in fact, no comparison between the working of the system in the United Kingdom and in this colony; as in the former there were two defined parties who looked well after the registration of electors, whilst here there was no defined party, as a member who voted one session with the Government might the next session be found with the Opposition;—in proof of which he might point to the honorable member himself, who was with a party on the Government side of the House at one time, but had since changed over to another. The defectiveness of the Wide Bay roll was entirely owing to the people of Wide Bay, who failed to send in their claims at the proper time, and who, when they did send them in, failed to substantiate them. The honorable member, he (Mr. Thorn) thought, might consider himself very lucky that the people of Wide Bay were so apathetic, as probably if they had not been so, the honorable member would not have had a seat in that House; for although he might represent the miners at Gympie, he did not the people of Wide Bay. That was proved by the fact that Mr. Palmer, who opposed the honorable member, had a majority at every other place save Gympie. The rule laid down by all benches of magistrates was, that in the cases of new claimants to go on the roll the onus of proving their qualification should lie with the new claimants; but in the cases of persons on the roll being objected to, the onus of proving that they had lost their qualification lay with the objectors; and he (Mr. Thorn) heartily approved of such a rule. He objected most strongly to the proposition of the honorable member, who was backed up by two lawyers in that House, that election petitions should be referred to the Judges of the Supreme Court instead of to a Committee of Elections and Qualifications. Honorable members, however, knew very well that litigation had been at a discount lately in the colony; and no doubt it would put more business into the hands of honorable gentlemen opposite if the propositions of the honorable member for Wide Bay were adopted. Now he (Mr. Thorn) contended that there had been no occasion for the change in England, except that of novelty; and he was sure, if the House of Commons had the chance, they would repeal that portion of the English Electoral Act. He had carefully studied the result of the election petitions in the House of Commons, and he found that when a majority of the committee were Liberals they turned out a Liberal, and also when a majority were Conservatives, and a Conservative seat was called into question, the Conservative lost his seat; which clearly shewed that

party influences did not interfere with the honest convictions of a committee there, any more than they did in this colony. Therefore, why petitions should be referred to the Judges of the Supreme Court, he was at a loss to know. He considered that if ever there was a time when a Bill of the description of that before the House was wanted, it was at the present time; and in proof of that he would refer to his own district, where several cases of personation had been attempted. He would instance one, where the mayor of Brisbane, and two or three ex-mayors, with a steamer-load of the sweepings of Brisbane, went to Goodna in a steamer to oppose him. He luckily heard of their intention on the previous evening, and so was on his guard. One man went to personate an alderman of Ipswich, and was locked up—upon which the rest skedaddled—and he believed many of them were a week before they returned to their homes in Brisbane, so afraid were they of the terrors of the law. Then again, there was another thing he would like to mention, to shew how many persons were simultaneously on two rolls. A short time ago he had occasion to go to a polling place, and he there found a number of names upon the rolls for West Moreton and Western Downs simultaneously, with “householder, Kipperbullen,” qualification for the former, and “householder, parish of Douglass,” for the latter; and the probability was that those names were also on the roll for Drayton and Toowoomba, for when a census collector for the West Moreton district waited upon them, he was told that they belonged to the electoral district of Drayton and Toowoomba. How then was it possible for those persons to have household qualifications in at least two places, if not three, at the same time? He was of opinion that the Bill was not strong enough to meet such cases at least. He was glad that it was proposed to abolish the courts of examination, as he considered they were the cause of all the bickerings hitherto; and he was also glad that the writing test was not to be insisted upon, although he maintained that the secrecy of the ballot could only be preserved by the writing test. He must say that he was opposed to the abolition of the open air nominations, and should oppose that portion of the Bill, as he thought that secret nominations were a failure in regard to municipal institutions; for it was found that the candidate always addressed the ratepayers after the nominations were read, and unless they did so it would fare badly with them on the polling day. He was quite sure that the same remark would apply to candidates for seats in the Legislature. He cordially supported the second reading of the Bill, and trusted that honorable members opposite would allow it to pass through committee at once; as in his opinion it was a far more important measure than an Additional Representation Bill.

Mr. HEMMANT thought that the Bill now under consideration would in many respects be a great improvement upon the present Act, more especially the six months' residence qualification; but he thought, at the same time, that there were many great objections to the Bill—among others, that of having secret nominations. He had always looked upon hustings nominations as one of the most valuable points in the constitution; as he thought that any person coming forward for election should meet his constituents, answer any questions they might put to him, and give them any satisfaction they required. That was a safeguard, in this way, that a member who went into Parliament pledged to a certain policy would be more likely to be kept up to the mark when he knew that he would have to face his constituents on a future occasion. Secret nominations had been tried in municipal elections, and he had no hesitation in saying that they had not carried out the anticipations of those who had advocated them. They had destroyed all interest in the elections, and it was not uncommon now to see a nomination at Brisbane attended by not more than half-a-dozen persons; in fact, at the last there was only one person. It had also been the case that candidates had been rejected, not because they were disapproved by the ratepayers, but because the nomination papers were informal. The Municipal Act provided that ten ratepayers should sign the nomination papers, and he thought that if the same rule were applied to parliamentary elections, it would be difficult in distant electorates to get ten electors together to sign a paper. What was the consequence sometimes in municipal elections? Why, that the Governor in Council had to nominate an alderman; and how could that be made to apply to the Parliament? He had not looked carefully through the Bill; but he hardly thought the Government of the day would agree to that. Another argument in favor of hustings nominations was, that in many of the agricultural constituencies—in his own, for instance, the electors were scattered so widely through the district, that the hustings was the only means the candidate had of meeting them—as that nomination was generally appointed on a market day, when a large number of persons went into the town whom it would be impossible for a candidate to address otherwise. At the last election for East Moreton, the nomination was held on one Saturday, and the polling on the Saturday following, and had there not been hustings the electors would not have known when to vote, as there was only one weekly paper circulated there—the *Queenslander*—from which they could gain the information, and that was published on the Saturday morning. Another matter which he considered was of very great importance was, that there should be more opportunities afforded to persons of placing their names on the roll. He thought that it should be in the

power of a man to send in his name at any time, as in country districts it was very hard that there should be only one opportunity during the year, and that, perhaps, when he could not attend. He quite agreed with what had fallen from the honorable member for Wide Bay, in regard to the Committee of Elections and Qualifications; and he trusted that if the Bill went into committee, some provision would be made for the decision of election petitions by the Judges of the Supreme Court. He thought it must be patent to every honorable member that, as had been stated by the honorable member, Mr. Pring, it was generally on questions of law that Committees of Elections and Qualifications had to base their decisions; and without saying anything disrespectful of those committees, he thought that they were not able to answer such legal and technical questions which arose, and that on that ground it would be much more satisfactory to have them decided by Judges of the Supreme Court. It had been stated by the honorable the Minister for Lands, that hustings nominations were a farce. Well, if they were, it was a farce which had continued for a very long time in the old country. He hoped that the day was far distant when it would be discontinued in this colony. The honorable member for West Moreton had stated that night, that certain honorable members did not represent their constituents; but he (Mr. Hemmant) thought that that was one of the greatest mistakes which could be made. Every honorable member represented the district by which he was returned, and he trusted the House would hear no more of such charges. With regard to the bribery clauses, he might mention that in many instances public-houses were the only places where a candidate could address the electors and have committee rooms. Generally speaking, the public-house was the only building in the district which had a room of the suitable size; and he thought that when statements were made of honorable members of the Government lavishing bribes among constituencies, it was, to say the least, rather hypercritical on their part to make it bribery for committees of candidates to hold meetings in public-houses.

Mr. FIFE said that, in a few words, if the Bill was allowed to pass as it at present stood, one-half of the country would be disfranchised under the disguise of manhood suffrage; and it was his intention to point out the fallacies of the measure when it went into committee. Again, he thought that to abolish hustings nominations would be most objectionable. He could understand that at a place like Springsure, where there were only half-a-dozen squatters, it would suit them to have no hustings erected, but to do everything in secret; but it was ridiculous to suppose that such a farce could be carried out through the colony. Then, again, to insist upon a man residing on stations perhaps a hundred miles away from a court of petty sessions, having to go there

to sign his name, and to keep a certificate of having done so, was another absurdity. Why, it would take at least £10,000 to make the Bill workable, and to collect the votes. He was glad to hear, that when the Bill was previously before the House, the honorable member for Clermont had moved that £5,000 should be placed on the Estimates for making it workable; and for once in his life, that honorable member had identified himself with a liberal party. But why should the Bill be introduced at all? Why did not the Government first bring down the Additional Members Bill, which was much more required? Why should the Government be afraid of doing so, if they were, as they said they were, honest in their intentions? Why did they not condescend to satisfy public opinion, as it was public opinion which demanded that that Bill should be given to them? He should assist the honorable member at the head of the Opposition to prevent the Government from passing any measure of so much importance to the country as the Elections Bill, until they had first brought in their promised Additional Representation Bill, or until they gave the Opposition to understand what they intended to do. It was pretty well known that the honorable the Premier would not give way. The honorable gentleman was like a Bismarck; but the Opposition would not give him credit for the intelligence of a Bismarck. They wanted to see the Additional Members Bill of the Government, and it would be far better policy for the honorable member to introduce a measure which the people required, than to insist upon measures which would lead to a dead-lock. If the honorable the Premier would not give way, the people would not. Why should they? To whom were they to give way? To honorable members who were the representatives of cattle and sheep, and banks and mortgagors. There might certainly be some exceptions, but they were few and far between. He thought it would be wiser on the part of the Government to withdraw the Bill now before the House, instead of pressing it through a second reading. It would pass, no doubt, a second reading; but it would never go through committee, if it was possible, by legitimate means, to stop its progress. He would again ask the Government to come forward and state what they intended to do.

Dr. O'DOHERTY said the honorable member for Clermont had entreated honorable members of the Opposition to discuss and pass the second reading of the Bill now before the House, in order that they should not disgrace themselves before the country. But he took a different view of the subject from that entertained by the honorable member; and after the many different reasons which had been adduced against the second reading of the Bill, he considered it would be a disgrace if it was allowed to pass. He thought the best course to pursue would be for the honorable

the Minister for Lands to withdraw it until there was a House so constituted as to be fit to consider so important a measure. The honorable member for Clermont thought the Elections Bill should be a preliminary to the Additional Members Bill; but he (Dr. O'Doherty) did not think so, as it would deal with the great principle on which an election law should be framed. The Additional Members Bill simply stated that there should be voices in that House, that were admittedly not in the House at present; voices that had risen since the last measure was past, and voices which it was of vital importance to have in that House when the new electoral law had to be considered. Therefore, it appeared to him, that on that strong principle alone, without the powerful reasons brought forward by the honorable member for Wide Bay, and the honorable member for East Moreton, and others, that it was of the greatest importance that the Additional Members Bill should be passed first. The honorable member for Wide Bay, and the honorable member, Mr. Thorn, had told the House that, under the present Act, the rolls were cooked throughout the colony; but the Bill before the House did not deal with that question in any way, and he would defy the honorable the Minister for Lands to say that any measure which did not deal with that was a useful Bill. The honorable member for West Moreton had described the way in which personation was done and the rolls were stuffed, and, after hearing that, one would imagine that he had never heard of the "dead man's ledger"—or of the mode in which benches were packed in the revision courts. But those were all matters known even outside the district of that honorable member, and he (Dr. O'Doherty) for one would not give his support to the present system of revising the electoral roll, but would support the policy of the honorable member for Fortitude Valley. The honorable the Premier got through his Lunacy Bill so easily that he thought, no doubt, that he had nothing to do but to push others forward. As had been remarked by his honorable colleague, Mr. Pring, one of the first things mentioned in the Queen's Speech, and what the country called for most, was the Additional Representation Bill; and, therefore, the Opposition were quite justified in asking that that measure should be put before them before anything else was done. He thought that no occasion could be better for putting it before the House, as they had been asked to deal with the very important question of the mineral lands, which interest was not represented in that House as it should be. He therefore agreed with the honorable member for Fortitude Valley that they, as representatives of the people, were bound to see that, before any other business was transacted, the Bill for additional representation should be placed before the House.

Mr. MACDEVITT said that, taking as he did considerable interest in the question before the House, he thought it but right, whilst it was being under debate, that he should say a few words. He hailed with satisfaction any such improvement that the Bill before the House proposed to give, and he thought that if it was passed into law at the same time as the Additional Members Bill, it would result with advantage to the country. He did not believe, with the honorable member for Rockhampton, that the Bill would disfranchise a considerable portion of the colony; but, on the contrary, taking the Bill as a whole, he thought that its accession to our statute book would be of considerable advantage to the colony. With regard to details, such as the discontinuance of hustings nominations, and of meetings in public-houses, they were, after all, not at the root of the Bill. The main principle of it was that it extended the suffrage to every male of twenty-one years who had resided in the colony for six months; and he thought that if that was the principle, honorable members could very well agree to make concessions on matters of detail, such as he had mentioned. He quite agreed with the honorable member for Wide Bay, who stated that whilst the Bill made it bribery to hold meetings of candidates in public-houses, it should also contain some provision to secure, in other respects, freedom and purity of election. He (Mr. MacDevitt) thought it would be more perfect still, and would remove a far greater nuisance than abolishing meetings in public-houses, if it contained some provisions by which Ministers of the Crown could not resort to dodges to influence electors. He trusted that the ingenuity of the honorable the Minister for Lands would be directed to the embodiment in the Bill of some provisions by which the disgraceful scenes on the part of one Minister of the Crown, in influencing elections, would not be repeated, to the great scandal of the colony. It was when a Minister of the Crown had the unenviable notoriety of sending false telegrams, when that conduct was only a repetition of conduct of a similar character enacted by the same honorable gentleman at a previous election, that he (Mr. MacDevitt) thought a stop should be put to that which was a greater nuisance than holding meetings at a public-house. He had referred briefly to the conduct of the honorable Minister on a previous occasion, but would do so more fully now. In order that there might be no mistake, he would quote from the *Port Denison Times*, of the 8th July, 1870. But, before doing so, and in order that the House might understand that it was not a new development at all of the character of that extraordinary personage—but only a re-breaking out of an old disease—he would refer to the election before last in the Kennedy district, when Mr. Hewitt was put forward as a candidate in the Ministerial interest. That gentleman, on his arrival at Townsville, received a telegram from the

Minister alluded to, wanting information as to what roads and public works required the attention of the Government, in the neighborhood of Bowen. Now, was there ever a case which proved undue influence being used by a Minister of the Crown more than that did? There was a gentleman standing as a candidate for a constituency, who was not secretly stated by the Minister to be a friend—but in whose behalf that Minister went out from his reserve, and descended to become a mere electioneering agent, and sent telegrams to the Government candidate to know what roads required the attention of the Government. Now, who could doubt the insincerity of such a communication? What necessity was there, then, that a telegram should be sent to a stranger in the district by the Minister for Works, whose duty it was to be thoroughly posted up in that information? If it was necessary, why did he send to a candidate for election? Had he not the Engineer of Roads for the Northern Division; had he not the foreman of works, Mr. Macmillan; had he not the mayors of the municipal councils; had he not the Kennedy District Association; and had he not the Central Separation Committee? But, no. All those sources of information were open to the honorable gentleman for months previously, and it turned out that only as the nomination approached, could that lover of his country, the Minister for Works, send to an obscure individual, a stranger in the district, Mr. Hewitt, for information as to the requirements of the district. What was it that led to that recognition by the Minister of the candidate? Between those two there was a similarity and an interchange of affection on that occasion; they discovered a chord of sympathy beating in unison that drew them mutually to each other. That had been the course that marked the interference of the Minister for Works some time back; and now he (Mr. MacDevitt) came to a later period. There was a statement in the *Port Denison Times*, of the 8th July last, of which he had seen no contradiction, and which he would lay before the House. Perhaps that wonderful versatility of talents with which some persons were gifted would supply a contradiction, even now. The statement might not be true. If there was a denial springing from the mind of any honorable member, that must be met with the credit it deserved. The statement had been in print in the leading columns of a northern paper from the date named, and it had not been contradicted yet. At that time there was a candidate, Mr. Nugent Wade Browne, who, in his telegram announcing his candidature, omitted all mention of separation from his political creed. Shortly after that, it appeared, when public dissatisfaction was expressed on that account, a telegram was received from the Minister for Works;—it was so stated in the following words:—

“Since writing the above”—

that was, the article pointing out the omission in the political creed of the candidate—

“a telegram has come to hand from Mr. Walsh”—

who that Mr. Walsh was, was pretty well known!—

“who appears to be acting as godfather for his near connection, Mr. Nugent Wade Browne. That telegram informs us—First, that Mr. Browne is in favor of separation, provided the capital of the new colony is not at Rockhampton; second, that we need not be afraid of HIS (Mr. Browne's) *selling his constituents!*”

Being underlined, as if anything untrue or improper could come from the house of Walsh! Now, the editor of that paper, although tolerably favorable to the Government, went on to criticise that electioneering escapade of one of the most prominent members of the Government, and with reference to that part of the telegram which imputed to him (Mr. MacDevitt) that he had been guilty of a great political fault, said:—

“As to the second part of Mr. Walsh's telegram, that patriot must forgive us if we say that his assurance of Mr. Browne's future political consistency cannot be expected to have much weight with this constituency. Mr. Browne is quite a stranger to us, and Mr. Walsh nearly so, being only known to us by report, and through his Ministerial acts since he has held a seat in the present Cabinet.”

In a district in which that honorable gentleman was not known, the people evidently paid considerable attention to his proceedings:—

“We hope to see Mr. Browne before the election, and that he will be able to inspire us with that confidence which he can hardly expect to gain from the *ipse dixit* of any one man; especially when it is taken into consideration that that man is at one and the same time a near connection of Mr. Browne's, a political partisan, and a member of a Ministry whose tenure of office depends upon the result of the forthcoming elections.”

He (Mr. MacDevitt) commended that article to the attention of honorable members. In the Bill which they were about to pass, and which he hoped would become law, the insertion was necessary of some provision for the prevention of such acts by a Minister of the Crown for the future. He would quote a portion of the same article applicable to himself, and to his own political creed; and it had reference to the difference which had arisen between himself and the honorable member for Western Downs, Mr. Ramsay:—

“Before leaving this subject, we would like to make a few remarks on Mr. Walsh's italics, evidently addressed to Mr. MacDevitt. We think that Mr. Walsh has scarcely sufficient foundation for his taunt. Mr. MacDevitt certainly did not pledge himself to the electors of this portion of the electorate to support the present Ministry,

nor was such a pledge asked from him. His opponent (Mr. Hewitt)”—

that was the gentleman with whom the Minister for Works had corresponded—

“was the Government candidate on that occasion. As far as our memory serves us, with regard to the other places where he addressed the electors, the utmost extent to which Mr. MacDevitt's pledges went, was a sort of vague statement that he would support the Palmer Ministry generally, so long as he agreed with their policy.”

There was an unexpected proof of the truth of the contradiction which he had given to the statement of the honorable member for Western Downs, and of the contradiction which he had previously given to the memorandum addressed to the Acting-Governor on the late dissolution. Now, it appeared to him, that when a Minister of the Crown laid himself open to such criticism as that from a tolerably favorable journal, the time had come for such a nuisance to be put a stop to; and the way in which that could be best done, required the consideration of the House. Not that he (Mr. MacDevitt) imagined for one moment that he had received any injury from the Minister for Works; on the contrary, he believed that the tremendous majority which he obtained on his election was not a little due to the interference of the honorable gentleman on behalf of his political godson. With the exception of that of the honorable member for Rockhampton, there was not an election in the colony in which such a large majority had been recorded as for him (Mr. MacDevitt) by the electors of Kennedy. When one considered that that followed the anxious interference of the Minister for Works in the Kennedy election, knowing the weight attached to that interference, and the value to be placed on his statements, he could trace, at all events, the relation between cause and effect. In order that that might be seen further, he would quote from an article which appeared only a few days ago in the *Ravenswood Miner*, where the conduct of the commissioner was commented upon, and some severe strictures pronounced upon his report; and, with reference to the Minister for Works, there was the following statement:—

“We know Mr. Walsh has a vivid imagination. Sir George Bowen described him once. Perhaps, then, it was only in the imagination of the Minister for Mines that these incorrect statements existed. The wish may have been father to the thought. Mr. Walsh, we know, would willingly believe anything of the ‘digger’—would believe even that he would sign his name to a petition against leasing, and apply for a lease at the same time; and the wish to believe this, may have led him to imagine that it was so stated in the report.”

Now, in reading that, he only pointed out the little weight that was attached to the honorable gentleman's statements, in order to shew that the remarks he made upon them did not spring from any feeling he entertained

of injury suffered from them. The time had come when the scandalous interference of that Minister in the elections of the colony should cease, and when the Legislature should take notice of it and bring it to a close. It was not only to Bowen, to Townsville, but even to Ravenswood, that the telegrams of the Minister for Works were directed at that time. It was a disgrace to the country that a Minister of the Crown should occupy the position of an electioneering agent, not of the highest character—an electioneering agent, who prostituted truth to malignant calumny by that great vehicle meant for the dissemination of reliable intelligence and accurate information, the electric telegraph. It was highly derogatory to the public that that which was embodied in the constitutional law of the country, and which received the formal check of an Act of Parliament, should be set aside by a Minister of the Crown, who was supposed to set an example of correct conduct. The time had come when the House should declare that such violations of the common law of the constitution should no longer be tolerated; for it was within their province to mark their sense of such scandalous proceedings. The following was from May's "Practice of Parliament":—

"On the 10th December, 1779, the Commons resolved—That it was highly criminal in any Minister or Ministers, or other servants under the Crown of Great Britain, to use the powers of office in the election of representatives to serve in Parliament."

What he had stated went to shew that the Minister for Works had been guilty, in the language of the resolution, directly and indirectly, of the abuse of his "powers of office in the election of representatives to serve in Parliament." The position occupied by the honorable member was a high and dignified one, supposed to be given to him by a preponderance of power in the representatives of the country; and, having accepted that position, the burden was upon him to use it for the welfare of the people—not to resort to electioneering dodges—not to adopt the practices of men whose services could be had for payment, to swell the majority that kept him in his place, at a general election. Yet that was the conduct of the Minister for Works. And the House should consider whether they should not relieve the country from the nuisance of that Minister. He (Mr. MacDevitt) remembered that the honorable gentleman had stated with reference to himself that he was not idle during the general election—that at Maryborough he interested himself on behalf of one of the candidates there. Perhaps that might account for the malignant course which seemed to be pursued when that untruthful telegram was penned. If it was, there was revenge taken. His conduct was not that of letter-writing behind a man's back, of circulating lies by means of the telegraph wires. He attended two meetings, and spoke to the

electors there in the fullest and freest manner. He gave the Minister for Works credit for qualities for which that honorable gentleman no longer deserved credit. He spoke of him, too, as being beneficial to the country in that irregular course of conduct which he had chosen to pursue for himself, and in the work of endeavoring to turn up everything which might possibly cover abuse; and he admitted his usefulness occasionally for ventilating subjects which, perhaps, more delicately-minded individuals would refrain from, and that his position in the House might still enable him to be useful in that detective capacity for which he shewed such a liking and some aptitude. He spoke before the public, and took no undue advantage of the honorable gentleman. He was not guilty of being so mean as to send a telegram which was not true; he was not guilty of sending wholesale telegrams imputing dishonorable conduct either to him or to individuals. Every word that he had said at those meetings he was willing to account for, having spoken with the full knowledge of his responsibility, and that there was a sensitiveness to public expression of opinion, as evidenced in the prosecution for libel of the *Wide Bay News*. Whether his career should be long or short, obscure or distinguished, in the House or the country, he hoped nobody would ever be found to offer such strictures upon his conduct as the *Port Denison Times* and *Ravenswood Miner* had made upon that of the honorable the Secretary for Public Works. He would further remark that the strictures in the *Times* were written at a time when that paper was certainly hostile to him (Mr. MacDevitt); and he had not been a little astonished to find, without any communication with that paper—though he had had communication since—the statement to which he had already referred in relation to himself. With regard to the other matters before the House in this debate, he must say that he agreed with what had fallen from honorable members who had preceded him. He thought that the duty of deciding upon the validity of elections might very well be transferred to those judicial personages who presided over the highest courts of the colony. Seeing, too, the general satisfaction that was felt by the public of Great Britain and Ireland at the removal of the trial of election petitions from the House of Commons to the Superior Courts of Westminster and Dublin, he thought that the adoption of a plan after that example would be equally satisfactory in Queensland. So much so was he of that opinion, that last session he had it in mind to suggest to the House in the shape of either resolutions or a Bill, or in some other manner to the Government, the introduction of such a change. He had no doubt that the honorable the Secretary for Public Lands, who seemed anxious to do as much work as possible for the benefit of the colony, would act upon the suggestion, and address himself to finding some means

by which the provision that at present obtained at home in the matter of election petitions would be embodied in the colonial legislation. Also, he had to state that the revision of the rolls and the admission of electors to the franchise should be zealously and properly looked after. He knew that very great dissatisfaction had been expressed upon that subject at Ravenswood, where, out of five hundred electors who made application to be put on the roll, not one-half were so placed. The miners attributed their being left off the roll to the incompetency of the tribunal, or to some other influence which he (Mr. MacDevitt) did not think it necessary here to designate, as the matter was not under discussion. He thought it a great scandal that the electors had no confidence in the tribunals that were appointed to decide upon their rights to vote; and he trusted that the result of the Bill would be to remove that scandal, and to restore that confidence to the breasts that now lacked it, indeed. It was monstrous that on that gold field where eight hundred people were fully entitled to the franchise, out of five hundred applications properly sent in, only two hundred and fifty were registered, the remaining two hundred and fifty being left off the roll or not admitted to their rights, and, according to the statements made to him, without any objection having been served upon those so refused, as required by the Act. There was a further remark, with regard to the franchise, that he wished to make;—it was, that while six months' residence was a very fair qualification, generally speaking, upon the gold fields three months would be sufficient. In the centres of population, in agricultural districts, and in pastoral districts of the colony, where the people were so settled as to become, so to speak, permanently fixed on the soil, six months' residence might be required; but, as to the population of the gold fields, though so shifting, the digger acquired as much interest in the colony in three months as the agriculturist in six months. He thought the mining population would not get full justice under the Bill, unless an amendment to that effect was embodied in it; and when the time came, in committee, he should be prepared to deal with it. As the honorable the Secretary for Public Lands had stated, the Bill had been twice before the Chamber, and he hoped that it would shortly become law, and that the Additional Members Bill would follow on its heels, and become law at the same time. Then the House would have passed two measures for which the country would be grateful to the present Administration, and for which certainly he, as representing a very large and populous constituency sadly in want of additional representation, would feel very grateful. He hoped that, if the Minister for Lands thought proper, and the circumstances of the case required the introduction of some such provision as would ensure the abatement of

the public-house nuisance, there would also be introduced a provision for the abatement of the Minister for Works nuisance; and thus he took leave of the subject for the present.

The SECRETARY FOR PUBLIC WORKS said the Bill under discussion seemed to be receiving exactly that attention which he had expected any useful measure brought forward by the Government for the benefit of the country would receive. Instead of its being dealt with on its merits, instead of honorable members on both sides of the House joining together to work for the good of the people at large—to assist the Government or to assist each other to pass a valuable measure such as the Bill before the House was supposed to be, and to hasten on the kindred measure, the Additional Members Bill—he found the vilest personalities, the most vindictive falsehoods, the most vituperative language was employed by certain honorable members on the Opposition side. Whether they were to take the honorable member for Wide Bay or the honorable member for Kennedy as the real leader of the Opposition, the House knew not, and the country would be hardly able to understand the position of the honorable and learned member for Fortitude Valley. They were promised at the commencement of the session that the honorable member for Fortitude Valley would be the leader, but he seemed to be silent on an important measure such as the one before the House, now; or, he did not wish to assist passing it.

Mr. LILLEY: The Additional Members Bill first.

Mr. MILES: Hear, hear.

The SECRETARY FOR PUBLIC WORKS: The honorable member for Maranoa said, "Hear, hear," and he seemed to have understood somewhat as he (the Secretary for Works) did, the place of the leader of the Opposition, which was not that he should give a tacit opposition to the measure before the House. The honorable and learned gentleman had not favored the House, in clear language, as he was so well able to do, with any reasons against the Bill; but that malignant firm which had been entered into between the honorable member for Kennedy and the honorable member for Wide Bay, seemed to have upset and taken out of the hands of the leader of the Opposition all his duties and to interfere with his doing all that the country expected from him. He (the Secretary for Works) deprecated that extremely. He had said more than once that this session would be as barren as the last, simply because half-a-dozen members on the other side of the House, so bitter was their opposition, so empty their pockets—

Mr. MILES: Hear, hear.

Mr. FYFE said he must rise to a point of order. The honorable the Secretary for Public Works, in using such language as that, was imputing motives.

The SECRETARY FOR PUBLIC WORKS: He did not allude to the honorable member's pockets.

Mr. MACDEVITT: It was in keeping with the sending of untruthful telegrams.

The SECRETARY FOR PUBLIC WORKS (re-summing): Who seemed to have been notorious lately for promulgating untruths—

The SPEAKER interposed, and said the honorable gentleman's language was unparliamentary.

The SECRETARY FOR PUBLIC WORKS: The honorable member for Kennedy had accused him of the same thing.

Mr. MACDEVITT: That was a virtue the monopoly of which he very freely accorded to the Minister for Works.

The SECRETARY FOR PUBLIC WORKS: He had come to the conclusion that that eminent firm were as incapable of speaking the truth as they were of representing their constituents, and, before he ended, he should be able to prove it. That eminent firm, whose spite he seemed to have earned, went to work as if the only way to destroy the Ministry was to destroy his character; that cowardly combination, in order to destroy a strong, an orderly, a painstaking, and a conscientious Ministry, thought the only way they could do so was by destroying his character. But it would take thousands, and tens of thousands, of persons of their character to do it. He had been obliged to say, before, in the House, and he repeated it without fear of contradiction, that those who knew him longest would like him best, and that those with whom he had most to do would believe in him. But, talking night after night, thus, were they met for nothing else? The Ministry brought forward measures for consideration, and were they to hear nothing else but those personal recriminations, those hungry attacks? Was the country going to stand it for ever? Were the Parliament going to stand it for ever? Before the House was one of the most important Bills ever introduced, on which the wealth, weal or woe, of the country depended; and could they not discuss that measure like statesmen, and deal with it in detail, without descending to those petty personal attacks on honorable members? He seemed to be the greatest obstacle to honorable members opposite gaining their ends. Their conduct was utterly disgraceful. If the honorable member for Fortitude Valley was the leader—

Mr. FYFE: He is.

The SECRETARY FOR PUBLIC WORKS: For his own character in this country, he should discard those tactics which were directed against him (the Secretary for Works). What was the charge brought against him? He was prepared to meet any charge, if it was brought substantially before the House. But those cowardly, sneaking attacks—inuendoes of honorable members, who had not the courage to specify any charge—

The SPEAKER said he had before ruled that the honorable member must not impute motives.

The SECRETARY FOR PUBLIC WORKS: Who wrote to the papers, and probably themselves wrote the lying articles which they quoted—if they would only descend, or condescend, to bring forward charges, or instance any case in which he had acted unconstitutionally or as a dishonest man, then he should be obliged to meet them on fair grounds. But those cowardly, reckless inuendoes which they were constantly flinging at him were worthy of those gentlemen, but utterly unworthy of the House or the country. The honorable member for Kennedy had made a charge about his having sent that telegram to Mr. Hewitt; but, months afterwards, the honorable member, though he now said that telegram was sent in such a way as had been described, was sitting beside him and seeking his friendship.

Mr. MACDEVITT begged to deny as to the friendship.

The SECRETARY FOR PUBLIC WORKS: The honorable member had taken work from him.

Mr. MACDEVITT: In his professional capacity.

The SECRETARY FOR PUBLIC WORKS: He complained that the Ministry did not recognise the rising young men of the country—the talent of the country.

Mr. MACDEVITT denied it; and was proceeding to speak further, when

The SPEAKER said the honorable member had denied the statement, and that was enough. His denial must be accepted.

The SECRETARY FOR PUBLIC WORKS: He should not be able to say anything, by-and-bye. The honorable member had accused him of sending a telegram to Mr. Hewitt, asking him for information as to the state of the roads in the district. He (the Secretary for Works) utterly denied it. The gentleman in question was a stranger, and he asked if the Secretary for Public Works would do anything to the roads in the district. To that the Minister replied, as he would to the lowest or to the highest man in the country, that, if Mr. Hewitt would point out any works that he considered required attention, the department would make inquiry about them, or would obtain the proper officer's report upon them. Hundreds of persons in the country would bear him out that that was invariably the way in which he attended to any request. He did reply to the telegram in some vague form. He knew, at the time, that the gentleman was electioneering; and, no doubt, the record in the office would shew that he was not to be led aside from the strict line of duty he had to perform. Why did not the honorable member for Kennedy bring forward the telegram, last session, when he was sitting beside him? It did not answer his purpose; he did not know the exact extent to which he could palm himself off on the Minister of the day; but, having discovered that he was not of the value to the Minister that he would be, he now became a rabid opponent of the Government, in the same way, and for as good a

reason, as the honorable member for Wide Bay, whose character he (the Secretary for Works) would deal with on another occasion. The honorable member for Kennedy had twice, this session, accused him of interfering with elections; and why? Forsooth, because he had kinsmen in the country. Because he was a Minister of the Crown, they were not debarred from seeking to represent their fellow-colonists, and to make themselves useful to the country. And, if the electors had been a little more intelligent, and had returned another gentleman to watch over their interests in the House, they would be better represented than they were at the present time. He did not hesitate to say that he did—in the most legitimate, fair, and open manner—try to influence the Kennedy electors, by writing to one or two of them, and by answering the telegrams of others—which brought a good revenue to the state—in which he endeavored to set forth the abilities or capabilities of a kinsman of his, to secure his return for that district.

HONORABLE MEMBERS on the Opposition side: Hear, hear.

The SECRETARY FOR PUBLIC WORKS: He should like very well to have every telegram of his published to the country. The question which should have been before the House, but for their unfortunate deviation into personalities, was, whether there should be an improved way of carrying on the elections of the country? Honorable members on the Opposition side were determined that there should be no other way but the present. They taunted the Government, by their inuendoes, with endeavoring to shirk that necessary, that prime Bill of all, which must be, and should be, carried this session, for increasing the representation. Why, that Bill was the sheet-anchor of the Government, this session; it was the Bill on which they relied, on which they staked their integrity. Politically, it was dishonorable, it was dishonest, of honorable members on the other side to endeavor to foist upon the people of the country the opinion that they were forcing the Government to produce such a Bill. It was the grand measure of the Ministry, which they had given the first place to in the Governor's Speech.

An HONORABLE MEMBER: They wanted to see it.

The SECRETARY FOR PUBLIC WORKS: Who ever heard of a Government being induced to introduce a Bill one moment before it should be introduced, or before they were ready? The House had been told that the Government would not lose any time in bringing forward the measure; nor would any member of the Government submit to any dallying on the point. But it must be matured. The honorable and learned members for Fortitude Valley and Brisbane knew that it would be futile to bring it in, without some chance of its being permanent. Until the census returns had been advanced, it was

impossible to complete the Bill; and, now, it was only by working on it as men did work who were determined to accomplish what they had undertaken, that the Government would be able to introduce it as soon as they meant to do. But he protested against the Opposition contending that it should go forth to the country that they were dragging the Bill from the Government. Why, the Government would have passed it last session, but for those aspirants for office who sat on the other side of the House. It was incontrovertible that they were pledged to it, but that the factious Opposition on the other side would not allow them to pass it. The Government had to adjourn the House, which was anything but pleasant for them, and then they had to follow the advice of the honorable member for Fortitude Valley, and dissolve.

Mr. LILLEY said he gave no such advice for the exercise of the power of dissolution, after that most unconstitutional, rascally, and dishonest adjournment.

The SECRETARY FOR PUBLIC WORKS: That was all very well for the honorable member, who knew that he did tell the Premier—and the Premier was present to bear him out—

The COLONIAL SECRETARY: Hear, hear.

The SECRETARY FOR PUBLIC WORKS: He did tell the Premier that his only constitutional course was to dissolve the House. If he did not say so, then he (the Secretary for Works) was not in the House any time during last session! He had the most distinct recollection of the honorable member saying that that was the only constitutional course to pursue. Perhaps, only for that advice the Government would have met Parliament again. He was not quite sure that the honorable member for Fortitude Valley did not sway the Ministry, the Acting-Governor, that that was the only course to pursue.

The COLONIAL SECRETARY: "Hansard."

The SECRETARY FOR PUBLIC WORKS: What were the Government twitted with? Honorable members on the Opposition side were determined that the Government should pass no useful or valuable measure for the benefit of the colony—just as determined as they seemed to be, when sitting on the Ministerial side of the House, that they would pass none themselves. But the Government were determined—they had come to a resolution—to pass some measures, and to make them the law of the land, if the colony was to progress. Ever since they had come to that determination they met with nothing but the most factious opposition. Was there ever a Bill introduced that would give satisfaction to the people like that introduced by the Minister for Lands, this evening? But, instead of going on with it, the vilest personalities, the biggest slanders, were indulged in by honorable members of the Opposition, and cheered by others on the same side, who knew that they were as false as they were futile.

The Hon. R. PRING : He wished the honorable gentleman had thought so years ago.

The SECRETARY FOR PUBLIC WORKS : Well, he wished he had. He should have had a better measure than he confessed he had of what some Queensland politicians were. The honorable and learned member would do him the justice to admit that he (the Secretary for Works) was long a very green member of the House, and that he knew neither the doings nor the intentions of honorable members. However, that was neither here nor there. Were the Government to be permitted to go on with the measure that would enfranchise all the people of the colony? Were those who were not enfranchised or represented, and were the House, to be at the beck and call of the honorable members for Wide Bay and Kennedy, who brought forward matters with which the country had nothing to do? It would not redound to the honor and credit of the House, and it would recoil upon those who had the basest motives for their action. He did wish that the honorable and learned member for Fortitude Valley would now take up his position in the House as the leader of the Opposition, and correct what was wrong in Government measures, and not suffer that which he was suffering night after night—those petty corrections, those malicious corrections, that honorable members put forward on the other side. The session commenced by impugning the appearance of honorable members; and, then, there was something wrong in their votes. The warfare was of the most unpleasant nature, and it could not conduce to the advancement of the business of the country, while it must be derogatory to the Chamber. He should like to see one or two of the Government Bills get into committee, where honorable members ought to throw aside all petty differences, and pass them as was thought best for the country. He could say for the Ministry, that they were anxious to get them passed by the Assembly, so that they might be carried to the other Chamber, and in such a shape that they would redound to the credit of the House, and be of benefit to the colony generally. He deeply regretted that he had had to get up, not only on the present occasion, but on previous occasions, to defend his character from those malevolent and unjustifiable attacks which had been made upon him. It would be better for honorable members, if they would place before the House some definite motion charging him with some crime that unfitted him to be a Minister of the Crown or a member of Parliament. He pledged his honor, that if they could prove him guilty, he would never occupy a seat again in either one capacity or the other.

The Hon. R. PRING said he rose simply for the purpose of giving an explanation to the House of what had been asserted by the honorable the Secretary for Public Works, to have been the line of conduct of the

honorable member for Fortitude Valley, in reference to the dissolution. He did not mean in the slightest degree to say that the honorable gentleman who last addressed the House intended or wished to misrepresent the so-called advice, as he termed it; but he did recollect, well, the position which the honorable and learned member for Fortitude Valley and himself assumed when the business of the House was so far impeded by the Opposition that the Premier found himself unable to carry it on. In that state, so far as his recollection served him—and he believed he was perfectly correct in what he was saying—the honorable member for Fortitude Valley challenged the Colonial Secretary to ask for a dissolution. Of course, they both knew that if the Premier did so, he would not have got it; and the Premier himself knew it, too. In fact, he (Mr. Pring) thought the honorable gentleman had said so. Why on earth, instead of adjourning the House for five months, which he knew could be carried by a majority of only one or two, did he not ask for a dissolution? The dissolution that was got after an adjournment of the House for five months was not upon the advice of his honorable friend. The reason why the Premier did not ask for a dissolution when challenged to do so was well known: because he knew he could not get it. If the House were to believe the honorable gentleman's own words, he never did ask for a dissolution, because his words were, that the Acting-Governor pressed it upon him.

The COLONIAL SECRETARY said he entirely denied that he ever acted on the advice of the honorable member for Fortitude Valley, except once; and a precious mess he made of it. That was in buying some law books. It was solely on his advice, not that of the Attorney-General, that he acted. What the honorable the Secretary for Works had said, was, that it was too bad of the honorable member for Fortitude Valley, having told the Government in debate that their proper course was to ask for a dissolution, now to find fault with them for having adopted that course. But that the honorable member's advice ever had anything to do with the dissolution, he (the Colonial Secretary) denied. The Minister for Works never said so, except in a chaffing way. He (the Colonial Secretary) took his own course, and he thought he was perfectly right in doing so.

MR. MOREHEAD said, that, as the representative of an outside district, he thought the time had passed by when personalities and bickerings should be introduced into the House. Honorable members were there for the purpose of legislating for the benefit of the country, and not, as they must agree, for the purpose of indulging in abuse of each other. He would not pledge himself as to whether he would support the Bill or not; but he warned honorable members of the Opposition that their conduct would lead to something which they deprecated, and which he would deprecate. If their present course

of action continued, it would have only one result, and that was separation.

HONORABLE MEMBERS on the Opposition side: Hear, hear.

Mr. MOREHEAD: He should be very sorry. He did not wish for separation so long as there was any probability of his district being treated with justice by the House; but he would certainly go in for it if he saw the determined opposition by honorable members, who were in a minority, to obstruct every measure, no matter how good it might be, simply because it came from the Government side of the House. Before questions could be understood by the House they were opposed, and not at all upon their merits. He hoped that the Opposition had too much good sense and intelligence to pursue that course longer; and, although honorable members sitting on the Government side had not been complimented upon their good sense and intelligence by the leader of the Opposition, yet he trusted that that honorable and learned gentleman had too much tact, too much statesmanship, to persevere in that course. That was all he had to say, but he felt bound to say it.

Mr. GROOM observed that if honorable members representing outside districts had something to say upon this matter, so had the representatives of inside districts; and he could advance something upon the Bill before the House. He regarded the Bill as a very good measure, although the Government were going back to the practice which had obtained under the Herbert Administration, copying their Bills from the other colonies. It was copied from a Victorian measure with slight change. The colony of Victoria was a very small colony very thickly populated; and what was suitable for that colony, with good roads and electric telegraphs all over it, might not suit very well for a large and thinly peopled country. He contended that the Bill would not answer for the outside districts. But, departing from that altogether, he held that the people had a right, before a measure of this kind was considered, to have additional representation in the House. If they were to commence, at the latter end of 1871, precisely in the same position as they were in four years ago, there was not much prospect of effective and beneficial legislation. He was quite prepared, when additional representation was conceded, and the additional members had taken their places on either side of the House, to go in for other measures for the good of the country. Not from any factious motives did he object to going on with legislation until that object was secured; but because he thought a Bill for the extension of the franchise was one of those questions with which the present Assembly were not competent to deal. He did not like the Bill, in all respects. If he understood correctly the honorable gentleman who introduced it, in outside districts, a person who could not attend for registration could send to the proper officer a solemn declaration,

and for that could get a voter's right. Why, any employer might send in forty or fifty declarations, and get voters' rights in return, to use as he thought fit. What could the Government know of them? Honorable members knew how pressure had been brought to bear in the Western Downs, election by employers; and, knowing the abuses committed under the Act now in force, they should be very chary indeed in giving more extended powers to revision courts in outside districts. For his own part, he was perfectly willing to allow the Bill to be read a second time; but he would join the honorable member for Fortitude Valley in resisting all legislation until the Additional Members Bill was before the country. It was all very well that the Minister for Works deprecated opposition; but the House knew that the country was not properly represented. When they saw the Additional Members Bill, they would have proved the sincerity of the motives of the Government. What hardship could there be in asking the House, at their rising, to adjourn until next Tuesday? If they sat, nothing would be done. Increase of representation gave power to the people, and would ensure the settlement of the people on the lands. But that was not the policy of honorable members on the Government side. He would, as he had said before, join the honorable member for Fortitude Valley, and other honorable members on the Opposition side of the House, in resisting all legislation until an Additional Members Bill was passed, and the members elected under its provisions had taken their seats in the House. The Bill might be a very good one, but it appeared to him to contain several objectionable provisions, but those he would not go into at present. There was one in particular, however, which he would just mention, and that was the provision which allowed the returning officer to examine the ballot papers. Now, he strongly deprecated any such power being given to the returning officers, because the information they might thereby obtain might be used to the detriment of electors. Everything of that kind he would endeavor to prevent. The only way he saw of avoiding such an objectionable proceeding, was by requiring that all the ballot papers should be forwarded to the head polling place. If they had such a mode of procedure as that, they would have vote by ballot in reality. A person had told him that, as at present conducted, voting by ballot was altogether a delusion and a snare;—that, in fact, it was a mere farce to call it vote by ballot. According to what was told him, the person to whom he referred was informed by Mr. Beit that if he did not vote for Mr. Ramsay and Mr. Wienholt, he would be turned out of employment the following day. There were some other cases of a similar kind, but he would not trouble the House by mentioning them at present, though he would call the attention

of honorable members to them on a future occasion. When the proper time came—when the Bill was before the House in committee—he would endeavor to have the Bill so amended in this respect, that the voting would really be voting by ballot; and the House, he hoped, would assist him in doing so, in order that the principle of voting by ballot might be carried out in its integrity.

Mr. CRABB said that he would support the second reading of the Bill. The measure before the House, he thought, properly came in order before an Additional Members Bill. The honorable member for Wide Bay argued that the magistrates were not the proper persons to revise the roll, and asserted that in the revision of the roll in some districts they put on one name and struck off another, just as suited them. Now he denied that such was the case; and if there was anything of the kind practised at present, this Bill would prevent it from being practised in future. The magistrates had no power to put anyone on the roll without application being made by an elector to have his name put on the roll. They had only the power of striking off the names of persons whom they knew to have died, or the names of persons who, on satisfactory proof being afforded of the fact, had left the colony, or had left the district, and had gone to live in some other district of the colony. He could not understand upon what grounds the honorable member for Wide Bay founded his charges. He thought the honorable member was doing an injustice to the magistrates in making such a sweeping charge as he made when he stated that they struck off one name and put on another, as pleased them. There were some magistrates who would not take the trouble to go over the rolls, but others did; and where they were minutely examined the rolls were purged of the names of persons who were dead, or had left the colony; and by such examinations the rolls were purged. Take the roll for East Moreton, for instance. When it was examined on one occasion it was discovered that there were about a thousand names upon it of persons who could not be found. So far, then, at that time the roll was purged. Wherever the magistrates had purged the rolls they had done a great deal of good. It was only those who desired to reap some party benefit by the names of deceased persons being left on the roll, who objected to the necessary process of purgation; and he believed they objected to it because they knew that if the rolls were purged they would not have half the chance of being returned that they had with the rolls remaining in an unpurged state. For his own part he did not care what mode of purging the rolls was adopted, so long as some system was adopted that would have the effect of keeping the rolls in a better condition than they were in at present. The honorable member for North Brisbane, Dr. O'Doherty, said he believed

there were honorable members on both sides who objected to the Bill; but he could assure the honorable member that there was no objection to the Bill, by any honorable member who sat on the Government side of the House. The objection had also been raised that the electoral rolls were cooked; and that there was no provision in the Bill to prevent that being continued. What was the fact? Why, that the Bill did provide for it by providing for the issuing of electors' rights. He should certainly support the second reading of the Bill.

Mr. EDMONDSTONE said there could be no doubt that a Bill of this description was very much wanted; but as, notwithstanding that, it must be clear to everyone that business would not be allowed to be proceeded with to-night, he thought they should adjourn till Tuesday; and by doing so afford the Government an opportunity of bringing down their Additional Representation Bill on that day. The Bill appeared to him to be a very good one, but it required several amendments, which could be made in committee.

Mr. FERRET said he did not know that he should allow so important a measure as the one before the House to pass without saying a single word about it,—especially as so much had been said about it by honorable members on the Opposition side of the House. His views upon the question were very well known. He must say that when he heard honorable members almost demanding that the minority should rule the majority, he thought it was time they should know if the business of the country was to be carried on according to constitutional principles or not. If not—if the minority was to rule the majority—the sooner responsible government was done away with, the better. There were some persons in all communities who seemed to think themselves something more than they really were; and that appeared to be the case with honorable members on the Opposition side of the House: but if they supposed they were to govern those who had the power to govern, he could tell them they were very much mistaken. If honorable members opposite would shew any right and reasonable cause why the minority should be allowed to govern the majority, he would be prepared to listen to them; but not one iota of argument had been brought forward to shew why the minority should be allowed to govern the majority. Nothing but nonsense had been talked about their governing the majority. They said the Additional Members Bill should be brought forward first, because that was their view of the case; but if they were on the Treasury benches, and had a majority, they would express a very different opinion. They had been told that an Additional Members Bill would be brought forward in due course; but he maintained that they had no right to say when it should be brought forward. They should allow the business of the country to go on in the order those who were in office

considered it necessary it should go on. If honorable members opposite said they would not let the business of the country go on, he would not consent to such a course. The chief question before the House, he believed, was the Elections Bill. Well, with the most of the clauses of the Bill he fully agreed; but there were some of them he could not agree with. He would, however, support the second reading of the Bill, and when it got into committee he would be prepared to discuss the particular clauses to which he referred, and he would do whatever was in his power to help to amend it; and if he saw anything to object to in it he would object to it.

The question that the Bill be read a second time was then put and passed.