Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 9 AUGUST 1877

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LEGISLATIVE ASSEMBLY.

Thursday, 9 August, 1877.

Resignation of a Member.—Question.—Formal Motions.—Questions.—Formal Motions.—Adjournment of the House.—Elections and Qualifications Committee.

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

RESIGNATION OF A MEMBER.

The SPEAKER announced that he had received a communication from Mr. William Gill Bailey, resigning his seat as member for the electoral district of Wide Bay.

On the motion of the PREMIER (Mr. Douglas) the seat of Mr. W. G. Bailey was declared vacant.

QUESTION.

Mr. PALMER, pursuant to notice, asked the Colonial Secretary—

1. Why the establishment at Somerset was not removed to Thursday Island on completion of the buildings?

2. Are the Government aware that the buildings, completed at great cost, must have been ever since their completion exposed to great risks from fire among the long grass which surrounds them, as well as from the aboriginals who abound in the neighbouring islands?

The COLONIAL SECRETARY (Mr. Miles) said in reply—

1. The buildings could not be occupied till the necessary furniture had been supplied from Brisbane.

2. The Government is not aware that the buildings run any risk from fire, as their site is rocky and free from long grass; nor from aboriginals, as sufficient protection is afforded from Somerset.

FORMAL MOTIONS.

By Mr. PETTIGREW—

That there be laid upon the table of this House, a return showing the quantities of the following merchandise sent from Gatton and Laidley stations, from 1st July, 1876, to 30th June, 1877: Bacon, hams, beer, biscuits, bran, pollard, butter in keg, cheese, fresh fruit, barley, beans, peas, oats, rye, jams, preserves, leather, onions, potatoes, pickles, soap, vinegar, wine.

The SPEAKER said he might inform the honourable member that the return moved for had been already laid on the table and ordered to be printed.

Mr. PETTIGREW said that he would then withdraw his motion.

Mr. PALMER submitted that the motion could not be withdrawn without permission, as it had been allowed to be put as a formal motion, and was, therefore, the property of the House.

The ATTORNEY-GENERAL (Mr. Griffith) said that the motion had not been seconded.

Mr. PALMER contended that the motion became the property of the House from the moment of its being put from the chair whether it should go as a formal motion and its being allowed to do so.

The SPEAKER said that he had put the question whether the motion go as a formal motion, being under the impression that the honourable member in whose name the motion was would withdraw it, knowing that the return asked for was already laid on the table, and that it would be useless to move for a return which was already furnished.

Mr. GROOM said that, supposing an honourable member was to give notice of an objectionable motion, it might at once be said, "What is the use of your moving that motion when the papers are already on the table?" He presumed that the proper course would have been for the honourable member for Stanley to have moved his motion, and then for the Minister for Works to inform him that the papers were already laid on the table. According to the ruling of the honourable the Speaker the matter might be made to cut two ways.

The SPEAKER said that he did not rule that the motion could not be put by the honourable member; but he thought it would be slightly absurd to move for the production of a paper which was already on the table.

Mr. MCILWRAITH said that, as he understood it, the question was whether a motion, accepted as formal, when once moved, could be withdrawn without the permission of the House.

Mr. PALMER drew attention to the Sessional Order, which said that before the ordinary business of each day shall be entered upon the Speaker shall call over the various Notices of Motion, and the Orders of the Day for third reading of Bills; and, on any such motion or order being called, it shall be competent for the member otherwise entitled to move it to have the above question put with reference thereto; and such "formal" motions or orders of the day shall be disposed of in the relative order in which they stand on the business paper, taking precedence of all the other motions and orders of the day. He maintained that the Speaker having put the question whether the motion should be allowed to go as a formal motion or not, and it having been declared a formal motion, and the honourable member in charge of it having moved it as such, it became the property of the House. It was a very trifling matter in itself, but the course of procedure of that House might be very materially altered if such things were to go by unnoticed. He submitted that, the motion having been moved, it was bound to be put to the House.

The SPEAKER said that when he put the question as to whether the motion should be a formal one or not, he had not mentioned the fact of the papers having been laid on the table, thinking that the honourable member in charge of the motion was aware of that and would withdraw it.

Mr. PALMER said he should like to know how the paper appeared on the table of the House at all; it was not laid on the table by command, but purported to be a return laid on the table to an order of that House. Where was that order? The whole proceeding was irregular, and the paper had no business whatever to be on the table.

Mr. GROOM said that, if he might be permitted to make a remark, he would suggest that the Minister for Works should withdraw the paper, and then the honourable member for Stanley might be allowed to move his motion.

The SPEAKER said the course recommended by the honourable member was no doubt a very good one; but as it had been ordered that the paper be printed, it would be necessary first of all to move that that Order of the Day be rescinded.

Mr. MCILWRAITH said that the Ministers had been the cause of the House getting into a difficulty, and yet they did not appear to be the least inclined to assist the House in getting out of it. It was evident that the return had been laid on the table before it was moved for, and hence the difficulty.

Mr. PALMER submitted that the return laid on the table was false on the face of it, as no such return had been ordered by the House.

The ATTORNEY-GENERAL said he apprehended that there would be no difficulty in moving that the order of the day be rescinded.

Mr. PALMER said that that would not absolve the Government from the charge of having laid on the table a paper which had a falsehood on the face of it.

The MINISTER FOR WORKS (Mr. Thorn) said that, with the permission of the House, he would move that the order of the day "that the paper be printed" be rescinded.

Mr. PALMER said he had grave doubts as to whether that could be done. He should like to know how the Minister for Works dared to lay on the table a paper having on the face of it a falsehood. The return had never been ordered by that House, and yet it said it was a return made to an order of the Legislative Assembly, and was dated the 24th July.

The MINISTER FOR WORKS said that there was no falsehood whatever about it, but that it was simply a mistake on the part of his Under-Secretary.

Mr. PALMER said there was a palpable falsehood on the face of it; if there was not, the honourable member should prove that an order had been made for such a return.

The PREMIER thought the honourable member for Port Curtis was making too much of what was after all a slight mistake. It was too absurd and ridiculous a matter for the honourable member to get into such a passion about, as it was only an error in form. He thought the honourable gentleman had better reserve his indignation for some future occasion more worthy of it.

Mr. PALMER said he trusted the honourable gentleman would never be in a worse passion, as he termed it, than he was. He contended that it was disgraceful for one Minister to lay a false return on the table, and then for the Premier to rise and defend such conduct.

Mr. J. SCOTT said the Minister for Works was undoubtedly responsible for every word of the return. It was a very peculiar return, and he had not the least doubt that it was made out under his instructions.

Mr. PETTIGREW said he wished to correct the statement that he had been requested by the Ministry to ask for the return. He did not ask for it at their request, but in order to show the ridiculousness of the objections made by some of his constituents to the reciprocity treaty.

Question put and passed.

Mr. PETTIGREW moved—

That there be laid upon the table of this House, a return showing the quantities of the following merchandise sent from Gatton and Laidley stations, from 1st July, 1876, to 30th June, 1877: Bacon, hams, beer, biscuits, bran, pollard, butter in keg, cheese, fresh fruit, barley, beans, peas, oats, rye, jams, preserves, leather, onions, potatoes, pickles, soap, vinegar, and wine.

Question put and passed.

QUESTIONS.

Mr. GROOM, pursuant to notice, asked the Colonial Secretary—

Whether the use of the powerful shower-bath at the Brisbane Reception House has been discontinued, in accordance with the recommendation of the Royal Commission?

The COLONIAL SECRETARY replied—

Yes; by letter from my office.

Mr. STEWART, pursuant to notice, asked the Colonial Secretary—

Have any bedsteads been supplied to Woogaroo Asylum for the last twelve months? If so, will he state the date of ordering, and the date or dates and quantities supplied?

The COLONIAL SECRETARY replied—

Yes. Date of ordering—20th November, 1876. Date and number of supply—31st January, 1877, 30; 25th April, 1877, 40.

FORMAL MOTIONS.

Mr. PETTIGREW moved—

That the Ipswich Gas and Coke Company (limited) Bill be now read a second time.

The SPEAKER said this could not be put as a formal motion. The honourable member would, as he had previously told him, have to amend the motion, and make the second reading of the Bill an Order of the Day for this day week.

Mr. PETTIGREW thereupon moved, that the second reading of the Bill stand an Order of the Day for this day week.

Question agreed to.

Mr. GROOM moved—

That there be laid on the table of this House, copies of all correspondence, telegrams, and letters and recommendations from persons in and out of the colony, having reference to the appointment of Dr. Patrick Smith to the office of surgeon-superintendent of the Woogaroo Lunatic Asylum.

Question put and passed.

ADJOURNMENT OF THE HOUSE.

Mr. GROOM moved—

That in honour of the annual exhibition of the Royal Agricultural Society of Queensland, at Toowoomba, on the 15th instant, and the annual exhibition of the National Agricultural and Industrial Association of Queensland, at Brisbane, on the 21st instant, this House at its rising do adjourn until Tuesday, the 28th instant.

He said that he usually moved that the House should adjourn for the Toowoomba

show; but on this occasion he had incorporated in his motion the Brisbane exhibition, which would be held on the 21st instant. He had done this because there had been some correspondence about the matter between the two societies, and a mutual agreement had been come to that the exhibition of one should follow as quickly as possible after the other, so that the stock exhibited at Toowoomba might also be sent to Brisbane. Honourable members might be opposed to an adjournment on account of the pressure of business; but it had been the custom for the last seven or eight years to adjourn for the Toowoomba show. If honourable members decided to negative the motion, he was quite willing to come from Toowoomba next week to sit; but he knew from past experience that many members would go, whether the motion was negatived or not, and that there was little likelihood of a House being formed. With reference to the Brisbane show, there could be no doubt that the society was taking a prominent position amongst the societies of the colony, and that its importance was every day assuming larger proportions. On that account he considered that the House should do it the honour of adjourning for its show. It had been suggested that the House should meet again on the day after the opening of the Brisbane show. Although he was inclined to think this was a very unwise suggestion, he would say that if the House should decide to meet on Wednesday, the 22nd, he, as a country member, was quite prepared to come and assist in forming a quorum; but he was free to confess that there would be great difficulty in getting together a House. During the Brisbane show week a large number of visitors would be attracted from the other colonies —there were some distinguished visitors already here—and there would be a series of entertainments and amusements got up, precluding the possibility of a quorum being got together. For these reasons he was not inclined to make any alteration in his motion, unless a majority of the members decided to do so. In consequence of the decision of the House last week, an alteration—the insertion of the word "to-morrow" after the word "rising" —would be necessary in the motion. Finally, he would appeal to the common sense of honourable members in the consideration of this motion. Whichever course honourable members determined on he, as an individual member, would be prepared to fall in with.

The PREMIER said that he thought the House had tacitly assented to the adjournment for next week, and that the only point to consider was, whether there should be an adjournment to the 28th. He thought there should not, and that the House should meet again on the 22nd. He was assuming that the adjournment for next week would be assented to. He was not opposed to that adjournment on the part of the Government, because he thought it would be impossible to get a House together. He would invite an expression of opinion from honourable members as to an adjournment till the 28th, and was willing to be guided by their wishes; but he desired it to be understood that the Government were anxious to proceed with the business with as much assiduity as possible.

Mr. PALMER said that when this question was given notice of he had made the suggestion which had just fallen from the Premier; but, on reconsidering the matter since then, he had come to think that there would be but a small probability of a House being got together during the Brisbane show week. He thought that if honourable members of the House would make up their minds to sit also on the Monday and Friday of the week after the Brisbane show, and thus make up for the time lost, the motion might pass. A great deal of the arrears of work would be thus got through.

Mr. PERKINS said he would move that the word "to-morrow" be inserted after the word "rising" in the motion.

Mr. THOMPSON said he did not want to oppose the wishes of the House, but he would inquire whether it was intended to get a House together to-morrow? He believed there would be a calico ball in the evening, which was likely to prevent a quorum being formed.

The COLONIAL TREASURER said he hoped that the House would consider that this was made a special week in order to get through the business. He trusted that there would be a sitting to-morrow. He agreed with the remarks of the honourable member for Port Curtis, that it would be useless to break in upon the Brisbane exhibition week, and he heartily approved of his suggestion that the House should meet during five days of the following week. He would take the opportunity of intimating to honourable members that, in consequence of the loss of time entailed by the contemplated adjournment, it would be necessary to ask for a further vote on account—to provide a sufficient amount of Supply for the Public service.

Mr. MCLEAN said he did not intend to go to the calico ball, but he should like to be assured that there would be a sitting to-morrow; because if there was not it would be the loss of a day to himself and other country members if they remained in town on the expectation of there being one.

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

The PREMIER said that, in order to gain another day, he would move as an amendment, that in place of the words "Tuesday, the 28th instant," the words "Monday, the

27th instant, and that Government business take precedence on that day," should be inserted.

Mr. GRAHAM said that, as a country member, he should also like to get some assurance as to whether it was intended to form a House to-morrow.

The PREMIER said he would give his most unqualified assurance that the Government intended to assist in getting a quorum, and make to-morrow an ordinary Government sitting day. He hoped that they would succeed.

Mr. GROOM said he was quite prepared to accept the Premier's amendment, and to attend to-morrow to assist in forming a quorum. His honourable friend the member for Aubigny would do likewise.

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

The motion, as amended, was then put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE.

Mr. IVORY said he wished to move the motion standing in his name—

That, in the opinion of this House, the time has arrived when the duties devolving on the Committee of Elections and Qualifications, appointed by this House, should be vested in the Judges of the Supreme Court.

He thought that there was no need to support this motion by any very lengthy remarks, as it had been received with cheers from the Government benches when he gave notice of his intention to bring it forward. The alteration he proposed was one of great importance, and it was certainly necessary, for he did not think that an honourable member could be put in a more unpleasant position than when appointed on a Committee of Elections and Qualifications. There was something in it which removed it from the ordinary character of committees. When he looked at the 21st clause of the Legislative Assembly Act, which ran thus—

"And in the trial of any such questions the committee shall be guided by the real justice and good conscience of the case without regard to legal forms and solemnities and shall direct themselves by the best evidence they can procure or which is laid before them whether the same be such evidence as the law would require or admit in other cases or not Provided that the said committee may receive or reject as they may deem fit any evidence tendered to them"—

honourable members could see what it was that he meant. In some cases, either because they felt conscientious scruples or because they thought the particular case under their consideration a hard one, members of these committees, under the sanction of the clause which he had read, overlooked the fact of the law having been actually set at defiance. A door was left open by which party pressure could be brought to bear on them. It had often been remarked that the decision on an election petition became a foregone conclusion when the names of the honourable members forming the committee to examine it were known. A similar evil had existed at Home, and had led to a resolution by which the decision of disputed elections was left to the impartial decision of judges, guided only by law and the evidence brought before them, without being exposed at all to the influence of party politics. A similar change was very desirable in this colony. It was a most unpleasant position for a gentleman to be placed in, that of being laid open to the pressure which might be brought to bear on him under the clause he had quoted. It might be said that judges were equally liable to be influenced by political bias; but the fact that their investigations would be conducted in open court, and that their reputations would be affected by the decisions they gave, would prove a bar to any such influence affecting them. These matters should be solely decided by the laws of the colony. He did not wish to bring forward any particular case, but he might say that his mind had been influenced, and he had been, to a great extent, induced to bring forward this motion, by a decision which had lately been given. He could not agree with the finding of that committee, although he had no doubt that the honourable members composing it had acted quite conscientiously, and according to the strict reading of the clause which he had quoted. But he felt sure that it had been intended that the Act should be construed in a more stringent manner; and, therefore, he thought it should not be left to a tribunal composed in the manner at present adopted. His motion, he thought, would commend itself favourably to honourable members on both sides of the House, and he trusted that it would meet with the reception due to it.

Mr. BEOR said that he intended to support the motion on grounds that were very strong ones to his mind. The honourable member who had just spoken, and who had no doubt great capacity for examining Acts of Parliament and weighing evidence, said that a decision recently given by an Elections Committee had not been what it ought to have been. He (Mr. Ivory) had thrown out insinuations in the early part of his speech; but as he proceeded he waxed bolder, and said what was in his mind. The motion brought forward by that honourable member was one with which he thoroughly agreed; but he (Mr. Beor) must express his thorough confidence in the probity and honesty of intention of every single member of the committee to which reference had been made. He must say, however, that he had never been more surprised

in his life than when he found their decision had not been unanimous in the condemnation of the petition brought before them. He stated this not only as his own opinion personally, and as a lawyer, but because he had consulted every barrister in the city, except the one retained by his opponent, and most of the leading solicitors. He had asked for their fair and unbiased opinion, and had not even put any arguments before them; and they had all told him that, in their opinion, the decision of the committee must be unanimously against the petition brought against his election. He was quite sure that gentlemen who served on that committee, and gave their votes for and against the petition, had been actuated by motives of the most perfect probity and scrupulous honour; but he thought it was unfair to form a tribunal, for the purpose of giving judicial decisions, of gentlemen who could not avoid looking with some degree of favour on one side or another. As a rule, a gentleman coming to a decision in a matter of this kind, however determined to decide honestly, must be biased in favour of one party; and however desirous he might be not to allow his mind to be biased, it was impossible for him to avoid it. This would account, in his opinion, for the fact that the vote of the committee to which he referred had not been unanimous against the petition. He had said enough, he thought, to convince honourable members that these matters should be referred to judges, and not to committees as at present constituted. It should be remembered, also, that it required a legal training to construe a Statute properly; a gentleman not versed in the law could not know the legal rules by which it should be done. He might tell honourable members that, from the bottom of his soul, he did not believe a more frivolous petition had ever been presented to that or any other House than the one against his own election. He thought it, therefore, very unfair that an honourable member should be subjected, not only to the annoyance of having to meet such a petition, but also that some doubt should remain in the public mind as to the decision on it, and that it should be recorded that votes had been given in its favour.

The ATTORNEY-GENERAL said that the motion under discussion should be considered quite apart from any particular instance, but he thought that the one given by the honourable member for Burnett was as poor a one as he could have chosen. He could confirm the statement made by the honourable member who had just spoken, as to the unanimous opinion of the legal profession on the petition to which he referred; and he could, therefore, assure the honourable member for Burnett that if it had come before a legal tribunal the decision would not have been a different one. Considered as an abstract question, he quite agreed with the proposition that these petitions should be examined by a legal tribunal. But in that House they had to look at more than the abstract bearings of a question; they had to consider what was most practicable. He did not think that since the Queensland Parliament began a committee had ever given an unjust decision on an election petition brought before it. No doubt those decisions had been questioned by unsuccessful petitioners, or unseated candidates smarting under defeat; but he still maintained that all of them had been just. And he thought that the members of a committee, who each of them took an oath at the table of the House that he would decide justly, could be trusted to do so; and it did not follow that because they were unskilled in law they would be incompetent to decide on such a question. The question of expense should be considered. Did honourable members know what was the cost of examining an election petition under the present system in England? The average cost was not less than £5,000 each side, to be paid by the unsuccessful party. There were few members of this House who could afford to lose £5,000. The expense would be great whatever course was adopted—whether the judge went to the district from which the petition came, or the witnesses from it were brought to Brisbane; for there was no doubt that each side would do their utmost to succeed. If it was the object of this motion to limit the choice of members of Parliament to wealthy people, it would no doubt have that effect; but he thought there were enough burdens placed on honourable members already without creating an additional one. It might be said that the country should bear the expense; but he submitted that each party would still have to engage counsel and bring down witnesses, and the expense would be enormous. Besides, it would not be right to put the expense on the country. There was another reason he wished to bring forward. He hoped that they would never see political judges in Queensland; but he would point out that there was a very great difference between the circumstances of this colony and those of the old country. There they had over 660 members of Parliament, and the unseating of one or two of them would make no great difference, and would not lead to any suspicion of political influence. Honourable members would remember that immediately after the appointment of the Chief Justice of New South Wales, he called upon Sir Henry Parkes to swear him in as Acting-Governor. The feeling that existed between those two gentlemen, after the refusal of the latter, was a matter of notoriety. Suppose that soon after this occurrence, the Chief

Justice had been called upon to examine the validity of Sir Henry Parkes's election, and had decided against him. In spite of the fact that the purity of the decision would not be questioned, what an effect it would have had throughout the country! What a shock it would give to the public confidence in the administration of justice! A similar occurrence might take place in this colony, and the same shock be given to the confidence of the people. Of course, this effect might be avoided by bringing petitions before the full tribunal of three judges; but if this was done, the expense would be too enormous. Supposing, however, that the decision was left to a single judge, and a petition came before the judge of the Northern district, who might, perhaps, wish to be removed to Brisbane: Was it not likely that a suspicion would arise that he was anxious to propitiate Government by his decision, in order to influence them in favour of his wish? In a small Parliament like that of Queensland, unseating three members might change the whole politics of the country for some time; and, therefore, the judges might exercise a great influence on the position of a Government. He (Mr. Griffith) remembered perfectly well a time when one of the judges of this colony was at variance with the Government of the day, and when it was even said that he was writing political articles for the newspapers. He remembered, even, when he appealed to Her Majesty in Council against the Government. Supposing, under these circumstances, he had given a decision on an election petition adverse to the Government, would all the purity of his intentions have prevented a great shock being given to public confidence in the administration of justice? He thought that judges should be placed above even the possibility of adverse comment. He thought the motion right in an abstract sense, but that at present it would be disadvantageous to the colony, to the members of the Assembly, the judges, and the administration of justice. If the motion was adopted he hoped the House would insist on petitions being heard before the full court, although it would largely increase the expense. The cost of the last election petition, if so tried, would not have been less than £500. Besides, on referring to the clause quoted by the honourable member for Burnett, he found that it conferred a power almost of caprice in giving decisions. Such a power was never given to judges, although he thought it might be given to a committee, and no one would be more reluctant to accept it than a judge. For the reasons he had given he would oppose the motion, which, though good in theory, was not, in his opinion, applicable to the present condition of the colony.

Mr. THOMPSON said he should make no reference to the decision lately come to by the Elections and Qualifications Committee, as this was not the proper time to refer to it; but if at any time his vote upon that occasion was called into question, he should be ready and able to justify it. Looking at all the decisions given by that and previous committees, he was of opinion that that tribunal was eminently unsatisfactory, and that the judges of the Supreme Court would form a far better tribunal. The Attorney-General himself admitted that it was so in theory; but added that the time had not yet come for change, inasmuch as the judges themselves had not been altogether free from perhaps unjustifiable imputations upon their impartiality. It had been stated that both here and in other colonies the occupants of the Supreme Court Bench were political judges. Be that as it might, if they could not trust their judges—if the judges themselves had not sufficient strength of character to throw off all political bias—they were unworthy of their positions. With regard to the judges of this colony, he was strongly of opinion that their decisions would never be influenced by political bias. As to the question of costs, he failed to see why, if the task of trying election disputes were transferred to the judges of the Supreme Court, those trials should cost more than they cost now. The Attorney-General said that the cost of a disputed election in England was £5,000 a-side; but the reason for that was that they had money there to spend. In one of Mr. Gladstone's elections, which he believed was uncontested, the expense was no less than £10,000. There was no analogy between the two countries. He could not see why, under the change proposed, any additional expense would be incurred. Doubtless, according to the Act, an Elections and Qualifications Committee was not to be guided by strict rules of law, but by common sense; and why should not that power be transferred to the judges? If there were no precedent let them make a precedent. Anything whatever would be an improvement upon the present system. If he happened to be a member of the House next Parliament, he should certainly decline to sit upon the Elections and Qualifications Committee. He should support the motion, and was rather disappointed that the Government had not given their assent to it.

The MINISTER FOR WORKS said that the honourable member for Burnett had made out a very lame case indeed in support of his motion. The present system was everywhere working in a most satisfactory manner. Even in England, where election disputes were brought before a judge, there was a great outcry amongst leading politicians in favour of the cases being again removed within the jurisdiction of the House of Commons, mainly on the ground

of the very great expense incurred by bringing petitions before a judge. Having been for many years a great reader of the English newspapers, he knew something about the previous practice in Great Britain, when election disputes were decided in the same manner as here. Their decisions had always been guided by the strictest principles of impartiality; and, whether Liberals or Conservatives happened to be in the majority on the committee, as often as not their decision went against the member who happened to be of the party of the majority. At the last election in Victoria a majority of what were called "Stone-wallers" had been returned, and a majority of these were on the Elections and Qualifications Committee of that colony. The other day Mr. Macartney, a "Stone-waller," was petitioned against, and they sent Mr. Macartney about his business. In another case the return of Mr. Macbain, a free-trader, was petitioned against; and this committee, the majority of whom were protectionists, decided that he should retain his seat. He quoted this case to show that committees were just as impartial as the judges could be. Had they not been so in Victoria they would have sent Mr. Macbain about his business and kept Mr. Macartney on their benches. A similar illustration was also found in the case of the late honourable member for Balonne in this Parliament; for although he was attached to the party which happened to have the majority at the time, the decision was given against him and in favour of the present member for that district. Indeed he believed that the case of the honourable member for Bowen was the only one where the decision upon the petition was made a party question. In ninety-nine cases out of one hundred the committee was just as capable of giving an impartial opinion as the judges of the Supreme Court; and believing that, he should vote against the motion.

Mr. GROOM said the question raised was one of considerable importance, and ought not to be disposed of in an off-hand manner. It had been remarked by a late member of this House, "Tell me the names of the members of your Elections and Qualifications Committee and I will tell you what their decision will be on any given case brought before them." That was a well-founded observation; and if any proof were required of it, it could be found in the decision given lately in the petition brought against the present honourable member for Bowen. He regretted to say this, because if there was one honourable member more than another in this House for whom he entertained a very high respect that was the honourable member for Bremer; but it struck him on reading through the evidence and examining into the course of the interrogation of the witnesses, that the gentleman who occupied the position of chairman of that committee occupied it more as an advocate than as a disinterested and impartial judge. Perhaps he might be wrong in having arrived at that conclusion; but having no personal interest on one side or the other, that was the conclusion to which he had come after carefully reading the evidence. He was struck with the peculiar course of examination resorted to, not only by the chairman but also by some of the members of that committee. Whether it was advisable to change the course of procedure was a serious question for the House to consider. If the judges were appointed as in England there might be some justice and considerable wisdom in the course which the honourable member for Burnett proposed. Looking at the names of the judges who had been recently appointed by the Conservative Government of Great Britain, it would be found that that Government had not been guided in the slightest degree by party politics. He might name Mr. Justice Hawkins and several others, who were strong Liberals. Now, as far as Colonial Governments were concerned, it had become an almost inevitable necessity, from the peculiar circumstances in which they were placed, to appoint judges who were political judges to all intents and purposes; and it was impossible for any honourable member, looking at the colonies at the present time, to divest himself of that fact. He would invite them to look to Sir James Martin, who was notoriously a strong political partisan, and who was, perhaps, at this moment the only man in New South Wales capable of leading a party. It was the same in South Australia, where the present Chief Justice, Mr. Way, was, before his elevation to the bench, a prominent politician. Supposing the Chief Justice of Queensland were to retire from the bench to-morrow, who would be entitled, according to ordinary practice, to succeed him? It would be the Attorney-General; and what was he himself but a political leader? If he were raised to the bench to-morrow it would be impossible for him to divest himself of his political predilections. The honourable member for Burnett asked the House to divest itself of a function which it had exercised for the last seventeen years, and without any cause or reason being assigned for the change. That honourable member evidently merely looked upon it as an abstract principle; and to a certain extent he (Mr. Groom) agreed with the motion—that was, supposing it were possible to select judges who were free from political bias and had never been mixed up in party politics. As an instance of what a party judge might do he would refer the House to the case of Mr. Justice Keogh, in Ireland, the conse-

quence of whose decision on a disputed election was well known. Individually, he preferred disputed elections being decided by a committee of this House instead of by a judge selected from a political party; and this conclusion he had arrived at after careful and deliberate consideration. The House ought not to part with any of its privileges without sufficient reason being assigned for doing so. If the honourable member based his argument on the late decision of the Elections and Qualifications Committee, that argument, judging from the evidence taken, told against himself, for the whole of the evidence tended to show that the honourable member for Bowen was entirely innocent of the breach of law with which he was charged. If the same question had been referred to a judge of the Supreme Court, however strong might have been his political principles he did not think he would have given an adverse decision to the honourable member for Bowen. Looking at the question upon the broadest grounds, he held that a motion which implied that the Speaker was unable to appoint an impartial committee, qualified to decide on the evidence before them, was one to which he could not for a moment assent. There was no British colony which did not accept the principles which were carried out here; and only in Great Britain had the Parliament delegated its functions to the judges. Quite recently—during a most able debate in the Parliament of New South Wales—it was decided that whatever might be the imperfections and defects of the existing system, yet, considering the mode in which judges were chosen, it was infinitely preferable to take election petitions before a committee of the House than before the judges of the Supreme Court. These were his mature opinions, and he thought the House would be wisely guided if it adopted them. He could not support the motion.

Mr. MACROSSAN said it was a pity that, in the discussion of this question, the decision of the Elections and Qualifications Committee on the petition lodged against the honourable member for Bowen had been referred to, because it had a tendency to draw the attention of the House away from the merits of the motion. He was of opinion that the honourable member for Bowen had acted very injudiciously in bringing the matter forward; and in doing so he had inflicted upon the House a speech of fifteen minutes, while all he had said might, by any ordinary layman, have been put into three or four words—namely, that he was not guilty of having violated the Electoral Act. The chief argument that he had heard used against the motion was that judges were supposed to be political judges, and received their appointments for political reasons; but that would be the case so long as our present system of government existed. He was quite willing to believe that when members of the bar left this House to take a seat upon the bench of the Supreme Court, they at the same moment left their politics behind them. There were no doubt cases like that of Mr. Justice Keogh, mentioned by the honourable member for Toowoomba, where judges were actuated by political motives in giving their decisions; but that was an exception, and the country in which he gave that decision was quite a different country from this. Why should honourable members profess to be afraid of leaving the decision of disputed elections in the hands of judges who were supposed to be actuated by political motives, when the real judges under the present system were invariably political partisans? All were politicians in this House; and yet honourable members would refuse to transfer the tribunal to the judges because they were supposed to be actuated by political motives. The argument was, in fact, too weak to be considered. The Attorney-General said he had never heard of a case in this colony where an election committee had given an unjust decision. But it must be borne in mind that the majority of election committees had always given party decisions; and the entire history of election committees, not only in this and the neighbouring colonies, but in Great Britain itself, before the recent change, bore out that statement. It was notorious that, almost invariably, it could be predicted what decisions the committee would arrive at when the number and political leanings of the members were known. He thought the time had come when the disposal of these election petitions should be transferred to the judges of the Supreme Court. Even as far as political imputations were concerned, their decisions would give more general satisfaction than those of the Elections and Qualifications Committee. He might say that he, as a member of the present committee, had made up his mind never again to sit upon an Elections and Qualifications Committee in this House; and if called upon by the Speaker to do so, he would submit to any pains and penalties the House could inflict rather than become a member of any such committee. In performing the duty imposed upon him he was obliged, against his own inclination, to come to the decision he came to, and he was sorry that he should have been obliged to come to the decision to unseat the honourable member for Bowen. The question of expense had been raised in connection with the proposed change; but he could not see what additional expense should be incurred by the petitioner, as on the occasion of the late inquiry he saw that on one side there were two barristers and one solicitor engaged, and on the other one barrister and one solicitor. He did

not know whether those gentlemen charged fees or not; but he knew that there would not have been more legal talent employed if the case had been heard in the Supreme Court than there was on that occasion. He felt certain that if the House consulted its own dignity it would put beyond the power of members of that House, or of the people outside of it, to suppose that members gave a decision contrary to that which they were sworn to give. He thought it was necessary that honourable members of that House should be as far relieved from the chance of imputations of partiality being cast upon them as judges of the Supreme Court were. He was fully under the impression—from the manner in which the notice of the present motion was received—that there would have been no necessity for any discussion whatever to prove the necessity of such a decision being arrived at as was now proposed by the resolution before them. He begged to move the adjournment of the debate.

The PREMIER said he did not know that there was any necessity for the adjournment of the debate, but no doubt the honourable member was the best judge of that. He certainly agreed to some extent with what had fallen from the honourable member for Kennedy; but he did not think that any member of the House could expect that the motion would be allowed to pass without some discussion upon it; for in whatever shape it was now carried it must meet with some discussion, and no doubt it would do so when it appeared before them again in the more concrete form of a Bill. As an abstract question he certainly agreed with it, and as an abstract matter he thought they should see how the practical bearings of the case might be brought to bear upon the future dealing with the case. He supposed also that, if the motion was carried, the honourable member in whose charge it was would be prepared to bring in a Bill. He did not wish to prolong the discussion by referring to the arguments which had been dealt with already by the honourable member for Kennedy. He thought, from the point of view of its being desirable to relieve honourable members from the duty of deciding electioneering questions, that there were no grounds to fear that the judges would be partial from anything which might have occurred in their early career as members of the Legislature. He also thought that if there were serious expenses saddled upon members of Parliament in carrying out election inquiries it would be a very serious thing. Even if such expenses as those referred to by an honourable member—namely, £500—were incurred, it would be a grievous infliction; therefore he did not see why the burden should not be borne by the State. The strongest argument, to his mind, to justify the change proposed was that the present tribunal did not allow the forms of law for the investigation of facts; and more than that, sufficient publicity was not given to the proceedings. That could perhaps be amended. At present it was supposed that the doors of a committee of the House were closed to the public, whereas they were in reality as open as the law courts; but as a fact they were not treated so, and the proceedings were not reported in the same way as those of the law courts were. He thought it would be much better if they were treated in the same way. On the whole, therefore, although he did not think any serious evils resulted from the present practice, he should prefer that which was proposed to be adopted. There was no doubt that it was adopted in the United Kingdom, owing to the difficulties which attended the old system of Parliamentary committees, it being proved that party feelings found their way into those committees; and if they had not done so in these colonies as yet, they might do so hereafter. For that reason he would much rather see those matters dealt with by a court of law. As to expenses, he thought they should very carefully guard against members of Parliament being saddled with heavy costs, as a man might be ruined by having to pay them; and he considered that whatever the expenses were they should be really chargeable to the State.

Mr. MCLEAN said that, as a member of the Committee of Elections and Qualifications, he wished to say a few words on the question before the House. Some remarks had been made about the decision arrived at by the committee in a recent case, and it had been insinuated that that decision was the result of party feeling. Now, as a member of various committees, he had always tried to do his duty; but he never felt himself in such a responsible position as in the case referred to. He felt that, as the charge brought against the honourable member for Bowen was that of holding meetings in a public-house, honourable members might suppose, from his (Mr. McLean's) well-known objections to public-houses, he might be biased. But he could safely affirm, that whilst the matter was under consideration he put from his mind altogether anything of the sort, and judged the case entirely on its merits, and gave an unbiased vote after hearing the evidence on both sides. The only thing he regretted in connection with the present motion was that, to a certain extent, it brought an imputation against the committee in connection with the late case. The remarks of the honourable member for Burnett were such as to lead honourable members to suppose that it was in consequence of the decision of the committee in the late

case that he brought forward the motion. That was the opinion on his mind, and he believed that it was the same with a great many others. Now, when they took into consideration the expenses that the honourable member for Bowen incurred whilst residing at Mackay, whilst he was engaged in carrying out his election there, and that those expenses at the hotel at which it was alleged the meetings were held amounted to only £22—and the evidence was clear that most of those expenses were incurred after the election was over—he contended that he gave his decision on the merits of the case apart from any political bias, or temperance bias, and according to the oath he had taken in that House. The honourable member for Burnett said that members holding a position on the Committee of Elections and Qualifications were open to be influenced through pressure being brought to bear upon them. Now he (Mr. McLean) should like to see any honourable member or Minister attempt to bring pressure upon him in connection with a case of the kind. He should very soon tell that gentleman to go about his business; and as he knew the position he assumed when sworn as a member of the committee, he should spurn the attempt of any member to influence him in acting one way or another. He must, as a member of that committee, enter his most emphatic protest against the manner in which he considered the resolution had been brought forward, as there was not the slightest evidence brought forward to lead the committee to unseat the honourable member for Bowen. Reading the evidence, knowing the circumstances of the case, knowing the colony in which they lived, and knowing all the circumstances wrapt round elections in the colonies, he believed anyone, after reading the evidence, must agree that the committee arrived at a right decision. It might be unfortunate that a majority of the members of the committee were on the side of the House on which the honourable member for Bowen sat; but as far as he was concerned it would not have made a jot of difference to him if the sitting member had been on the other side.

Mr. THOMPSON said that when he had spoken on the matter before he hoped that the necessity would not arise for him to enter into the question at all, and he had tried to avoid it as much as possible. He did not think that the honourable member for Bowen had shown very great taste in introducing his personal matters.

Mr. BEOR: I did not introduce them. They were introduced from your side of the House.

Mr. THOMPSON said that the honourable member was followed by the honourable member for Toowoomba, who, after speaking of him (Mr. Thompson) in a semi-complimentary manner, stated that he had, instead of acting as an impartial chairman, acted as an advocate. Now, in the first place, he was not there as an impartial chairman, but as an independent member of the committee; for in a committee of that sort the chairman was there as a member of the committee, with an independent vote, and had, in addition, a casting vote. With respect to his conduct when the committee were deliberating, that was a different matter altogether; and unless the honourable member had derived his information from some tattle outside he did not know how he could have got it. He should be glad to hear that he had not got it in that way, as he should be sorry to learn that any gentleman had disclosed what took place within closed doors, even if he disapproved of his conduct. Then the honourable member said something about examination of witnesses. Now as there were counsel on both sides, he (Mr. Thompson), as chairman, undertook the examination of one witness. But what had he to do with it? There was one witness whom neither side would call, and at the request of the committee it became his duty to call in that witness and examine him. And he would challenge any honourable member who had read the evidence given to prove that there was any one question asked by him which he should not have asked. He did not often trouble the House with personal matters, nor was he in the habit of making long speeches; but he thought it was desirable that this case should be thoroughly known. He thought his character as a man of probity did not want any defence, but his judgment in this matter had been unwarrantably attacked. He had made up his mind that he would never again sit on a committee of that sort as long as he was in that House, but would rather suffer the pains and penalties for refusing to do so. He had preserved his notes of Mr. Pring's address on behalf of the sitting member, and he must say that that gentleman addressed himself very little to the law of the case. He was breaking no confidence in making that statement, as the committee were not sitting with closed doors at the time. Mr. Pring did not appeal to the committee on the law at all, but to their consciences. He asked them whether they could, seeing that they were not sitting there as a legal tribunal, do so-and-so on their conscience. It was, in fact, a continual appeal to their consciences. He thought at the time that Mr. Pring's knowledge of human nature was admirable. The petition they had to try alleged that a meeting had been held by the candidate, or by his committee, in a public-house. Now

it would be necessary to see what the law said about that. The law on such cases was comprised in the 74th clause of the Elections Act of 1872, which said—

"All and such of each of the following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate whether committed by such candidate or by any agent authorized to act for him."

Then it went on to give a list of the acts. The first was, the giving of money or any other article whatsoever to any elector with a view to influence his vote; the second was holding out to any elector the promise or any expectation of profit or advancement, in order to influence his vote; honourable members would see that both those concluded with the words "in order to influence his vote." The third and fourth acts also wound up in the same language; and it would be seen that the whole of those four depended upon what, in legal phrascology, was called the animus—that the candidate might give money to an elector; but to make such an act bribery and corruption it must be proved that it was given to influence his vote. If, however, honourable members looked at sections 5 and 6 they would see that they did not depend upon the animus, but that they were bare acts sufficient to constitute bribery and corruption. Section 5 said—

"The payment to any elector of any sum of money for acting or joining in any procession during such election before or after the same."

And section 6 said—

"The holding of any meeting by any candidate his agent or committee in any house inn or hotel licensed for the sale of fermented or spirituous liquors."

The House would perceive that there was no intent necessary to constitute those two acts, acts of bribery or corruption; each bare act itself was bribery and corruption. By the Act the object of those four clauses was obvious. If a man did anything in the way of gift or threat to influence a vote, the threatening or thing given must be given with the intent which was the gravamen of the charge; but by sections 5 and 6 a mere act was made an act of bribery and corruption. The object of that, he took it, was to discourage the holding of meetings in public-houses, because it was considered by the framers of the Act, no doubt, that the excitement which took place in public-houses and that sort of thing was undesirable at elections. It was for the same reason that the same Act abolished open nominations, and adopted written nominations instead; because it was considered that the want of decorum and excitement that took place at open nominations was not desirable. For the same reason the clause he had referred to was to stop that undesirable feature of elections. It did not imply anything wrong in a candidate or his committee holding a meeting in a public-house, but it was made the subject of positive enactment. Now, supposing the committee was satisfied that a meeting was held by a candidate, or his committee, at a public-house, the Act provided that such an act, if proved, rendered void such election. He should have to ask the indulgence of the House whilst he analyzed the evidence given before the committee a little; and he might at once remark that the late inquiry was entirely a matter of evidence. A direct attack was made upon him by the honourable member for Toowoomba, and if it had gone unanswered it might have been concluded that he was unable to answer it. When an honourable member attacked him it was his (Mr. Thompson's) business to answer the attack, especially when he had a complete answer. He had endeavoured to show that, according to the Act of Parliament, all intent was out of the question—that the only thing the committee had to decide was whether any meeting was held in a public-house. There was no necessity for the imputation that anybody had been influenced or bribed, and the Act, by leaving out intent, meant the meeting itself to be an act of bribery. However, he should now call the attention of the House to some points which amply bore out the position he took up. Since the adjournment he had referred to the Act under which the committee sat, and he found that not only had the chairman a vote, besides a casting vote, but he must exercise it. He was not in the position of an impartial chairman; he was simply in the position of a committee-man. Of course he acted impartially; he did not say that any of his brother committee-men did not do likewise; but he simply said that he acted within his rights and with good motives and a just judgment. The first question was, "Where did the meeting take place?" The publican himself was called; and it was in evidence that the so-called meetings—he would use this phrase for the present—were at his public-house. The evidence on that point was given by the publican (Ricketts), and he was bound to say that he was a very straightforward and respectable witness. He was asked by the counsel (Mr. Harding)—

"10. What did they say? They asked if they could have a room to hold a meeting in."

It was, therefore, a room in a public-house. Then (question 14) the witness was asked, "Were meetings held in that room?" and his answer was, "Yes." The publican's evidence, therefore, showed that whatever the congregation was, it took place in a room the use of which they had asked him

for. Then there was the evidence of Mr. Shiels, a commission agent, who was asked (question 123)—"In all how many?" His answer was, "Thirteen."

"Question 124. Where were they at the hotel? In the second coffee-room; not the principal one, but the room where the working men have their meals, as a rule.

"Question 126. What were they doing—sitting or standing? They were all sitting round the table."

It consequently appeared from the evidence of Ricketts that the congregation was in a room which was bespoken, and by Shiels that it was in a room where the working men usually took their meals. The next question which arose was this: "Was a meeting held?" If honourable members would look at Mr. Ricketts's evidence (question 15) they would find, "On the 21st April was a meeting held in that room?" and his answer was "Yes." Then Mr. Paxton, an agent for the A. S. N. Company, he believed, said, in answer to the question—

"What was done at Ricketts's hotel? Well, Ricketts's hotel was a sort of head-quarters for the one side, and the opposite hotel was the head-quarters of the other. We used to meet there because I was almost sure of meeting people there."

There was plenty more evidence on the point whether a meeting was held, as anyone reading the report could see. The next thing was as to the business that was conducted at the meeting. It must be remembered that all these witnesses were uncontradicted. If honourable members would look at question 79——

Mr. PERKINS rose to a point of order. Was the whole inquiry to be made over again?

The SPEAKER ruled that there was no point of order. The honourable member for the Bremer had a perfect right to read from any report, or any official record of the House, bearing upon the subject of the debate.

Mr. THOMPSON said he was surprised that the honourable member had interrupted him, as he thought he was an advocate of fair play. Questions 79 to 82 of Ricketts's evidence were as follows:—

"Did you see those gentlemen in the room have any papers with them? Yes.

"Any electoral rolls? Yes.

"Did you see them using them in any way? I saw them looking the names over.

"What were they doing that for? To see whether they had votes or not."

He maintained that this was evidence as to the business being conducted there. If honourable members would refer to questions 133 to 135, they would get further information as to the business. He might premise that there was some testimony that there were a lot of people at the place, and the witness was asked—

"Did you speak to anyone in the room? Yes; to Mr. Paxton, the chairman.

"Whilst doing so, what happened? Mr. Beor jumped up and slammed down the window.

"Did he say anything? Yes, something to this effect—'We will have no traitors here; no one else could have heard it.'"

That was some more evidence as to the business that was conducted, because if they wanted no traitors there they must have had something for traitors to hear. There was no doubt business was transacted, and from the evidence it was known what the nature of that business was. Mr. Paxton was asked—

"191. On the 21st April was there anything like a meeting there? There were a good many persons there.

"192. How many? Perhaps eight or ten altogether.

"193. Were they electors? Yes.

"194. Where did they meet? They met in the parlour.

"195. Not in Mr. Beor's private room? No; there would not have been room enough.

"196. When you met there, what did you do? We talked over all matters connected with the election."

This evidence was extracted by him from a witness which neither party would call. If honourable members would look to question 203—

'Were the gentlemen you met on that occasion members of Mr. Beor's committee? Yes; I believe all of them were."

Then to questions 209 to 211—

"Were you present on the occasion when Mr. Shiels came to the window? Yes.

"Was that the occasion to which you have referred, or another occasion? I cannot swear to it, but I believe it was on that very day. He came to the window and said something to me, but I do not know what it was now.

"What took place then? I think he was told to go away."

This corroborated the previous evidence, to a certain extent, as to the slamming down of the window. He was bound to say that there was some evidence also that there was no meeting. Anyone who knew anything of evidence could weigh it for himself. It was this—

"242. You have said that the Criterion Hotel was the head-quarters of Mr. Beor's committee? The head-quarters of the party, and the other hotel was the head-quarters of the other party.

"243. After all the business was done at your office, what occasion was there for the committee to meet at Ricketts's hotel? The members of the committee never met at Ricketts's—at least I never considered so; I went there at all hours."

Honourable members would observe that the witness would not give a direct denial; he said he never considered it a meeting. The next questions were—

"244. You have said you went there in Mr. Beor's absence? Yes.

"245. Why did they go, then, as they could not look upon themselves as being Mr. Beor's guests? We used to go there, and sit down and have a chat; I used to meet people in the streets, and if I knew they were Mr. Beor's supporters, I asked them to come to the hotel and sit down."

Taking that evidence altogether, nothing would ever make him come to any other conclusion than that a meeting was held in a public room, previously bespoken, in a public-house; that electoral rolls were taken out, and that election business was talked over. The House was sought to be overawed in this matter by the opinions of barristers who, he ventured to say, had not seen the evidence. A question arose whether, under the 71st section, it was not necessary to prove that there should be something on the part of the gentleman who was petitioned against showing concurrence. He was not going to enter into the question whether it was necessary to prove direct concurrence; but, even supposing that it was necessary—he did not think it was—there was evidence that the gentleman was present, and concurrence must necessarily be presumed. Ricketts said, questions 25 and 26—

"A number round, and one at the top? Yes, the same as you are; Mr. Beor was the head one.

"Where was Mr. Paxton? In the chair, and Mr. Beor was on his right."

He thought he had shown that the stand he took was to be defended upon the evidence. It was too late to consider whether he was judicious in answering the attack; he should, however, always consider it necessary to answer attacks that were made upon him. His brother committee-men were as good specimens as could be got from the House; and he was perfectly sure that they would bear him out that the proceedings were conducted with the utmost fairness.

Mr. BUZACOTT said he had no idea that there was to be so long a discussion on this question; he understood, from the way in which it was first received, that it would be allowed to go almost without discussion. It was not a subject that had not been repeatedly before the House. Every honourable member knowing anything about political affairs must be aware that it was perfectly understood that the majority of an Elections and Qualifications Committee would stretch a point to secure the ends of their own party. Had this motion been allowed to go at an earlier stage of the proceedings, and had no imputations been cast upon the honourable member who had just sat down, he (Mr. Buzacott) should not have ventured to address the House. He thought that every member would agree with him that the honourable gentleman who acted as chairman of the committee had amply vindicated himself. Further than that he did not wish to pronounce an opinion. The honourable member for the Bremer had vindicated himself from the aspersions that had been unfairly cast upon him. He felt that it was rather unhappy that so soon after the debate was started the honourable member most interested in the matter should have considered it necessary to get up and pass reflections upon the committee. At the same time he admitted that a question of this sort should be considered in its practical rather than its theoretical bearings, when it was desired to do away with a real evil—when it was desired to repair some defect in the Constitution. If discussion on such a motion was at all prolonged, honourable members would, of necessity, take into consideration the most recent cases which illustrated the subject discussed. This result was inevitable when the honourable member most deeply interested had so strongly animadverted on the decision of the committee. Another honourable member belonging to the majority of that committee had resented the comments made on its decision. That honourable member had no just cause for his resentment. Most honourable members were subject to friendly, intellectual, or political influences. He had no hesitation in saying that there were honourable members on his side of the House—men in whom he had confidence—who did exercise on his (Mr. Buzacott's) mind very strong political influence. Honourable members had nothing to be ashamed of if they were influenced by political feelings when serving on this committee, especially when the extremely loose wording of the clause under which they acted was considered. There was one point to which he would particularly direct the attention of the House, and that was, the desirability of enforcing the clause forbidding election meetings to be held in hotels. Not only did this practice add greatly to the expenses incurred by candidates, but it often led to the election of the one who did not enjoy the confidence of the majority of the electors. When great excitement prevailed, caused by the free distribution of liquor, it was generally found that the wrong man was returned; and he thought gentlemen who came forward prepared to devote their services to the country should not be subjected to such influences. The House should take care that the clauses making these meetings illegal were carried out strictly. He intended to support the motion of the

honourable member for Burnett, and he hoped that a majority of honourable members would vote in its favour. The Attorney-General had spoken about the expense that would be caused by the proposed change; but he (Mr. Buzacott) held that there would be no necessity for making the new system costly. If the House was prepared to alter the law it should protect candidates against excessive expense. The Attorney-General had also said that he believed in the abstract justice of the resolution, but that it was not practicable under present circumstances. He (Mr. Buzacott) could not see on what ground he had arrived at such a conclusion. In England the reform had been found advisable, and he did not see why it should not work successfully here. It appeared to him that the Attorney-General had spoken with the feeling that he was now on the side of the strongest battalion. For his own part he could not see why a reform which was desirable at all should not be desirable now.

Mr. PERKINS said he regretted this motion had been brought on at so unfortunate a time, having been tabled after the unsuccessful attempt to unseat the honourable member for Bowen; and he doubted whether it would have been brought forward if the result of that petition had been a different one. These abstract propositions generally failed to bring about any practical result. In his opinion, an honourable member occupying the time of the House should make out some case for doing so; and this had not been done. The root of the whole business seemed to have been the late election for Bowen. He had heard what he might call the dreary story told by the honourable member for Bremer, which was simply a repetition of the late petition. He had come down to the House armed with a whole bundle of papers, and had gone over the old ground again, trying to excite the sympathies of honourable members. If the honourable member for the Burnett had confined himself to the abstract question raised by his motion, it might have met with a more favourable reception; but he had confessed his chagrin at the result of the late petition. His experience in that House had been a brief one; but he thought that honourable members had certain rights and privileges, and that they were not prepared to confess to unscrupulousness and dishonesty. They were now asked to hand over the management, as it were, of their own household to the judges. In his opinion, if they admitted their inability to manage their own affairs, they confessed their incompetency to be in that House at all. He thought honourable members should be as incorrupt and honest as the judges to whom they were asked to delegate these functions. For his own part, he was not prepared to surrender any of the privileges possessed by honourable members of that House; and, like the honourable member for the Logan, he felt himself quite capable of putting aside political feeling if called upon to enter on an inquiry of the kind under consideration. He had not known before that party feeling ran so high in that House; but it had become evident to him when he found that the honourable member for Bremer read only those portions of the evidence which suited his own case. It seemed strange that, although that honourable gentleman had not anticipated this discussion, he had all those papers so conveniently accessible; the fact was very suspicious. On reading the evidence contained in the report he would say that, without impugning his honour or honesty, he (Mr. Thompson) could not have conducted the case for the petitioner with more energy or ability if he had been a paid advocate for him, instead of chairman of the committee. He would ask again, what case had the honourable member for the Burnett made out? Was he not willing to confess that he could not impute any motives to the members of the committee?

Mr. IVORY: I said that already.

Mr. PERKINS said that the honourable member was there with him; but if the members of the committee were not corrupt, but honest men, why did he bring forward his motion?—why did he propose to adopt a new method of conducting the business?—why seek for outside relief? The honourable member had not made out his case. There might be something in the remark, that honourable members could not divest themselves of their political feelings, but other people might be influenced in similar manner. No occasion had arisen to justify the motion brought before the House. If it had been proved that the committee were incapable, then it would be the business of the House to interfere. The mover of the resolution had done no such thing. After making a mistake he was willing to retreat, and yet insinuated that improper motives had influenced the committee.

Mr. IVORY: I made no such insinuation. I carefully guarded myself against doing so.

Mr. PERKINS was very glad to hear the honourable gentleman say so. The discussion was evidently taking a new complexion. The case of Dr. Macartney, in Victoria, showed that election committees were not corrupt; for he had been unseated by a committee chosen from a House in which the party of which he had always been a staunch supporter had a majority. Again, Mr. Justice Hawkins had never been a member of the House of Commons. He regretted that this discussion had occurred, and thought that there had been

no occasion to introduce the motion at that particular time. If the committee had proved itself incapable there would have been some justification of it; but, as matters stood, he saw no necessity for disturbing the existing state of affairs—for surrendering the rights of members of that House—and, by handing over their privileges to other people, confessing that they were incapable of managing their own affairs.

Mr. MOREHEAD said that he had been connected with the committee in question almost since he had been a member of that House, and he agreed with every word of the resolution brought forward by the honourable member for Burnett; for, from his personal experience, he could say that members of that committee were influenced by political bias. He regretted the personal attack made by the honourable member for Toowoomba on the honourable member for Bremer, but he thought that it was a strong argument in favour of the resolution. For if a gentleman so generally respected as the honourable member for Bremer, and one of whose integrity there was so little doubt, had really been influenced by political bias, it was a very good proof of the necessity for changing the present system. He (Mr. Morehead) would record his opinion that the conclusions of the committee were not based entirely on the evidence brought before it; and he said so without casting aspersions on honourable members who formed part of it. They might say that it was wrong for honourable members to be biased, but there was no denying the fact. With regard to the argument that judges might be influenced by political feeling, that difficulty might be avoided if they were no longer selected from among barristers who took part in politics; and if the Attorney-General would bring in a Bill to that effect he would support it. He thought that the example brought forward by the honourable member for Aubigny was a very poor one. The allegation brought against Dr. Macartney, that he was a clergyman, being capable of direct proof, the committee had no choice in the matter. As for the argument that the House was called upon to abrogate part of its functions, he thought little of it, for there was probably no assembly in the world so jealous of its privileges as the English House of Commons; and if it saw fit to delegate its functions in this respect to judges, they might follow its example without much doubt in Queensland. For the reasons he had given, he intended to support the motion, and he trusted to the intelligence of the House that it would be carried.

Mr. FRASER said that if any reason was required for the proposed change it had been furnished by the discussion that night, which had entirely arisen from the dissatisfaction felt at a recent decision of the Committee of Elections. It was not fair to the honourable member for the Burnett to speak of his being prompted by that occurrence. He thought that every motion tabled was prompted by some event; and if he (Mr. Ivory) had been influenced by the recent decision, no blame could be imputed to him. An objection had been urged against the impartiality of judges who had been politicians. It was a well-known fact, that some of the greatest judges in England had been leading politicians in their day,—such, for instance, as Lord Brougham and Lord Lyndhurst; and only the other day the Lord-Advocate of Scotland was promoted by his party to a seat on the bench. Yet no one would for a moment think of imputing political motives to the decisions of any of the judges in Great Britain. He did not think that the colonial judges would allow themselves to be influenced by party bias, but would dispose of every motion before them fairly and impartially upon its merits. There was another reason why the motion of the honourable member for Burnett should be supported, and that was, that several of the members who had served on the Elections and Qualifications Committee—more than one of whom could not be accused of want of moral courage—had stated that they would sooner submit to the penalty attaching to refusal than serve again on that committee. He did not think that by transferring the tribunal to the Supreme Court any privileges of the House would be infringed; and certainly the decisions of the judges would be less open to objection than those of a committee. Besides, by retaining the existing system the Speaker and his successors—who had the nomination of those committees—would be placed in an invidious position, for if the committees could not give their decisions without political bias, it might be implied that the Speaker could not nominate a committee without being actuated by political motives. For these and other reasons, which he would not take up the time of the House with mentioning, he should support the motion.

The ATTORNEY-GENERAL said, with regard to the statement of the honourable member for Mitchell, that from his experience the decisions of Elections Committees were governed by party bias, he sincerely hoped that that bias was confined to the honourable gentleman, for he did not believe that a majority—or even a very small minority—of the gentlemen who composed those committees were governed by party bias. The honourable member for Bremer seemed to imagine that he had been attacked for giving an unjust decision by the honourable member for Toowoomba; but what that honourable member said was, that on reading the

report it occurred to him that the honourable member for Bremer put questions to witnesses which would more likely be put by a cross-examining counsel than by a judge. The honourable member for Bremer was altogether wrong in his construction of the Act. There was nothing whatever in the Act to prevent a committee meeting being held at an hotel; in fact, the Act did not refer to meetings of committees, but of electors. Indeed, what the honourable gentleman had addressed himself to had nothing whatever to do with the charge made against him. He had no doubt that honourable gentleman believed that a committee could not meet at an hotel; but the question was, whether the Act did or did not say so; and, in point of fact, the Act said nothing whatever about it.

Mr. HALY said that, in spite of the Attorney-General's opinion, he felt certain that meetings of committees could not, according to the Act, be held at an hotel. At his own election he was very particular on this point, and would not even allow men to talk politics to him in a public-house, so stringent did he think the law against it. The opinion of the Attorney-General might be a legal opinion; but it seemed to him to be opposed to common sense. The debate which had occurred to-night proved to his entire satisfaction that the motion of the honourable member for Burnett was a good one. When two members of the Elections and Qualifications Committee had said they would refuse to sit again upon it, it was time this House took some steps in the direction indicated by the motion. With regard to the petition against the return of the honourable member for Bowen, he had carefully read the evidence through, and wondered how the committee came to the resolution they did. At the same time he did not say that they did not act conscientiously. If he understood English, he could not but believe that the Act made it illegal to hold meetings of committees at hotels; and if all the lawyers in Queensland said it was not so he should not believe them. He took his common sense before their law. He hoped the motion of the honourable member for Burnett would be carried. It would be an extremely advantageous thing to change the tribunal, especially when, after a hotly-contested election, there was sure to be a strong bias in the minds of the honourable gentlemen who sat on the Elections and Qualifications Committee. If there should ever be a petition against his return, he would much rather have it tried before a so-called political judge, who had retired from politics, than before a committee of the House.

Mr. GARRICK said his opinion was that the honourable member for Bremer had altogether misconstrued the 6th sub-section of the 69th section of the Act. That sub-section simply referred to "the holding of any meeting by any candidate his agent or committee" at an hotel. According to the honourable member for Bremer, a meeting of a committee, of itself and by itself, within an hotel, was bribery and corruption within the meaning of the Act. It was nothing of the kind. Of the three terms, "candidate," "agent," and "committee," everything was predicated of the one the same as of the other. That was no legal subtlety, but the plain common sense meaning of the section. How could any candidate hold a meeting by himself? It meant that if a candidate held any meeting of electors at an hotel certain consequences would follow, as stated in the Act. Neither could an agent hold a meeting by himself. The only common sense conclusion that could be come to was, that it meant a meeting of electors. Mr. Beor held meetings of electors at Mackay, in the School of Arts; and that was evidently the kind of meeting against which the section provided. If any other construction could be put upon the section, every member of the House might be unseated, no matter how small his committee might be; for on a question of principle numbers were immaterial, and a committee of two or even one was the same as one of twenty-two. When a stranger went to a town like Mackay, where was he to go to but to an hotel? And did the honourable member for Bremer mean to tell him, that if one or two committee-men went into a candidate's private sitting-room at an hotel, to discuss the chances of his return, and talk over election matters generally, it was a reason why he should be unseated? According to the construction put upon it by the honourable member for Bremer, a candidate holding such a meeting would expose himself to the pains and penalties attending bribery and corruption. It was said that the Statute could be evaded by including in the committee a great number of electors; but that was easily answered—for to do so would be attempting a fraud on the Statute, by making the committee so large as to be in reality a meeting of the electors, and was punishable accordingly. It must be remembered that this was a penal charge that had been brought against the honourable member for Bowen; for, if proved against him, it would preclude him from holding a seat in this House within the duration of the present Parliament; and the Act should, therefore, be construed with a degree of wideness and fairness to the person petitioned against. The petition was a medium of advisement, and it was unfair to turn round during the course of procedure, after the accused had successfully answered one charge, and make another against him. It was well known that Mr. Beor did not bring all the electors into the hotel, but that he simply brought thither a committee whose largest number at one time never ex-

ceeded thirteen. Where could a candidate, in a town like Mackay, go to discuss the prospects of an election with his committee? It was idle to say that he should go into the highway to talk to them. He did not say for one moment that any member of this committee had failed to do his duty, for his belief was that every member had done his duty conscientiously. The honourable member for Mitchell had said that when he was on a committee of that kind he felt inclined to act with a political bias; but honourable members should speak for themselves. As far as he was concerned, he did not think, if sitting on a committee, that he would be actuated by any partiality. He had, however, never been subjected to the trial. It was evident that the construction put upon the section by the honourable member for Bremer was not a true one, and he very much regretted that this motion had been placed in such a position as not to be considered truly upon its merits. The motion stated that "the time has arrived" when a certain thing should be done. Why this particular moment of time? He supposed that the reason the time had arrived was consequent upon the decision that had been given in the case of the honourable member for Bowen. If there had been no petition against the return of that honourable member it was quite certain the time would not yet have arrived. He absolved the honourable member for Burnett from imputing personal motives, but they were bound to look at what had been said; and when they saw honourable gentlemen, who were members of the committee, get up to defend themselves, as if they had been charged with doing something wrong, it was a matter of great regret. Other members of the House seemed to think that charges might be made against them; and that was equally to be regretted. In the motion before the House there were two theories—an abstract one and a concrete one; and the concrete one implied a vote of censure on the Elections and Qualifications Committee for the decision it gave in the case of the honourable member for Bowen. So far from this being the right time for the introduction of such a motion, he held that it was entirely the wrong time. He should not proceed to discuss the motion on its merits, but should content himself by simply saying that he should vote against it.

Mr. McIlwraith said that from the approval which seemed to accompany the speech by which this motion was introduced by the honourable member for Burnett, he had thought that it would have been carried almost without opposition; but a new element was introduced into the discussion by the honourable member for Bowen, when he referred in such strong terms to the action of the committee with regard to his disputed election. The honourable member for Bremer, who next spoke, and who happened to have been a member of the committee, very wisely refused to discuss that matter at all. Next spoke the honourable member for Toowoomba, who distinctly charged one of the minority on that committee with having acted towards the accused in a biased manner. Following him came the honourable member for Aubigny, who charged the honourable member for Bremer with having come there with a prepared speech on the question of this disputed election. When that honourable member had been distinctly charged with having exhibited gross partiality in this affair, he requested him (Mr. McIlwraith) to move the adjournment of the debate, in order to allow him to speak in his own defence. As to the merits of the motion, he would point out that in 1872, when a different party occupied the Treasury benches, they brought forward an Election Bill, one of the provisions of which referred to the tribunal to which disputed elections should be referred—namely, the Elections and Qualifications Committee; and it was a most curious fact, that those who opposed that principle, and argued that disputed elections should be referred to the judges, were the members of the Liberal party; and the only one who defended the existing system was the present Minister for Works. It had been urged, as an argument why judges of the Supreme Court of the colony should not be made the ultimate tribunal to decide appeals, that they were originally connected with political parties; but the same might be said of the committees. Most of the judges in the country, no doubt, had been connected with politics. He would instance the judges in the Supreme Court at the present time. Mr. Justice Lutwyche, he supposed, was once a violent party man, but no one saw any signs of it now; and there were probably not two members of the House who knew to which political party the learned judge belonged, or would refuse, from political grounds, to have his decision upon any question of this sort which might arise. Then there were more recently-appointed judges. The last judge who was appointed would, in consequence of the change in political parties, find it a difficult matter to tell to which of the present parties he belonged. In fact, parties changed so continually that the judges after a time had passed by could not be said to belong to any existing party. The judges themselves changed, and would in matters of this kind have to decide upon questions calmly and deliberately years after they had left the active arena of politics; while, under the present system, election petitions were referred to red-hot politicians, who were in the midst of politi-

cal excitement; and the consequence was that, no matter how honest and straightforward a man was, he could not separate himself from his position. He (Mr. McIlwraith) was thoroughly unbiased in the case of the honourable member for Bowen, and had not even read through the evidence—indeed, the only knowledge he possessed about it he had gathered from the debate; but it was an unfortunate thing that the question had been brought forward, and it was more unfortunate that an honest and talented member of the House, having been absent when the real question was introduced, should come and denounce the committee that dealt with the case of the honourable member for Bowen. The question was originally brought forward most moderately by the honourable member for Burnett, who advocated, in a very temperate manner, the principles he wished to introduce. Nothing whatever was said about this disputed election, and there was no man who would be less likely to cast a slur upon any member of the committee than the honourable member for Burnett.

Mr. BEOR said he was amazed at the wonderful memory of the last speaker, who stated that the honourable member for Burnett brought forward this motion in a quiet and temperate manner. He was only going to say a few words with regard to what the honourable member had said respecting the time when that branch of the discussion was introduced before the House which related to the decision of the committee. The other branch of the discussion came before the House in this manner: A certain charge was brought by the honourable member for Toowoomba, which, if it could be answered at all, could have been answered by referring to the evidence of only one witness. The honourable member for Bremer went over all the evidence, and discussed it in the fullest manner. It could not be denied that the honourable member for Burnett had introduced into this question the decision of the committee. He referred to the judgment of the House if the subject was not introduced by the honourable member for Burnett. This seemed to him some slight indication of the candour with which questions were treated by the other side. One honourable member professed to bring forward an impartial motion, and introduced irrelevant matter, and then found two of the leading members on his own side to support him, by alleging that the matter was introduced by him (Mr. Beor) and not by the honourable member for Burnett. The honourable member's speech was laden from the very beginning with insinuations against those members of the committee who voted against the view his party professed to take. Honourable members must agree with him that the commencement of the speech was full of these insinuations, and that the last part contained a direct attack upon the majority of the committee. With regard to that part of the subject introduced by the honourable member for Bremer, he would leave it for the opinion of honourable members of the House. Upon that subject they had heard the legal opinion of the House, and no legal person could fairly and impartially come to any other conclusion than one opposed to that put before the House by the honourable member. He protested against the statement that he had introduced that part of the discussion having reference to the decision of the committee.

Mr. PALMER said he would defy any stranger coming accidentally into the House to say what question they were discussing. How many arguments or speeches had touched upon the real subject of the resolution at all? The debate had resolved itself into a question whether the honourable member for Bowen should be in the House or not, and the honourable member for Bowen was accountable for the turn the debate had taken. It was much to be regretted that the debate had strayed in that direction—it was uncalled for. He had never heard a motion introduced more temperately than that introduced by the honourable member for Burnett. The honourable member might probably have left out the slight allusion he made to the recent decision of the Elections and Qualifications Committee, in which the honourable member for Bowen was concerned. He (Mr. Palmer) thought at the time that the allusion was a mistake, and had since told the honourable member for Burnett so. At the same time, the honourable member, in bringing forward a motion of this sort, was bound to give his reasons for moving it, and quote the last case of what he considered an injustice. It would have been better if the honourable member had gone upon the main question of his motion, though it must be confessed it was most difficult to avoid that allusion; the allusion, however, had been made in the mildest terms, without any motives being imputed which should call down the animadversions that had since been pronounced upon the judgment of the committee. He (Mr. Palmer) said the honourable member for Bowen was responsible for the turn the debate had taken, because he, being the party alluded to, would have shown a great deal more sense by sitting quietly in his place and allowing other members to take up the question. Having escaped by the skin of his teeth from being unseated, it would have become his modesty better, and spared some of his blushes, if he had remained quiet and allowed others to fight his battle for him. There was an old saying, that a man who was his own lawyer had a very bad client; and if the honourable member had recollected that he would

have been in a much better position than that in which he now appeared. What was his course of action in comparison with the honourable member for Burnett? That honourable member did not impugn the conduct of the committee in any way, whereas the honourable member for Bowen impugned it in the most uncalled-for manner. The member for Toowoomba, too, had made a charge against the member for Bremer. He (Mr. Palmer) was amazed at the charge; but was much more astonished at hearing the member for Bremer reply to it. Had his honourable friend asked his advice, he would have recommended him to say, "You know the member for Toowoomba; you know me; and I will leave it to the House to say which is right";—and there could be no question that an overwhelming majority would have been on the side of the honourable member for Bremer. He deplored that a debate upon what he thought was a very fair motion should have strayed into the erratic direction of an inquiry whether the honourable member for Bowen ought to be in the House or not. He (Mr. Palmer) was in a better position than the honourable member for Maranoa, having, out of curiosity, read all the evidence over very carefully. He had not consulted every barrister, however, but quite disagreed with those quoted by the honourable member for Bowen, and thought their opinion, unless they had their fee, was not worth considering. With regard to the question, he would remind the House that the Act simply said holding meetings in public-houses shall be deemed an act of bribery and corruption. The Act, whether rightly or wrongly, made the mere fact of holding a meeting in a public-house an act of bribery and corruption, and was sufficient to invalidate an election. The only question was, had such meeting been held? In his (Mr. Palmer's) opinion, without being a barrister, it was clearly proved that the honourable gentleman did hold meetings in a public-house, and not only drank grog, but paid for the grog of other people—a most extraordinary thing for a barrister to do; he ought to have made them pay for his grog. He should like to get back to the real question before the House—to go back, without any party feeling, to the subject. The honourable member for East Moreton took exception to the terms of the motion —"the time has arrived." It was one of the most common expressions used in motions brought before the House he knew of. Upon the business paper of to-day, upon another matter, he found: "In the opinion of this House the time has arrived," &c. What had occurred that the language of this motion should be wrong? He really must object to the honourable member for East Moreton's legal opinion. He had a great respect for him; but his objection was grounded upon a false assumption. Of all the objections he had heard the most tangible was made by the Attorney-General, who talked about expenses, and referred us to English election returns, stating that they cost £5,000 on each side, and the loser had to pay for all. He (Mr. Palmer) did not know from where the Attorney-General got his information, but he (Mr. Palmer) had higher authority for saying, that when the action of the English Government altered the law making the appeals to the judges instead of to Parliament, as hitherto, costs were reduced by about the proportion of £100 to £10. In a disputed election case which formerly had to go before the House of Commons, and now would go before judges in England, for every £100 the expenses now averaged £10. In this colony there were not many members rich enough to be able to afford a contested election that would cost £5,000 or even £500. If this motion were carried, and he thought it was a proper motion to carry, a Bill would be brought into this House which would make provision for reducing expenses. After a pretty fair experience in the House, he must say that almost any tribunal would be better than an Elections and Qualifications Committee. He remembered in 1866, when he first came into the House, hearing a remark made by a very old member, who told him, in his greenness, "Show me your election committee, and I'll show you the sitting member." He (Mr. Palmer) had never found him to be wrong. With that experience before him, he thought it was not desirable that cases of this sort should go before a tribunal of members, perhaps just come red-hot from a contested election, but be taken to a court in which he believed they had all some confidence. He did not believe that anybody could impute political motives to any one of the judges' decisions. The Attorney-General tried to lead the House to believe that the opinion of the judges would be cavilled at; but that was always the case. A successful party always thought the judge an excellent one; unsuccessful people impugned his decision in every possible way. If this debate had not changed into an erratic course he believed that this motion would have been carried by a majority. When the honourable member for Burnett gave notice of this motion the Premier cheered him heartily. He was not in the House at the time; but he was glad to hear that the Premier had supported one good motion in his life. He believed that the Supreme Court was the proper tribunal. Some of the speeches to-night had put him in mind of a story told him by a police magistrate in New South Wales. When a notorious bad character was brought before him, he said, "You

can have your choice between a summary jurisdiction or going before a jury." The reply was, "I'll chance the jury." He (Mr. Palmer) would far rather go before a judge of the Supreme Court than before a committee of the House,—he did not care much which side they might be from. The Secretary for Works had favoured the House with his opinions; but he (Mr. Palmer) was afraid, if he came under an inquiry—with his peculiar electioneering experiences—he would much sooner "chance the jury." He hoped the resolution would now be carried, and that the Attorney-General would see it passed into law.

Mr. DE POIX TYREL wished to remark, in connection with his vote upon the committee, that it had been given in accordance with his conscience, and no member could say anything to the contrary. He knew that nobody could say what his decision would be, as, till he had heard all the evidence, he was not prepared to give any opinion. No pressure whatever had been—or could have been—brought to bear upon him. He should not vote upon the question one way or the other, because by voting for it he would stultify himself, and by voting against it he should consider he was voting for himself. He should, therefore, simply walk out of the House when the division came on.

Mr. J. SCOTT supported the motion of the honourable member. Taking clause 6 of the Act, and looking at the subsections, he maintained that the word "electors" had been purposely left out, and that the common sense meaning of that clause was, that it was intended to apply to a meeting of committee, not to a meeting of electors convened by a committee.

Mr. FOOTE said that, as a member of the Committee of Elections and Qualifications, he must say that the moment the motion was tabled by the honourable member for the Burnett he looked upon it as a motion intended to reflect upon a portion at least of the committee; and that, if he succeeded in carrying it, a vote of censure was sought to be conveyed by it. If the honourable gentleman had any other object in view he had brought forward his proposition at a very inopportune time. Notwithstanding his disclaimer, he (Mr. Foote) could not help thinking that it was the action of the committee which prompted the tabling of the motion. In reference to the matter itself, he was not ashamed of any part that he took in it. He tried to do his duty to the best of his ability. He had gone over the evidence again, and he held to his original determination. There was one thing that the evidence proved conclusively—namely, that there was no bribery or corruption; that if ever there was an election where there was no show of anything improper having been done, it was the Bowen election. He would not now speak to the motion before the House. If the honourable member would bring it forward at some other time he might be able to look upon it from a different standpoint.

Mr. HOCKINGS said he considered that this motion had been introduced to the House at an inopportune time, and that it was particularly unfortunate that various matters had been introduced in the debate outside of the abstract question which the House had to determine. As he intended to vote in favour of the resolution, he felt called upon not to give a silent vote, inasmuch as it might be deemed that he implied a vote of censure upon the committee. It would be better that the consideration of the qualification of members, or of other matters connected with disputed elections, should be referred to the judges of the Supreme Court, instead of to a committee composed of active politicians. It must be distinctly understood that in no sense was a vote of censure implied upon the gentlemen who lately acted as a Committee of Elections and Qualifications.

Mr. KINGSFORD said he thought it very clear that, notwithstanding all that had been said to the contrary, the member for Burnett was blamable for the erratic manner in which the debate had been carried on. That gentleman urged as a reason why the present system should be departed from, that the Committee of Elections and Qualifications were biased, and carried into their meetings a partisan spirit, and adduced the election for Bowen as a case in point. The honourable member argued that for this reason the functions of the committee should be vested in the judges. It was a matter of little consequence to him what insinuations were made, although he was a member of that committee; at the same time he wished to state distinctly that he considered the remark of the honourable member as an attempt to throw mud at the committee; and the speech of the honourable member for Bremer as a response to it. He was very sorry that this matter had been introduced in the debate; it had done a great deal of mischief, and he should hold the honourable member for Burnett responsible for it until he repudiated the charge.

The COLONIAL SECRETARY said it was his intention to vote against the motion. Having been, in times gone by, a member of the Committee of Elections and Qualifications, he could speak from experience upon the subject under discussion. He was not prepared to say that the committee always did right—that their decisions were always correct; but he maintained that it would be better for the House to put up with them than to delegate their powers to judges of the Supreme Court.

The committee had greater powers than the judges, for they could determine at any stage when the inquiry should close, and could thus prevent it becoming an expensive and tedious proceeding; but the judge had no such power. If this privilege were given up, one of the greatest wrongs would be committed. He did not wish to make any imputation against the judges, but a great injury would be done if matters of this kind were referred to their decision. If a poor man were returned, a wealthy man could unseat him by simply carrying on the case for an indefinite time; at any rate he could ruin him. If this resolution were carried, and his election were petitioned against the following day, he would immediately resign,—he would not defend his seat.

Mr. PETTIGREW said the honourable the Colonial Secretary had talked more sense than all the other honourable members put together. He thoroughly agreed with him, that it would be very unwise to refer these questions to such an expensive tribunal as the Supreme Court. As to the present law of elections—if it was as laid down by the honourable member for Bremer, then that honourable member could have been unseated if he had been returned for Ipswich.

Mr. THOMPSON: I never held a meeting in a public-house.

Mr. PETTIGREW said the honourable member's agent did. He considered the present law very hard indeed. He believed the safest plan was to leave things as they were. He was not afraid of the judges, but of the lawyers.

Mr. GRIMES said he regretted that, in the course of the debate, the decision of the Elections and Qualifications Committee should have been called in question. He maintained that if the powers of that committee were transferred to the judges, as proposed, all the proceedings in connection with an inquiry would be of an entirely different character. He was also of opinion that it was very probable the judges would not like to have these powers transferred to them. Looking further at the bribery clauses of the Elections Act in force, he could not understand how there could be any finding of bribery when the inquiry took place before the Supreme Court. Unless honourable members were prepared to amend these clauses matters would have to be left as they were.

The COLONIAL TREASURER said that he wished to express his sense of the importance of the motion, although he was going to vote against it; and he thought if the mover had been prudent enough to avoid any reference to the late disputed election the discussion would have done good service. The question whether election petitions should be examined by a court or a committee of that House was well worth discussing. The objection raised by the Attorney-General to the expensive nature of the proposed change had not been satisfactorily answered, to his mind, by those who wished for the change. He feared that the result of the motion, if carried, would be to exclude all but men of means from the Chamber. That Chamber should, in his opinion, be open to representatives of all classes, and the choice of candidates not restricted to men of long purses. Decisions on election petitions, if referred to the Supreme Court, might be arrived at by a more legal course, but there was no doubt that it would be a more expensive one, and likely to deter persons of moderate means from attempting to enter the House. It had been suggested that this objection might be overcome by transferring the expense from the parties concerned to the State; but it would still be a large one, and he saw no good reason for saddling it on the country. He had been informed on very good authority that a judge of the Supreme Court would be likely to require several witnesses, many of whom might be brought from a great distance, and a larger amount of evidence than satisfied the committees as now constituted; and he considered that the large expense that would be so incurred would be quite unnecessary. Nothing had been shown which reflected on the general result of the investigations of these committees, and he was not, therefore, disposed to consent to the transfer of their functions to the Supreme Court. Still, the matter was one which, on its own merits, was worthy of discussion from time to time, and he regretted the drift that the remarks made by the honourable member for Burnett had given to the present debate.

Mr. W. SCOTT thought that the honourable member, as well as others, was making a mistake in supposing that the honourable member for Burnett had intended to refer to the late decision of the Elections Committee in an unfair manner. He feared that the votes of many honourable members would be influenced by this mistaken belief, and he hoped the mover of the resolution would correct it when he spoke in reply.

Motion for adjournment withdrawn.

Mr. IVORY said that the debate had taken up a longer time than he had anticipated, and he regretted very much that anything he had said should have been construed into an intention of hurting the feelings of any honourable member of that House. There had been nothing further from his mind than an intention to reflect on the conduct of any member of the Elections Committee. He had long held the opinion embodied in the resolution moved by him; but he had been induced to bring it forward by remarks he had heard outside, that seemed to him derogatory to the position held by gentlemen who were members of that House. He (Mr. Ivory) was quite per-

suaded that the members of the committee had acted conscientiously and to the best of their ability. He had been told that he had made out no case for his motion. It might be so, but he thought that speakers who followed him had made it out. He regretted particularly that the debate had taken the turn it did. This proposition was an abstract one, brought forward with a view to future action. He also regretted to hear the opinion expressed by the honourable member for East Moreton, that clause 6 of the Elections Act did not prohibit election committee meetings in public-houses, for its intention had been to prevent the extravagance and cost which arise at elections from this very cause. He was sorry that this legal opinion had been given, for it was not the reading of the clause common in the country, nor had it been the intention of those who framed the measure. Certain words in his motion had been objected to, as conveying reflections on some honourable members, and he would be very happy to expunge them. With the permission of the House, therefore, he would omit the words "time has arrived," and "appointed by this House." This omission would, he thought, show that he did not intend to cast any slur on any honourable gentleman in that House.

Question—That the motion so amended be passed—put.

The House divided:—

AYES, 16.

Messrs. Thompson, W. Scott, O'Sullivan, Douglas, Haly, Ivory, Stevenson, Macrossan, Buzacott, McIlwraith, Low, Palmer, Morehead, Graham, J. Scott, and Fraser.

NOES, 13.

Messrs. G. Thorn, Dickson, Griffith, Miles, Morgan, Pettigrew, Garrick, Perkins, Kingsford, McLean, Beattie, Groom, and Foote.

Question, therefore, resolved in the affirmative.

The PREMIER moved, without notice, that the hour of meeting on Monday, 27th instant, be 3 p.m. He explained that this had been accidentally omitted when the date was fixed.

Question put and passed.

The House adjourned at ten minutes to ten o'clock.