Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 28 MAY 1879

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LEGISLATIVE ASSEMBLY.

Wednesday, 28 *May*, 1879.

New Bills. — Questions. — Petition. — Privilege. — New Member. — Coast Islands Bill — third reading. — Election of Members during Recess Bill—third reading.—Formal Business.—Ways and Means.—Electoral Rolls Bill—second reading.

The SPEAKER took the chair at half-past 3 o'clock.

NEW BILLS.

A Bill to regulate the Travelling of Sheep was introduced by Message from the Governor, and, on the motion of Mr. E. J. STEVENS, read a first time, and the second reading made an Order of the Day for June 5.

A Bill to regulate the Bêche-de-mer Fisheries of the Colony of Queensland was introduced by Message from the Governor.

A Bill to make better provision for the Establishment and Maintenance of Asylums was introduced by Message from the Governor.

QUESTIONS.

Mr. HORWITZ asked the Minister for Works—

1. Is it a fact that the mid-day train to and from Warwick and Toowoomba is to be discontinued?

2. Is he aware that this is the market train?

3. What is the reason for such discontinuance?

The MINISTER FOR WORKS (Mr. Macrossan) replied—

1. It is proposed to run this train three days each week only.

2. No.

3. Owing to slackness in the traffic.

Mr. MACKAY asked the Minister for Lands—

1. What progress, if any, has been made towards dealing with the South Brisbane Bridge lands?

2. Does the Government intend to introduce a measure for the sale of those lands on a system of deferred payments?

The MINISTER FOR LANDS (Mr. Perkins) replied—

1. Instructions have been given to survey the lands to enable Government to come to conclusions as to the best mode of dealing with them.

2. The question of introducing a measure to enable Government to deal with these lands is now under consideration.

Mr. HENDREN asked the Colonial Secretary—

If it is the intention of the Government to facilitate the exportation of coal and other produce by railway from Oxley to South Brisbane or deep water, and when such railway might be expected to be commenced?

The COLONIAL SECRETARY (Mr. Palmer) replied—

Government have not come to any decision on the subject.

PETITION.

Mr. LALOR presented a petition from residents in the Maranoa District, praying that in order to secure to the selectors the continuous occupation and ownership of land already selected, and also to promote future settlement, there might be an amendment of the land laws.

Petition received.

PRIVILEGE.

Mr. BAILEY said he rose, in pursuance of notice, to bring forward a motion standing in his name, and which, as a question of privilege, ought to take precedence of other business. To account for the apparent delay in bringing forward the motion, he might say that on the first day on which Parliament met he took the very earliest opportunity of asking a question in order to decide whether the honourable member for Bowen had actually filled an office of profit under the Crown during the recess.

He received an answer the following day, and it was that while the member for Bowen had been acting as Attorney-General he had received a fee of eighty guineas, and, in addition, a sum of twenty guineas for expenses. Consequent on that information, he (Mr. Bailey) tabled a notice of motion to declare the seat of the honourable member for Bowen vacant; but he had not thought it advisable to raise the question of privilege in the midst of a somewhat angry debate on the Address in Reply to the Governor's Speech, as he was unwilling that a matter so deeply concerning the privileges of members, and involving, perhaps, some constitutional law, should be considered in the midst of a stormy debate.

The PREMIER (Mr. McIlwraith) rose to a point of order. He would remind the Speaker of what took place the previous day. Attention was drawn to the fact that a notice of motion having reference to the seat of the honourable member for Bowen had been on the paper for seven days. He (the Speaker) gave the House to understand that he considered it to be a question of privilege. He (the Premier) believed that it should have been brought forward as such, but he stated that the honourable member had chosen his own time and method for bringing the motion forward, and complained that the mode was very unfair to the member whose seat was questioned. He complained, still, that that mode was unfair, and would be still more unfair if, after choosing his own time and method, it should still be left in the power of the honourable member for Wide Bay to bring forward the motion as a question of privilege whenever he chose. There had been no question at all of his bringing the matter forward when notice of motion was given, but that it should now take precedence of all other business was a matter to which the House had not consented. He did not object that the matter should come on as a question of privilege at a later period of the evening, when it would be more convenient to take it, and when it would suit the House better, but at the present time the honourable member was not entitled to bring it forward as a question of privilege, having failed to bring it on in his own method and at his own time. What he wished the Speaker's ruling upon was, whether the honourable member for Wide Bay could bring forward the motion as a question of privilege after giving notice of motion the previous day?

The Hon. S. W. GRIFFITH said he always understood that a question of privilege took precedence of everything else. The fact of the honourable member for Wide Bay having given notice of motion would not affect in any way his right to bring forward the matter as a question of privilege, for, even supposing he had given no notice, he still could have brought it before the House as a question of privilege. The motion was simply a matter of courtesy, and if he chose to bring it forward now he had a perfect right to do so.

The COLONIAL SECRETARY submitted to the Speaker that it was not possible for an honourable member to anticipate his own notice of motion. What he ought to have done was to bring the matter forward, in the first place, as a question of privilege; but having put a notice of motion on the paper, it was not competent for him to anticipate that motion by rising to address the House, now, on a question of privilege.

The PREMIER reminded the Speaker that he was acting entirely in accordance with that honourable gentleman's ruling of the previous day. He considered that the honourable member for Wide Bay, having taken his own course, should not be allowed afterwards to seek to bring the question forward as one of privilege. He was simply studying the convenience of the House in pointing out the proper course to pursue, and maintaining that it would be better to discuss the question later on.

The SPEAKER: With reference to the point of order, I am certainly of opinion that this is a question of privilege. The honourable member for Wide Bay has got the House into some difficulty by not moving it in that shape, but I cannot agree that by his not having done so the House is precluded from receiving it as a question of privilege at the present time. It is a question of privilege of the House which is affected, since this motion asserts that the honourable member for Bowen has no right to sit in the House. As a question of privilege it is entitled to take precedence; and I think that, as both sides of the House seem to be anxious to deal with the question as soon as possible, the best way will be to allow the honourable member for Wide Bay to state his case, propose his motion, and then adjourn the debate to some fixed time.

Mr. BAILEY said he would now state why he did not bring forward his motion as a question of privilege at an earlier part of the session. The whole of the first week of the present session was occupied in a stormy party debate, and therefore no opportunity was given for noticing a question which ought not to be a party question, and he had thought the proper time to argue it was when the House had calmed down from the angry feelings of party strife. But when he had afterwards asked the Speaker whether it could be brought before the House as a question of privilege, that honourable gentleman then suggested that, having chosen to place the motion on the paper in that form, he (Mr. Bailey) could not then raise it as a question of privilege. He was not aware of it

when he did so. He was very anxious that a subject like this should not be settled as a party question, but that once for all they should have a perfect understanding as to what were the privileges of the House, and whether they had been infringed in the case he had brought under notice, or were likely to be infringed in future cases. Still, believing that no member of the Ministerial side of the House would raise the question of privilege, he was compelled to go on with the matter himself; but the Ministry appeared to have acted with wise discretion in not hastening on the motion; while, by appointing the Honourable Ratcliffe Pring Attorney-General, they had escaped the difficulty which it seemed they were not very willing to discuss now, and the electors of the Valley were at that moment saying whether they sanctioned the appointment of their representative as an *ex officio* Attorney-General during the recess. But it happened that Government had not the power of appointing two Attorneys-General, and, having decided on one of the two, the honourable member for Bowen was left to his chance, while the Honourable Ratcliffe Pring was appointed Attorney-General. He was not going to argue the case at length, but the first authority bearing on the subject was the Legislative Assembly Act, which spoke very strongly. Clause 5 said that—

"Any person holding any office of profit under the Crown or having a pension from the Crown during pleasure or for a term of years shall be incapable of being elected or of sitting or voting as a member of the Legislative Assembly unless he be one of the following official members of the Government (that is to say) the Colonial Secretary the Colonial Treasurer and Attorney-General or one of such additional officers not being more than two as the Governor in Council may from time by a notice in the *Gazette* declare capable of being elected a member of the said Assembly."

Clause 6 stated that—

"If any member of the said Assembly shall accept of any office of profit or pension from the Crown during pleasure or for term of years his election shall be thereupon and is hereby declared to be void and a writ shall forthwith issue for a new election"

Nothing could be plainer than that. He next referred to the *Government Gazette* of March 22, 1879—at that time there was no Attorney-General—where he found the following:—

"And whereas by the Department of Justice Act, 1876, it is enacted that whenever there shall be no Attorney-General it shall be lawful for the Governor in Council, from time to time, by proclamation, to order and declare that all or any of the duties, powers, and authorities imposed or conferred upon the Attorney-General by any law, statute, rule, practice, or ordinance, shall be had and exercised by the Minister of Justice or such other person as may be named in such proclamation in that behalf; and whereas it is desirable that some person other than the Minister of Justice shall have and exercise at the Criminal Sittings of the Circuit Court, Maryborough, to be commenced and holden on the 17th day of April, 1879, all the duties, powers, and authorities of the Attorney-General, imposed and conferred on him by the thirty-second section of the Supreme Court Act, 1867, or by any other statute law in that behalf, or the Attorney-General so empowering, and who shall for the purposes aforesaid also perform the duties of a grand jury therein. Now, I, Sir Arthur Edward Kennedy, by and with the advice of the Executive Council, do by this my proclamation, order and declare that Henry Rogers Beor, Esquire, barrister-at-law, shall be the person by whom and in whose name all crimes and offences cognizable on the said criminal sittings of the Circuit Court to be holden at Maryborough on the day and year aforesaid, shall be prosecuted, and who shall have and exercise all the duties, powers, and authorities of the Attorney-General at the said sittings of the Circuit Court."

The answers to his (Mr. Bailey's) questions as to whether the honourable member for Bowen was remunerated on that occasion were perfectly plain and to the point. It was stated that he received eighty guineas for acting as Attorney-General and twenty guineas more for his expenses. The honourable the Premier, when he was talking about the working men on the roads of the colony, said that he had known from the very first that the road-parties were kept at work simply and solely for a political purpose. That was the strongest argument the Premier made use of in explaining their dismissals, and it would only be fair to apply to the gentlemen of the law the rule which had been applied to the road-parties. He would take another instance. It might be said that the office of Attorney-General was not a political office, and did not, therefore, come under that clause of the Legislative Assembly Act; but on referring to "Knight's Encyclopædia," which might be taken as a very good authority in defining terms, he found that an Attorney-General was designated as a Minister of the Crown especially appointed by Letters Patent, and at the same time holding a political office. He had, however, a nearer authority than that. He would quote from a speech delivered by the honourable Ratcliffe Pring in that House, and show what his opinion was. In a debate on the 21st December, 1870, that gentleman said—

"He did not care for the precedents which had been quoted. They had followed a good many bad precedents from the other colonies, and he thought it would be well to keep clear of them altogether for the future. When the first Governor of Queensland landed in this colony, the Colonial Secretary and Colonial

Treasurer had been appointed and their salaries fixed by the regulations attached to the Order in Council, but His Excellency had received instructions to appoint him as Attorney-General. Now, he had no hesitation in saying that the Attorney-General, being a member of the Cabinet, had always been considered a political officer under the Constitution Act."

After that there could be no doubt as to the position of the Attorney-General; and he failed to see any difference between the position of an Acting Attorney-General and a permanent Attorney-General. There was no Attorney-General in this colony at the time the honourable member for Bowen was appointed Acting Attorney-General, and there was no doubt in his (Mr. Bailey's) mind that it was the duty of that honourable member to have then and there resigned his seat as a member of that House. When the Honourable J. P. Bell was appointed President of the Legislative Council he believed the Ministry did not wait for the honourable gentleman to resign his seat, but issued the Letters Patent first, and the honourable gentleman then resigned; but that case was a widely different one. If such a thing was to go on they would be liable to have the House packed with legal advisers of the Government. He did not object to lawyers being in the House; but he thought that the laws as made by lawyers were often bad, and that it was not a desirable state of things that a Ministry should have it in their power to retain at their back the services of a very powerful bar. It was not desirable that they should have special pleaders in the House so much as they should have men of earnestness and sound common sense. They had not yet introduced payment of members of Parliament; but if the present system was pursued, it would be, although indirectly, introduced, but limited to a certain class of men. Supposing they were to carry out such a system to its logical conclusion what would be the result? They would have the honourable Colonial Secretary going on a visit to Singapore, and appointing perhaps the honourable member for Maryborough to act as Colonial Secretary during his absence, he drawing his salary as Colonial Secretary all the time, and the honourable member for Maryborough drawing another salary as Acting Colonial Secretary. They might have the honourable Colonial Treasurer visiting Melbourne and appointing some one to act in his place, both receiving salary, or the honourable Minister for Works appointing the honourable member for Charters Towers as his substitute whilst he went on a visit to the North, and whilst on his visit to Townsville the honourable member for Charters Towers might be drawing a second salary as Acting Minister for Works. Therefore, if they had one Attorney-General in the Cabinet drawing his salary, and an honourable member of that House drawing salary as an Acting Attorney-General, they might have a relay of Attorneys-General, a relay of Colonial Secretaries, and a relay of Ministers for Works; until at last the fruits and pay of office might be equally divided among the supporters of a Ministry. Could any state of things be worse than that?—but it might arise; and therefore it was that there was a provision inserted in the Legislative Assembly Act, that when any member accepted an office of profit under the Crown his seat should be declared vacant. He thought he had argued the case calmly and temperately; but he contended that if they were to have payment of members, they should have it constitutionally, and not introduced in this way. With those few words, he moved—

"That the seat of Henry Rogers Beor has become and is now vacant, by reason of the acceptance of an office of profit by the said Henry Rogers Beor, since his election and return to serve in this House as member for the electoral district of Bowen."

The PREMIER said that, speaking to the question of privilege, and not replying to the honourable member for Wide Bay, he would ask the House to consent to the suggestion which had been made by the honourable the Speaker, and appoint a time to discuss the motion just made. It was only carrying out the honourable Speaker's suggestion, and he (the Premier) would propose that after the adjournment for tea would be a good time to continue the debate. He would also ask the honourable Speaker whether this would be treated as a matter of privilege debate, and honourable members not be allowed to speak more than once?

The SPEAKER said honourable members could only speak once on the question, unless an amendment was moved.

Mr. GROOM said that whilst he yielded to the ruling of the honourable Speaker, he thought the good sense of the House would be able to decide the question before them without any adjournment. He was of opinion that there was no question that came before that House of more importance than one which affected its privileges, and he trusted the motion would not be debated as a party question, but only as a question of privilege: although he must confess at once that the speech of the honourable mover led them to regard it as a party question. If the honourable member thought it was a question affecting the privileges of that House, he should have treated it in that light only, and should not have gone into any extraneous matter. For instance, he (Mr. Groom) did not see what the discharge of men on the road-gangs had to do with a question of privilege. He had already observed that, to his mind, there was no question which

ought to engage their attention more than one affecting their privileges. At the same time, there was no question of more importance than forfeiting the seat of an honourable member, for not only did they tell him that he was illegally sitting in that House, but they also disfranchised that honourable member's constituency for a time. He was prepared to say that there was nothing to justify the honourable member for Wide Bay in the course he had taken; and he was prepared to show that that opinion was not hastily formed, as some days ago he gave the honourable member his reasons for thinking that he had no good ground for forfeiting the seat of the honourable member for Bowen. During the last two or three months there was a motion in the House of Commons to declare the seat of Sir Bryan O'Loughlin vacant, on the ground of his having been absent from his place in the House for twelve months. On that occasion there was a debate, also, as to whether that gentleman had not forfeited his seat by reason of his accepting the office of Attorney-General of the colony of Victoria. Seven of the most able men in the House of Commons were appointed a committee to report on the matter, and they decided that the seat was forfeited. Now, no one could deny that the Honourable Ratcliffe Pring had forfeited his seat by accepting the office of Attorney-General, as he had become to all intents and purposes a political officer of the Crown; but the honourable member for Wide Bay had not quoted any authorities to show that the honourable member for Bowen had forfeited his seat by any action he had taken. It was true that he had been appointed as acting grand juror, but he was not a political officer as that term was generally understood; he had been appointed specially and departmentally by the Minister for Justice, and not by the Governor with the consent of the Executive Council. He would ask what had been the practice hitherto—and they were not without precedents of what had been done in the Imperial Parliament, which was, perhaps, of all deliberative assemblies in the world, the highest authority. He would take the case of Mr. Russell Gurney, Q.C., who in 1865 was elected in the Conservative interest as member for Southampton, and in 1870 was appointed a commissioner to America to negotiate the Washington treaty. That gentleman received very heavy fees for what he did, but the question was never raised in the House of Commons that by so doing he had forfeited his seat. He would take a still stronger case—namely, that of Sir Roundell Palmer, M.P. for Richmond, who was appointed as counsel at the Geneva Arbitration, with very large fees; and yet in his case no question was raised in the House of Commons that he had forfeited his seat because he had accepted that office. No such thing was ever heard of, and he considered the House would set up a very dangerous precedent if they agreed to anything of the kind. It was well known that at the present time in this colony—and he spoke with all respect to members of the profession—the higher branch of the legal profession was not altogether of a very high-class order. We were not like New South Wales or Victoria in that respect, where there was a very large bar to choose from; and supposing occasion arose where the Government here were compelled to employ the best legal talent, should they, he would ask, be deterred from doing so because a barrister happened to be a member of that House? The question cropped up last year during the passing of the Estimates, when an honourable member asked whether members of Parliament had received payment for acting as members of Royal commissions, and, if his memory served him, the honourable mover of the motion before them was one of those who had received fees. The honourable member for the Mitchell then moved that no member of the House should accept fees in future, and although there was no division taken he believed that was the feeling of the majority of the House. He thought that a Government should be able to retain the best legal advice they could get. In the case of the honourable member for Bowen there were some very important cases to be tried, and he could not think that the honourable member had forfeited his seat because he accepted fees from the Crown when acting for it. The case had been mentioned to him on several occasions outside of that House, and he always had expressed the same opinion that he now did—namely, that he did not think that a member should forfeit his seat simply because he accepted fees. In the colony of New South Wales the question was raised whether Mr. Windeyer had not forfeited his seat by acting as Crown Prosecutor at Bathurst, and the case was discussed at some length by both sides, but no division was taken, it merely being agreed that, if the Government could find suitable men outside of the House, it would be better than to employ those inside of it. He should conclude as he had commenced, by saying that the House should be extremely careful before it took any step by which it forfeited the seat of a member, and consequently disfranchised a constituency. He was not prepared to argue the legal aspect of the question, but he thought the authorities quoted by the honourable member for Wide Bay (Mr. Bailey) did not show that the honourable member for Bowen had forfeited

his seat, and he believed that when they had before them a full set of authorities of the House of Commons they would have, what they had not at present, a very clear idea of what constituted an office of profit. The honourable member for Brisbane (Mr. Griffith) might give a very good opinion, but the Honourable Ratcliffe Pring, if in the House, might give a very different one; and again, the opinions of the learned members of the House of Commons might give them a different idea, altogether. At any rate, the honourable member for Wide Bay had not by his authorities given any good ground for supporting his motion, and his (Mr. Groom's) idea was that the honourable member should withdraw it. His attention had just been drawn to some remarks he had addressed to the House in 1871, when the Honourable Ratcliffe Pring was, whilst a member of the House, appointed a commissioner to report on the goldfields. There was no doubt that there was a difference between that case and the present. Then the House had decided that a commissioner should be appointed to report upon the goldfields, and the appointment was offered to Mr. Pring, who accepted it; but that was a distinct appointment of profit under the Crown, and was entirely distinct from the case of the honourable member for Bowen.

The Hon. G. THORN said this was not a matter for the House to consider, and suggested that it should be referred to the Committee for Elections and Qualifications, which was the course generally pursued in all the colonies. Two similar cases had occurred in New South Wales, and had been so treated. One was with respect to a gentleman of the New South Wales legislature (Mr. Fitzpatrick), and in that case both sides of the Assembly unanimously agreed that the matter should be referred to a committee. Were the same plan adopted now, the question could be decided in forty-eight hours, as the Committee were already appointed.

Mr. GRIFFITH said he had waited till now in the expectation that the honourable member whose seat was in question would follow the usual—he might say invariable—practice in such cases, and, after making his statement, retire. It was very unusual for an honourable member to remain in the House while such a question was being discussed; and that was the reason he had not spoken earlier. He entirely agreed that the question should not be treated as a party one; and he would point out that the first honourable gentleman who had spoken in answer to the motion was sitting on that (Opposition) side of the House. In his judgment, the matter rested entirely upon the true construction of the section of the Legislative Assembly Act, which had been quoted by the honourable member for Wide Bay. That Act provided clearly and plainly that if any honourable member accepted any office of profit during pleasure or for a term of years his seat should become vacant. The only question, therefore, was whether the honourable member for Bowen had accepted an office of profit during pleasure or for a term of years. He confessed himself unable to see how there could be two opinions, when they considered for a moment the nature of the office which he had accepted. Some precedents had been referred to by the honourable member for Toowoomba (Mr. Groom), but that honourable member lost sight of the fact that those questions arose before the Act of 1876 was passed, and that since then there had been no precedent exactly in point. Proof had been given by the *Gazette*—which was always taken as conclusive evidence—that the honourable member for Bowen accepted the position, whether an office of profit or not, under the Department of Justice Act 1876. That Act was not passed at the time referred to by the honourable member for Toowoomba, and no occasion had arisen for putting it in force until lately. The second section of that Act provided that—

"Whenever there shall be no Attorney-General it shall be lawful for the Governor in Council from time to time by proclamation to order and declare that all or any of the duties powers and authorities imposed or conferred upon the Attorney-General by any law statute rule practice or ordinance shall be had and exercised by the Minister for Justice or such other person as may be named in such proclamation in that behalf, and thereupon the Minister for Justice or other person so named shall have and exercise such powers duties and authorities respectively."

The office of Attorney-General under our Constitution was one to which a great many duties were attached. One was to prosecute in courts of justice; another to act as grand juror; and another to discharge prisoners by warrant under his hand. No one would deny that his office was an office. The duties had to be performed by an Attorney-General, and could only be performed by that officer, until the Department of Justice Act, 1876, was passed, which enabled another to be substituted. The intention was, that if there should be no Attorney-General, the Governor in Council might appoint the Solicitor-General, the Minister for Justice, or even the Collector of Customs, to act in his place. That the person appointed to discharge the duties was not an officer was a proposition which would not have been listened to when the Act was being passed. The intention was, that if the office was not filled by the Attorney-General some other officer in the Government service might be appointed. He would call the attention of

the House to the way in which the appointment had been made. First, there was the minute of Executive Council laid on the table of the House on the 14th May, stating that the offices of Attorney-General and Solicitor-General being at present vacant, it would be necessary to appoint some person to act as Attorney-General at Maryborough; and recommending that Henry Rogers Beor, Esquire, be appointed, and that he be paid therefor a fee of eighty guineas and actual travelling expenses not exceeding two guineas per day. That was an order that he should be appointed under the Department of Justice Act, 1876, and the Supreme Court Act, 1867. That was the nature of the appointment. Then came the proclamation: "I do hereby order and delare that Henry Rogers Beor, Esquire, barrister-at-law, shall be the person in whose name, &c." That gentleman was, therefore, appointed Attorney-General for the time being, and had conferred upon him all the powers, duties, and functions of Attorney-General, including acting as grand juror. He had to discharge all the duties during that time. Now, he (Mr. Griffith) said that, in his judgment, that was an appointment to an office. That he was, in fact, filling the office of Acting Attorney-General, though he did not attach any weight in the ordinary definition of the term, was a matter scarcely open to doubt. Then, as to the term "during pleasure," he found, on turning to the Constitution Act, that all appointments were during pleasure unless otherwise stated. A few officers, such as judges and Auditors-General, held their offices during good behaviour; all others during pleasure. That proclamation issued on the 22nd March could have been revoked at any moment up to the time of the termination of the Circuit Court. Offices created under that statute were held during pleasure, or until all the functions appertaining to the office were performed. Next came the question of profit, and upon that they had the statement of the Colonial Treasurer, and the Executive minute authorising the fees to be paid. The statute was applicable to barristers and any other persons holding offices of profit within the meaning of the Act. The honourable member for Toowoomba had referred to the fact of barristers having received fees for doing Government work. That had been the practice as long as there had been a bar and a Parliament, and no objection could be made to it on constitutional grounds. There might be some objections on other grounds, but to those he had no need to refer. The cases referred to by the honourable member bore no analogy to appointments under this statute. The office of Attorney-General was one necessary under our Constitution for the performance of certain duties, and in the absence of the Attorney-General some other person must be appointed to perform the duties. The only contention on his part was that the person so appointed was an officer. Whether the office was political was immaterial, but it was an office of profit. The honourable member for Toowoomba had referred to three cases. In the case of Mr. Russell Gurney in 1865, there was nothing to guide this House, because it had not been shown whether he had resigned his seat or whether he had received remuneration. The honourable member also referred to the case of Sir Roundell Palmer, but that gentleman was simply a barrister receiving a brief from the Crown, a practice which, as he before said, had been the custom ever since there had been a bar and a Parliament. Sir Roundell Palmer appeared for the Government of Great Britain at Geneva, on the same principle as the honourable member for Moreton, the late honourable member for Fortitude Valley, and the honourable member for Bulimba had acted under the Crown here. With regard to Sir Bryan O'Lochlen, the question was not whether the office of Attorney-General in Victoria was an office of profit, but whether an office of profit in a colony was an office of profit within the meaning of the statute of Anne—whether, in fact, the Government of the colony was so far detached from the Crown of Great Britain that a gentleman accepting an office of profit in a colony, under the Constitution of that colony, could be considered as not having accepted an office of profit under the Crown of Great Britain. That was a very nice question, which it was unnecessary to discuss now. It had been the practice, no doubt, to issue commissions to barristers to prosecute on circuit, or on some occasions in Brisbane, and the question had never been raised as to whether a barrister accepting such a commission had forfeited his seat; but that was entirely distinct from a question arising under the Department of Justice Act. In the case of a gentleman holding a commission under the Supreme Court Act, during the Attorney-General's absence, that barrister did not occupy a different position from any other barrister holding a brief for the Crown. But, in the present case, the office of Attorney-General being vacant, and there being a necessity that it should be filled before the functions appertaining to it could be carried on, he submitted that it was clear that the gentleman who temporarily filled the office was in the position of "an officer," unless the words of an Act of Parliament could be altogether frittered away. There had been a precedent in this colony, which the honourable member for Toowoomba said was inapplicable; but he (Mr. Griffith) thought it applicable; and he would now refer to some of the speeches and votes recorded upon that occasion. It would be remembered that Mr. Pring, the

then member for North Brisbane, had been appointed commissioner to perform certain services in connection with the goldfields, to take evidence and report on their condition with a view to legislation affecting them. For that service he received some £1,500; and the question arose whether it was an office of profit under the Legislative Assembly Act. Upon that question Mr. Miles moved that the seat was vacant. Some honourable members thought then that the matter ought to be referred to a Committee of Elections and Qualifications. He found that the honourable gentleman himself (Mr. Speaker) had moved an amendment that the matter be so referred, and strong arguments were given why that course should be followed. Mr. Miles, in bringing forward the motion, quoted various authorities in support of his motion. Amongst the honourable members who spoke on that occasion was Mr. Groom, who quoted from a speech of Sir James Martin concerning the case of Mr. Baker, in which Sir James Martin showed clearly that, according to the Constitution Act, Mr. Baker had vacated his seat by accepting the office of commissioner for the goldfields. Mr. Groom held that the case of Mr. Pring was quite analogous to that of Mr. Baker, because in both cases there was the acceptance of the office of commissioner for the goldfields, and in both cases there was remuneration for the services that might be rendered. He further said that though he would wish to see Mr. Pring again in the House, still, on public grounds, and on public grounds alone, he felt bound to support the motion of the honourable member for Maranoa (Mr. Miles). He was followed by the Colonial Secretary (Mr. Palmer), who supported the motion, and pointed out that by accepting the office of commissioner Mr. Pring had vacated his seat. Mr. Palmer then said: "For his own part he must say that he thought the House should declare that they would not allow a member to accept any office of profit under the Crown without vacating his seat." The late Mr. Atkin also supported the motion, and the late Attorney-General (Mr. Bramston) spoke upon it. On the division, among the gentlemen who voted for the motion were the names of Messrs. Palmer, Bell, Bramston, Thompson, Ramsay, McIlwraith, Groom, Miles, and John Scott; and the motion was carried. It had been said that this case was quite distinguishable from the present one; but he found in the same volume of *Hansard* a copy of Mr. Pring's commission, in which, after reciting the occasion of the appointment in question, the following words appeared:—

"Now know ye, that we, reposing especial trust and confidence in your integrity, ability, judgment, and discretion, do, by these presents, and with the advice of the Executive Council, constitute and appoint you the said Ratcliffe Pring to be the commissioner for the purposes aforesaid, and do hereby authorise and require you to visit the goldfields of the said colony of Queensland, and to take evidence and examine into the present management of the said goldfields, and to prepare a report thereon which may serve as a basis for future legislation on the subject."

The question which arose was, first, whether it was an office; and, second, whether it was an office of profit. On that occasion it was contended that a mere temporary appointment did not disqualify; but the House rejected the amendment moved by Mr. King, and held that Mr. Pring had forfeited his seat. If that was a precedent to guide them, then the honourable member for Bowen had forfeited his seat, unless it could be shown that the appointment under the Department of Justice Act was not an appointment of profit. He submitted that such an appointment was made by the Governor in Council in the same manner as any other appointment was made by Executive minute, and that the gentleman who filled the position was an officer subject to the order of the Government in the same manner as any other officer in the Government service. It was an office that must be filled, and it must be considered as an office unless they said that the office of Attorney-General was not an office. It could not be held that a person who had been appointed and filled the position was not an officer in the public service while he was acting under that proclamation. He was subject to the Minister for Justice, and, supposing he had been sitting in the House, he would have been bound to go away and prosecute, in order to fulfil the duties coming under the terms of the proclamation. He would add that, on the occasion in 1871, the Speaker, Mr. Eliott, was asked his opinion on the subject. He was asked—

"Supposing the amendment to have been carried, and the question referred to the Committee of Elections and Qualifications, and before that committee had decided upon it that the honourable Mr. Pring's functions as Gold Commissioner had ceased, would it be competent for that committee to proceed?

"The SPEAKER, understanding that it was the wish of the House that he should give his ruling, must say that he offered an opinion on this matter with considerable doubt; while, at the same time, he did believe that the disqualification clause was effective, even though the work undertaken by Mr. Pring was finished."

The question resolved itself into a nutshell — whether it was an office, and whether it was an office of profit. It was a question whether the appointment to perform the duties of Attorney-General under the second section of the Department of Justice Act was an office or not; and that was a question that might be decided either by the House or by the Committee

of Elections and Qualifications. He trusted the matter would be fairly discussed, as all were equally interested in the matter, and it was very desirable that the functions performed by members of Parliament should not be interfered with by offices under the Crown.

Mr. BEOR said the leader of the Opposition had stated that he had been waiting to see whether he (Mr. Beor) would have to say anything, and then retire from the House, as had been the usual practice. The honourable member was quite right in saying that this was the first occasion he (Mr. Beor) had heard any question of the kind raised in the House; but he was not aware of any authoritative practice or rule enjoining such conduct upon any member placed in the position he was; and until he found some rule of that sort he was certainly not going to accept the dictation of the honourable the leader of the Opposition. At the best, it appeared to him to be merely a question of taste. He thought it desirable to take the course he had adopted, having a considerable interest in what was going on, and not desiring to withdraw at the earliest stage of the proceedings. He was very sorry that the honourable member who moved the motion should have imported some matters which should not have been introduced, not having anything to do with the question before the House. It would have been better if the honourable member had kept apart from the discussion any suggestion of political motives having influenced anybody one way or the other. The honourable mover had suggested that these appointments were made from political motives. In reply, he was glad to be able to point to several other instances to show how unlikely it was that the appointment was due to political motives. Since the entry into office of the present Ministry, which member of the bar had received the largest emoluments from the Crown for conducting the business of the Crown? Why, the honourable member for Moreton, whose vigour and powers of attack upon the Government had not been in any way diminished by the emoluments he had received—which were, he believed, three times more than he (Mr. Beor) had received. Did the honourable mover say that the honourable member for Moreton had been influenced politically by the Crown entrusting professional work to him during the recess, and by giving these fees to him? Did the honourable mover say that the fees received by his friend, Mr. Pope Cooper, for conducting the business of the Crown, were given from political motives; or that the fees received by his friend, Mr. Virgil Power, were given from the like motives? Did the honourable mover say that the fees received by the senior member for Brisbane for doing Crown work were given from political motives, or that any of these gentlemen were likely to accept these fees from political motives, or be influenced in any way in their political conduct by their receipt? He hoped the House would accept and believe that it was idle to suggest such a thing. If political motives had had any influence one way or the other, was it not more likely that both Mr. Pring and himself would, under the circumstances, have been annoyed and aggravated—if they were men who could be bought—by the larger fees given to members of the bar on the other side of the House? It would have been better if questions of this sort had not been introduced into the subject. With regard to the subject itself, he considered that he had not been fairly dealt with by the terms in which the motion had been framed. If the honourable mover wished to have it fully and fairly discussed, why did he not put the motion in proper terms? Why did he leave it open to honourable members to believe that the mere acceptance of an office of profit would be sufficient to render a member's seat vacant? The Act said, as the leader of the Opposition had pointed out, that if any member of the Legislative Assembly should accept of any office of profit or pension from the Crown during pleasure or for a term of years his election should thereupon be void. Why did the honourable mover not put in his motion that he (Mr. Beor) had accepted an office of profit during pleasure or for a term of years? Then the House would have had something to discuss, and would not have come, as some honourable members possibly had, with their minds partly made up on a wrong issue. The question before the House was not between two parties, or whether the seat belonged to one party or another, but it was like a criminal case where it was sought to inflict a penalty. In the motion before the House the honourable mover asked honourable members to deprive him (Mr. Beor) of something that he had enjoyed, and sought to inflict upon him the serious punishment of taking away from him his seat in that Chamber; but yet he did not put the real question plainly and fairly before the House. There was a considerable difference between accepting an office of profit, simply, and accepting an office of profit during pleasure or for a term of years. He should submit that in this instance there was not even the acceptance of an office of profit, but still less the acceptance of an office of profit during pleasure or for a term of years; and if there was no such acceptance, then he had not brought himself within the Act and had not rendered himself liable to be deprived of his seat. Had he accepted an office of profit during pleasure or for a term of years? An office of profit for a

term of years he had certainly not accepted; and the only question, therefore, was whether it was an office of profit during pleasure? The office accepted by him, if it was an office at all, was the performance of a certain temporary duty for the proper carrying out of which certain functions were entrusted to him. How could it be said that that was an office of profit during pleasure? The commission to him was to do a certain act; how, then, could he be considered to be holding an office during pleasure? It was obvious, he should have thought, that an office of pleasure meant an office which was permanent, to a certain extent; it could not mean the mere performance of an act. When a person was instructed to do a certain thing, could it be said that he held an office during pleasure? He contended that it was not an office at all, to accept a commission to prosecute on behalf of the Crown; it was simply accepting a commission to do a certain act—it might be said to be a commission to perform an office if he pleased. He would grant that much; but to perform an office and accept one were two different things. The argument used by the senior member for Brisbane reminded him of the patient who interpreted his doctor's order to put a plaster on the chest by placing it on a strong box;—they interpreted the term "office of profit" with one meaning where it was used with another. The intention of the Act was, that the acceptor of an office of profit during pleasure or for a term of years should be liable to lose his seat. What he submitted now was, that holding an office was something very different from performing an office or duty. To hold an office implied something permanent—must be something more than an instruction to perform a certain duty. The honourable member for Toowoomba (Mr. Groom) had referred in his speech to the practice of the home Parliament; and it was worthy of observation that the Imperial Act said nothing about holding the office during pleasure or for a term of years;—it made no limitation whatever, but simply said that if any member should accept of any office of profit during such time as he should continue a member of the House of Commons his election should be void. The Queensland Act, therefore, limited the offence, which was to render a seat vacant much more than the Act at home; and yet, although the latter was passed in the time of Queen Anne, there had never been a reported question whether the seat of a member had been vacated by the acceptance of such an office as it was contended he had held. They might look through all the cases quoted by "May," and not one was at all similar to the one now before honourable members. In every case cited in "May," not one of the offices there which had rendered seats vacant was of a temporary character, but they were all permanent. The question now before honourable members had never been raised at home, although the Act was so much more stringent. Could anyone doubt that cases must have occurred frequently similar to the one now under consideration by the House?—nay, more, where offices had been held of a much more permanent character, although coming exactly within the words of the statute; but yet, being of a temporary nature, the seats had been retained, and it had never been maintained that the members accepting the offices vacated their seats? He referred to the case of Mr. Russell Gurney and Sir Roundell Palmer. The honourable member for Brisbane (Mr. Griffith) had attempted to draw a distinction between the case of Sir Roundell Palmer, and had said that it was a case of a barrister accepting a brief merely. What difference was there, in effect, between the acceptance of a commission to prosecute and the ordinary acceptance of a brief by a member of the bar who was also a member of the House? The difference was merely technical to the smallest degree. A member of the bar in a civil case in which the Crown was concerned accepted the duty of performing certain functions on behalf of the Government, and a person who accepted the duty of prosecuting in criminal matters also accepted the performance of certain duties on behalf of the Crown, and in order to perform those duties effectually certain powers were given to him, such as finding bills and so forth. It was utterly absurd to say that in the latter case the barrister would be Acting Attorney-General in any sense, because he had only a small part of the duties of the Attorney-General to perform. No doubt the commission invested him with all the powers and duties possessed by the Attorney-General for performing those functions; but the general powers, privileges, and duties of the Attorney-General were in no way conferred, except in a limited way. Those functions only were conferred which were necessary to do the work of the Government with effect in the court of law in which the barrister was to appear. With regard to the case of Mr. Russell Gurney, the honourable member for Toowoomba had shown in what way it was applicable to the case before the House, and, by way of answer, the senior member for North Brisbane had said that if honourable members knew all about it it would probably have no application. That was not the way to treat the matter. When it was sought to deprive a member of his seat, it was not the style of argument which should be used to contend that no doubt if the case were investigated it would have no application. If an honourable member wished to argue like that, he should be prepared to show how it had

no application, and why the precedent stated did not apply. The honourable member for Brisbane referred to the Department of Justices Act of 1876, and said the question turned upon the interpretation of that Act. He also contended that that statute had been passed since nearly all the cases cited by the honourable member for Toowoomba had occurred. He (Mr. Beor) submitted that there could not be a more palpable quibble than to maintain that the question depended upon that statute. It depended in no way upon the Act of 1876, but upon the old Act of 1867. The question was whether by the acceptance of the duties which he performed at Maryborough, and the emoluments he had received, he had vacated his seat—whether he came within the terms of the section of the Legislative Assembly Act of 1867, and had accepted an office of profit. How he was appointed to perform the duties made no difference. The question simply was whether, having performed the duties, he was brought within the scope of the section? It was immaterial to the issue whether he was appointed under the Department of Justice Act or any other. The questions simply were, what were the duties he undertook? — did those duties bring him within the section of the Legislative Assembly Act? If they did, he had incurred the loss of his seat; if they did not, he had not. It might be said that the object of this enactment was to prevent any members of the Assembly accepting briefs or offices from the Government of the day; and it had been suggested to him that the object of the 6th section of the Act of 1867 was, that nobody might be under the suspicion of being brought within the influence of the Government of the day by receiving an office from it. No doubt, as applied to a permanent office, that argument would be good and sound, for it would be a most unfortunate thing for any legislature in the world that members of the Government should be able to appoint men who were also members of the Assembly to permanent offices under them. It was easy to see how it might act badly and disastrously to the Constitution if it were within the power of Ministers of the Crown to appoint members of the Assembly to permanent offices during pleasure or for a term of years—because any Government might hold these members in fear of losing their offices if they did not vote according to their desires, or might exercise influence over them in other ways. But how could it be said that a member of the bar who accepted a commission to prosecute at a particular Court could continue under the influence of the Government for any time? The matter only lasted a few days at the outside. As soon as the duties were performed the whole connection with the Government ceased; and how could it be supposed that by the giving of that brief the Government could retain a hold upon the member who accepted it? With regard to the practice of Parliament, if the construction which the honourable member for Wide Bay sought to induce the House to put upon this question were a correct one, it was a very singular thing that from the very commencement of Queensland as an independent colony all the leading lawyers of the colony, and all previous Parliaments, had been of the directly opposite opinion; and he should like to know by what inspiration the honourable member for Wide Bay had suddenly discovered that all these leading lawyers, and all previous Parliaments in succession, had made this gross mistake? It was not as though this was a new practice, that had been done once or twice or half-a-dozen times—it had been done over and over again from the very commencement of the colony. He had been at the pains to look up the matter and make some investigations with regard to the persons who had had precisely similar duties to perform that he had, and though it might be said—as the honourable member for Brisbane had said—that some of the conditions in those commissions were worded differently to the commissions that were issued to himself and Mr. Pring during the recess, he (Mr. Beor) submitted that this was a mere verbal quibble. The duties performed by Mr. Pring, and by himself and other members of the bar, who were also members of the House, upon previous occasions, were precisely and in every way — in every degree and to every extent—the same as the duties he performed at Maryborough some little time ago, and for the performance of which the honourable member for Wide Bay now sought to put his seat in question. Having looked up matters of that kind, he found that from the beginning of Parliamentary Government in this colony similar commissions to that which he held were held by Mr. Gore-Jones, by Mr. Blakeney, by Mr. Justice Lilley, who was then a member of the bar and also a member of the House; by Mr. Pring, and that he himself had previously held a commission precisely similar in every respect, except in the mere verbal wording of it. He believed that the honourable member for North Brisbane (Mr. Griffith), when in office as Attorney-General, from that peculiar turn of mind with which he was gifted, made some slight verbal alterations in the commissions he issued. The way in which those commissions differed from those previously issued was, that the person who undertook the duties of prosecutor was appointed also to do certain other duties—to file informations and bills; and the effect of the commission issued to him before he went to Maryborough to conduct the prosecutions there for the present Goverment was precisely similar. The

honourable gentleman had referred to the preamble, so to speak, of the proclamation under which he (Mr. Beor) was appointed to do these duties—the part commencing "whereas there is no Attorney-General," and so on; but the part of the proclamation they had to look to, and under which he performed his duties, was not the introductory part but the effective part;—

"Now I, Sir Arthur Edward Kennedy, by and with the advice of the Executive Council, do, by this my proclamation, order and declare that Henry Rogers Beor, Esquire, barrister-at-law, shall be the person by whom and in whose name all crimes and offences cognizable at the said Criminal Sittings of the Circuit Court to be holden at Maryborough on the day and year aforesaid, shall be prosecuted, and who shall have and exercise all the duties, powers, and authorities of the Attorney-General at the said sittings of the Circuit Court."

That only authorised the exercise of those powers at the Circuit Court: it conferred no general powers of the Attorney-General, which were reserved altogether, but only conferred such powers as were necessary for the prosecution of criminals at that court. Therefore, it differed in no way from a commission to prosecute—it was the same as if it simply said that Mr. Pring or Mr. Beor should be the person who should prosecute, file bills, and act as grand juror. Instead of that, it conferred the powers exercised by the Attorney-General at that court. But the Attorney-General had no other powers at that Court but to file bills, enter *nolle prosequis* and to prosecute. These were all the powers conferred upon him—the powers necessary to prosecute; and to draw a distinction between the words of that particular proclamation and the words of previous proclamations that the honourable gentleman (Mr. Griffith) himself had issued was the smallest and most palpable quibble that could be conceived. It was merely pointing out that words which had precisely the same effect were to some slight extent different. He held in his hand a commission dated the 22nd of October, 1868, and addressed to Mr. Charles Lilley, which read as follows:—

"To Charles Lilley, Esquire, barrister-at-law, Q.C.

"GREETING.—We, reposing special trust and confidence in your loyalty, integrity, and ability, do by these presents appoint you the said Charles Lilley to be the person by whom and in whose name all treasons, felonies, misdemeanours, and offences cognizable at the Criminal Sittings of the Supreme Court to be holden at Brisbane, in the Colony of Queensland, on the sixteenth day of November, one thousand eight hundred and sixty-eight, shall be prosecuted, and we do also appoint you to perform the duties of a grand jury therein."

Mr. Justice Lilley was then a barrister-at-law, holding a seat in that House. These commissions—the one which the honourable member (Mr. Griffith) had referred to as having been issued by himself—this one, which was issued to Mr. Lilley in 1868 and, he believed, similar ones issued at different times to members of the bar who were also members of that House, and the commissions that were issued by the present Government to Mr. Pring and himself, were slightly different in terms, but they all meant this and nothing more—that the persons to whom they were issued were to prosecute criminals at the Circuit Court. He confessed that he was surprised when he heard this motion moved in the House because, although he had heard a rumour that such a motion was to be moved, he did not think it possible that there could be found in the House a member who would endeavour to wrest from another member his seat, and deprive him of it by a forced and speculative construction of a new Act of Parliament—by endeavouring to persuade the House to put upon that Act a construction which at the best must be said to be a speculative construction, and a construction opposed to what had been the construction given for all time, so far as this colony was concerned, by previous Parliaments and all the leading lawyers of the colony. He confessed that he was surprised that any member should have been found to do that, and he must say that he thought the better course would have been—supposing it was considered inexpedient that this kind of work should be done any more by members of the House—to do what had been done in the New South Wales Parliament—bring before the House a resolution to the effect that in the future it would be better that members of the House should not accept commissions of the kind. He thought that would have been the better course; although, for the reasons that had been urged by the honourable member for Toowoomba (Mr. Groom), he did not think it would be wise to pass such a resolution, because, if such a rule as that were passed, they would certainly do one of two things—they would either deter leading members of the bar from entering the House at all, or else the Government of the day would be deprived of the services of those gentlemen; because he supposed it was the ambition of every member of the bar who became successful in his profession to enter the House, but he did not suppose that any member of the bar would, without reluctance, consent to forego all the most honourable and arduous duties of the profession. Undoubtedly the prosecution of criminals in serious and onerous cases was one of the most arduous duties in the profession, and therefore the most honourable; and he did not suppose that any member of the bar would, for the sake of a seat in that House, be

willing to forego the most arduous, the most honourable, and, possibly, the most lucrative employment of the bar. He thought that in a young country like this it would be exceedingly unfortunate if a rule was made that no member of the bar who was also a member of the House should accept a commission of this kind from the Crown. In larger colonies like New South Wales and Victoria, where the bar was considerable, it might be advisable to pass such a rule; but it was certainly most unjust to come before the House and endeavour to turn a member out of his seat by an *ex post facto* resolution, saying that the previous practice of the House to which he belonged had been wrong for many years past—ever since they had had responsible Government. He maintained that if the previous practice was now considered to be not a good practice, the wisest and most just course to have pursued would have been to introduce a resolution to the effect that it was not expedient that members of the House who were members of the bar should hold commissions on behalf of the Government; and not endeavour to induce the House to put a false and, he submitted, a speculative and new construction upon an Act of Parliament which had been followed and observed in the way he had stated ever since Queensland had been a colony.

The Hon. J. DOUGLAS said that on a question of privilege of this sort he felt it his duty to approach it as fairly as possible, and he thought every member of the House should divest it as far as it possibly could be divested of any party surroundings. On the face of it there was this difficulty—that they could not exactly confront honourable gentlemen opposite without feeling that it would possibly be convenient and satisfactory to dispose of one of their seats; but at the same time he thought that they ought to treat these matters of privilege as fairly as possible. He had listened to the debate with some anxiety, and he hoped the honourable member for Bowen would understand that whatever he might say to-night was not from any desire to unseat him, but simply to express his own opinion upon the legal position—or rather, he should say, what he believed to be the illegal position—the honourable member occupied at the present time, and not from any desire to put, as that gentleman said, a speculative and strained construction upon the Act which had not been hitherto put upon it. He thought it was hardly fair to impute that to his honourable friend the senior member for Brisbane. The honourable member for Bowen must admit that he (Mr. Beor) and the Honourable R. Pring were the first who had occupied a position such as that now contended against.

Mr. BEOR: I deny it.

Mr. DOUGLAS said that was the point upon which he disagreed with the honourable gentleman, and in respect to which he thought he had taken a wrong view of the question. To his (Mr. Douglas') mind there was no question that the honourable gentleman was the first member of this House who had occupied the position of Acting Attorney-General and yet retained his seat.

Mr. BEOR: I was not Acting Attorney-General.

Mr. DOUGLAS said that was his interpretation, and the law, so far as he was able to understand it, was that the previous cases mentioned were not analogous to this one. The very commission which the honourable member read referring to Mr. Lilley, in the year 1868, conclusively proved to his mind that it was an entirely different commission to that by which the honourable gentleman was appointed. The commission the honourable gentleman read was one simply appointing a legal gentleman to prosecute and act as grand juror in a specific case. It was not an appointment such as that which the honourable member for Bowen held—that of Acting Attorney-General. He therefore thought it was not exactly fair to the honourable member to say that a strained interpretation had been put on the position. That honourable member must admit that the Act was now being put into force for the first time. This was the first occasion in which the Department of Justice Act of 1876 had been brought into force—or it was when Mr. Thompson held the office of Minister for Justice—and the action of the Government in that respect rendered it necessary that they should appoint either a permanent Attorney-General or a Solicitor-General, or to do as they did—appoint an Acting Attorney-General. Now, he had been informed that the position of Attorney-General in a commission similar to this had been virtually recognised by the judges, and that they had accorded to the honourable gentleman holding that position the personal precedence which under the rules of the bar was only accorded to the Attorney-General. He believed it had been decided, after discussion, that the gentleman holding the commission referred to was practically the Attorney-General—that he filled for the time-being the office of Attorney-General, and that the holding of that office carried with it the right of reply, and the personal privileges which attached to the Attorney-General. Therefore the judges, at any rate, perceived that in this respect there was a difference between Acting Attorney-General as now constituted, and any previous Crown Prosecutor who might have been appointed under some special commission. He hoped the honourable gentleman would excuse him for thinking that

he had attributed to his honourable friend the honourable member for Brisbane a certain amount of officiousness which was not deservedly to be attributed to him. He might here also refer to the position of the honourable member for Bowen now occupied in the House. In his opening remarks that honourable member said he had a perfect right to choose his own time for making his statement on the case, and intimated his opinion that he might even vote upon the question, it being merely a matter of taste whether he did so or not. He was not going to say that there was any charge at present brought against the honourable gentleman, but as his seat was in question in that sense he might be said, or the resolution might be said, to be a charge against him for being in the House without sufficient warranty. That might be said to be a charge, and he hoped the honourable member would understand him in that sense, and not as imputing a personal charge. Still, he was charged with being there illegally, having accepted an office of profit, and in that respect he would have been disqualified, and would have had to withdraw under Standing Order 99, which said—

"Every member against whom any charge has been made, having been heard in his place, shall withdraw while such charge shall be under debate."

That was further confirmed by the practice of the House of Commons.

The COLONIAL SECRETARY: There is no charge against him.

Mr. DOUGLAS did not say there was a charge against the honourable member personally, but he was charged with being there illegally by those who believed he had vacated his seat by acceptance of office. That was the charge, and he was borne out in that view to some extent by the practice of the House of Commons. It was stated in "May," at page 314—

"It is a rule in both Houses that when the conduct of a member is under consideration, he is to withdraw during the debate. The practice is to permit him to learn the charge against him, and after being heard in his place, for him to withdraw from the House. The precise time at which he should withdraw is determined by the nature of the charge. When it is founded upon reports, petitions, or other documents, or words spoken and taken down, which sufficiently explain the charge, it is usual to have them read, and for the member to withdraw before any question is proposed; as in the cases of Lords Coningesby, in 1720; of Sir F. Burdett, in 1810; of Sir T. Troubridge, in 1833; of Mr. O'Connell, in 1836; of Mr. S. O'Brien, in 1846; of Mr. Isaac Butt, in 1858; and of Mr. Lever, in 1861. But if the charge be contained in the question itself, the member is heard in his place, and withdraws after the question has been proposed; as in the cases of Mr. Secretary Canning, in 1808; and of Lord Brudenell, in 1836. If the member should neglect or refuse to withdraw at the proper time, the House would order him to withdraw."

In addition to that there was a sessional order, renewed from time to time, which provided—

"And if anything shall come in question touching the return or election of any member, he is to withdraw during the time the matter is in debate."

He did not grudge the honourable member the statement he had made, but he referred to this to show what was the usual practice in such matters. He wished to be distinctly understood as not imputing anything personal to the honourable member, but he simply wished to point out the form in which it would have been better that he should act. In regard to the question itself, there seemed to him to be very little doubt that the honourable gentleman had accepted the office, and that that office was one of profit. The honourable gentleman raised a defence upon the statement that it was not really one of pleasure, and that it was only to do a certain thing, which being done his function ceased; and that such an office was placed in the same category as a permanent office. He was quite willing to admit that there might be a good deal of doubt on this point, but to his mind the office was an office of profit; and, without entering into any legal quibbles, it was sufficient to him to interpret the bearings of this case by the general principles of the Constitution, which seemed to him to indicate that it was not desirable that members of the legislature should hold office even temporarily—in other words, that members of Parliament should not receive public money during their service as representatives of the people. Indeed, the House had already borne testimony to that principle, for during the last session of the last Parliament it was carried to the extreme point of extracting a pledge from the Government that fees should not be paid to members of the Upper House. Admitting that there might be a doubt as to the exact interpretation of the law—though on that point the honourable member for North Brisbane had shown good grounds for believing that this was really an office of profit—they were bound to come to the consideration of this question under the light of their constitutional practice. That constitutional practice, and the principles by which they ought to be governed, seemed to him to justify the passing of this resolution. The honourable member for Toowoomba based his arguments against the resolution on the ground that it would be inconvenient if members of the bar who had seats in the House were to be prohibited from taking fees from the Crown, He (Mr. Douglas) would go to the extent of prohibiting members of the House from

even accepting briefs from the Government; for the acceptance of briefs might be made an engine of corruption, just as much as the temporary appointment of Acting Attorneys-General, and it was desirable that all doubt on this point should be set at rest. It was of far greater importance that the absolute purity of the representative branch of the legislature should be put beyond doubt, than the mere question of how the Government were going to secure proper representatives in courts of law. In that view the arguments of the honourable member for Toowoomba did not hold good. That honourable member also referred to the practice in New South Wales, stating that no orthodox line had been laid down in that colony for dealing with cases of this nature. It might have slipped the honourable gentleman's memory that, some years ago, this very question was raised and decided in the legislature of New South Wales. Temporary appointments were given to barristers, and there was a difference of opinion as to whether their seats were vacated or not; and the Committee of Elections and Qualifications distributed their favours, in some cases holding that the seats had been vacated and in others that they had not. The growing practice of subsidising certain honourable members in this form led to the adoption in that colony, on the 21st December, 1875, of a distinct resolution, which was moved by Mr. Buchanan, and eventually carried, in the following form:—

"1. That in the opinion of this House the Government should not employ any member of the Legislative Council or Legislative Assembly in any office or temporary employment to which remuneration is attached while he continues to hold his seat as a representative of the people.

"2. That the above resolution be communicated by address to His Excellency the Governor."

Sir Henry Parkes himself assisted in the passing of this resolution, and yet when he, the other day, wished to appoint Mr. Darley as acting judge of the Supreme Court, he proposed to rescind that resolution; but there was so strong and unanimous an expression of opinion in the House against the rescinding of the resolution that he was compelled to withdraw his motion. It was true there was no such resolution to guide the members of the Legislative Assembly of Queensland, but they ought to act on the proper interpretation of the constitution in its strictest legal sense, and that would be that it was not desirable that any member of the legislature should participate in any form in the receipt of public money without vacating his seat. The honourable member for Bowen asked what harm he had done, as the appointment was simply one of a temporary nature? But in his opinion it was for that very reason more objectionable than a permanent appointment would be. A member who held a permanent office would derive a certain amount of independence from that fact, and would discharge his duty irrespective altogether of the position of the Government. But gentlemen who at different periods were subject to being heavily feed by such appointments as this might be brought under influences adverse to their position as independent members of the legislature, on critical occasions. Supposing the honourable member at the head of the Government were to offer to the honourable member for Moreton, as he had a perfect right to do, the position of Acting Attorney-General, or to offer him a heavy fee for the conduct of the Government business, it was all very well to say that the honourable gentleman's character was too high to suppose that he would be influenced by such things; but even so, people who looked on outside at those transactions might view them in a very serious light. The Government might, if they chose, distribute other offices amongst members opposed to them, and might by so doing maintain such a hold upon them as to govern by those indirect modes of influence. Such being his view of the case, he held that the House would do wisely to pass the resolution in the form proposed. It was justified by the law, and by all constitutional principles.

The COLONIAL SECRETARY said it appeared to him that the argument on this question might be put into very few words, and there was no necessity for wasting the time of the House, as had been done for the last two hours and a-half. They had nothing to do with any resolution that had been passed in the Parliament of New South Wales. This House had no such resolution to guide it, and there was a vast difference between a man being appointed a judge and a temporary Crown Prosecutor. Every member of the House would rise up in arms if the Government proposed to appoint a member of either branch of the legislature as an acting judge. It was not their desire to have a political judge. They wished to keep the bench as pure as possible. When a man went on to the bench he was supposed to go out of politics altogether, and as far as their experience in this colony was concerned that had always been the case.

Mr. DOUGLAS: I merely referred to that resolution as a matter of fact, which had occurred in New South Wales.

The COLONIAL SECRETARY said that it had nothing whatever to do with the question before the House, and was only brought forward by the honourable member for Maryborough to trouble the water. The question simply resolved itself into this—was this appointment to prosecute at Maryborough an office of profit under the Crown during pleasure or for a term

of years? That was the simple question which the House had to decide. They might get rid of the latter part of the question at once, for nobody had asserted that the appointment was for a term of years; and he had not heard one argument brought forward to prove that it was an appointment during pleasure. The honourable member was simply appointed to do a certain thing at a certain place, and there was no pleasure about it. He did not think any honourable member with a head on his shoulders, applying his mind in the way he ought to do on this occasion, would assume for one moment that it was an office of profit during pleasure. They had heard a great deal of "high-falutin" on the point that every question of this sort ought to be approached in a fair and impartial spirit and without any admixture of party feelings; but the honourable member who introduced this subject launched out at once into party questions and travelled out of his record in all directions, and everybody who had succeeded him on that side of the House had followed his suit. While talking about not making it a party question, they did all they possibly could to make a party question of it; and the honourable member for North Brisbane had gone so far as to traverse the right of the honourable member to sit in the House while this question was being discussed. He (the Colonial Secretary) never heard anything so absurd. The honourable member had a perfect right to sit here, and, if he chose, to vote on the question. The only rule applying to the case was the 120th bye-law, and that simply said—

"No member shall be entitled to vote upon any question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed."

Had the honourable member for Bowen any direct pecuniary interest in this matter? He had not heard anyone go so far as to say that. Such being the case, if he chose to vote here he had quite as good a right to do so as the two members for Darling Downs whose seats had been petitioned against, and who had nevertheless voted on every question that had come before the House. If the honourable member for Bowen did not choose to vote on this occasion it would be a question merely for his own consideration and as a matter of taste. He should like to be informed of any bye-law which ruled to the contrary. The honourable member for Maryborough quoted one bye-law to the effect that when a member's conduct was under discussion he should withdraw after he had been heard. But the conduct of the honourable member for Bowen was not under discussion, and therefore the bye-law mentioned did not apply. From the time that he (the Colonial Secretary) had been a member of the House—which was now a considerable number of years—it had been the custom of the Attorney-General for the time being—and no Attorney-General had carried it to a greater extent than the present honourable member for Brisbane—to give briefs to the different members of the bar and to members of the House.

Mr. GRIFFITH: How many?

The COLONIAL SECRETARY: The honourable member knows a great deal better than I possibly can.

Mr. GRIFFITH: One.

The COLONIAL SECRETARY said it made no difference whether the honourable gentleman had given one or twenty—the principle was the same. The thing had been done, and he should much like to hear what the honourable member would have said on this question if the honourable member for Bowen had happened to sit on the other side of the House;—he had an idea that in that case his arguments would have been quite the other way. The case of Mr. Pring having accepted a commission from the Crown had been brought forward as a parallel case to this; but there was no parallel whatever between them. Having been a member of the Ministry who made that offer to Mr. Pring, he could say that Mr. Pring was informed when the appointment was offered to him that it would vacate his seat in the House; and Mr. Pring accepted the appointment with that understanding. The honourable member for Maryborough had expressed his opinion that it ought to be made a general rule that no brief should be given to any member of either House. Why such a rule had not been made when the honourable gentleman had an opportunity of doing so he was at a loss to know. At the same time, he (the Colonial Secretary) was at a loss to know why the Crown should forfeit its right to employ the best talent they could obtain in the country, whether it was outside the House or in it. The Crown ought to have the same right as the general public to choose the barristers to whom its briefs should be given; and that had been his often expressed opinion ever since he had had anything to do with politics. Why a gentleman who might be at the head of his profession should be debarred from holding a brief from the Crown simply because he was a member of either House he never could understand—indeed, in the case of a Queen's Counsel he would be bound to accept a brief from the Crown, and without a special Act of Parliament no resolution of the House could prevent him. He maintained that in the present instance the honourable member for Bowen had done nothing more than simply taken a brief: he had accepted no office during pleasure, and no office during a term of years; and he (the Colonial Secretary) hoped the

House would show by their vote that they accepted that interpretation of it.

Mr. DICKSON said that, although this was a question which might be more fully argued by members of the legal profession, it seemed to him very singular that honourable members who had repeatedly deprecated members of the House of Parliament receiving the slightest emolument in the shape of fees for services rendered should now assume the defensive, and consider that this very practice was unobjectionable. The Colonial Secretary would remember that, when the Estimates were under discussion in 1877-8, he concurred with some other honourable members in raising objections to members of the legislature receiving even the paltry fees for their attendance continuously at the Marine Board, the Medical Board, and some other departments of Government. He expected that, these very decided views having been expressed then, the Colonial Secretary would now also see the impropriety of members of the House, even though they were connected with the legal profession, accepting fees from the Government for services rendered. He was glad to see that several honourable members regarded the discussion not in the light of a party question, and he himself should deprecate its being viewed in that way. It was a question which concerned the rights and privileges of the Assembly, and should be considered strictly in that position. For himself, he regretted that it should have appeared to attack a gentleman whose presence in the House he had always regarded with great satisfaction, and who, even had he acted as he should have acted in this case, and relinquished his seat under the circumstances of his holding an office of profit under the Crown, would have soon, no doubt, reappeared amongst them. He (Mr. Dickson) concurred with the views held by the honourable member for Maryborough, and should like to see this question definitely settled by a resolution of the House, stating that for the future no Member of Parliament should receive fees from Government for services rendered. This would preclude the Government of the day, possibly, from availing themselves of the best legal talent at their disposal; but at the same time, if laymen were excluded from receiving fees for services they could best render, legal members of the House should be placed in a similar category. The Government had no business to make fish of one and flesh of the other; therefore he should be glad to see an abstract resolution submitted to the House, and he believed it would be supported by many honourable members who possibly would object to the motion before the House in its present shape. The subject was one well worthy of discussion; and while he deprecated the idea of attacking the honourable member for Bowen, he wished to have the privileges of the Chamber conserved. It should not be forgotten that representative Government, in the House, was liable to gross perversion and abuse if it were in the hands of a Government of the day. He did not by this imply the present Government; but wished to maintain that, if it were in the power of any Government to increase their power in the House by holding out expectations to honourable members of advantages to be obtained by conforming to the views and opinions of such Government, there was great danger. He would be glad, therefore, to see a resolution brought in excluding members of Parliament from accepting any fees derivable for services rendered to the Crown;—this would tend greatly to purify the atmosphere of our legislative institutions, and would have a very salutary effect altogether.

Mr. NORTON said he agreed with what had fallen from the honourable member as to the impropriety of making the present a party question, and for that reason he had paid particular attention to what had fallen from honourable members on both sides of the House. The honourable member for Brisbane (Mr. Griffith) had made a special case of that of the honourable member for Bowen; had it not been made a special case he should have opposed the motion, because it had been shown that it had been the practice for years to employ honourable members of that House in the capacity of Acting-Attorneys-General, and because he could not see the slightest difference between an appointment of that kind where a gentleman acted for the Government in conducting criminal cases, and where a gentleman acted for them in civil cases. The honourable member for Moreton had been lately employed in the latter capacity, and he understood that the honourable member for Brisbane, whilst Attorney-General, also conducted cases for the Crown, distinct from those he conducted as Attorney-General, and for them he received fees from the Crown. The honourable member, however, had made the present a special case, and had been very ably supported by the honourable member for Maryborough. It had been said that the honourable member for Bowen accepted employment from the Crown when there was no Attorney-General, and that, therefore, he acted in the capacity of Attorney-General. That special case was worthy of consideration; but at the same time he did not agree with what had been said as to the fact of there being a Minister for Justice in place of an Attorney-General, placing the honourable member for Bowen in the position of Attorney-General. If there happened to be a Supreme Court

sitting at Bowen and at Brisbane at the same time, it would be necessary to appoint some gentleman to act in the capacity of Acting Attorney-General at these two places, and, if the case was properly stated, there would then be two Attorneys-General. But apart from that question was this—the Minister for Justice had lately resigned, and in his place an Attorney-General had been appointed; but there was nothing to have prevented the Minister for Justice from resigning at an earlier period, and, had he done so, there was nothing to prevent the Government from appointing an Attorney-General at the very time the honourable member for Bowen was said to have been acting in that capacity. Under the circumstances he did not see that that honourable member had acted in a different capacity from that which had been occupied by other honourable members of that House.

Mr. Rea said the honourable member for Wide Bay had been blamed by the honourable member for Bowen for the manner in which he had brought forward the motion, but he believed it was identically the same course as that pursued by the honourable member for Wide Bay when he brought forward his motion with regard to the late honourable member for Fortitude Valley. The question appeared to him to have merged into what the honourable member for Bowen had designated a quibble, but which was in reality a parcel of quibbles. The whole question, however, which non-professional members had to look at was, what it was that told upon the legislation of that House;—that was the question to which they should give their attention. In England, so soon as a member accepted a contract—no matter of how temporary a character—from the Government, the Imperial Parliament decided that that man must not be allowed to speak or vote in that House. That showed what they considered was the tendency of members accepting money from the Crown; and, surely, the same principle applied tenfold to our House, where there was such hair-splitting. He did not attach so much importance to what had been done by the late Government, as he held it was the fault of those who were then in opposition not to have taken notice of it in the same way as had been done, that evening, by the honourable member for Wide Bay. He contended that a legal member receiving fees from the Crown forfeited his seat as much as a man did who became a contractor to the Government. He would ask, however, what had been the history of the present Government but a series of innovations from the first hour of their formation? The first thing they did was to break a Constitutional law by voting money in the manner they did last session; then, during the recess, they violated the Land Act of 1866; and as soon as they opened the House they violated the Constitution Act by swamping the House with law officers. He hoped honourable members would see that this was a most vital question;—it was a question whether independent members, who were sent to represent their constituencies, should be swamped by lawyers receiving the money of the Treasury benches. He would, for his part, rather see a man enter the House with a special retainer from the Government in his pocket for five years, than that such indefinite bribes should be held dangling before honourable members all through a session. He thought the honourable member for Wide Bay was deserving of their hearty thanks for bringing the matter before the House.

Mr. Rutledge said that before, making any remarks on the motion before the House, he desired to reiterate what had fallen from honourable members, that in a matter of this kind all party views and feelings should be entirely laid aside, because he was prepared to adopt that course himself, and, even at the risk of seeming to be to a certain extent disloyal to his party, he felt bound in the present instance to abstain from voting on that side of the question which had been advocated from his side of the House. He thought that the law was perfectly clear that any member of that Assembly accepting an office of profit under the Crown during pleasure vacated his seat, and there was not a doubt on his mind that the eighteenth section of Victoria 19—the Constitution Act of New South Wales—which was similar to the clause in our own statute book, was to prevent members sitting in that House from accepting anything in the shape of emolument from the Government which would have a tendency to give that Government an influence over their votes. The object of the framers of the Constitution Act in inserting that clause was evidently to lift from any member the liability to be unduly influenced in recording his vote by the Ministry of the day. In these colonies it was not always possible to have a representative Chamber consisting entirely of members whose services in other directions could be entirely dispensed with. Some honourable members appeared to think that the clause was inserted entirely with a view to prevent members of the bar from accepting retainers from the Government, but he considered that it aimed at any member in any capacity receiving gratuity, salary, or fee for any service whatever; and a resolution which appeared in the "Votes and Proceedings" in the New South Wales Legislature, 1875-6, confirmed that view. Although they had a section in their Constitution Act precisely similar to the sec-

tion in our Act, it was found necessary in 1875-6 to put this resolution—

"In the opinion of this House the Government should not employ any member of the Legislative Council, or of the Legislative Assembly, in any office or temporary employment to which remuneration is attached, while continuing to hold a seat as representative of the people. And, further, that this resolution be communicated by address to His Excellency the Governor."

That was conclusive evidence to his mind that the principle was acknowleged up to that time of employing barristers or members of the Legislative Assembly to render services to the Government, for which remuneration was given. Sir Henry Parkes had moved a resolution, the other day, the effect of which, if carried, would have been to have rescinded that resolution. His object was not to obtain authority to give fees to barristers to conduct cases, but to give the Government of the day the power to employ members of Parliament to act in the capacity of judges. That was a different thing altogether from giving a brief to a man to prosecute on behalf of the Crown. Although two blacks did not make one white, yet honourable members might admit that when a member of this House who accepted a commission under the seal of the colony to perform certain duties violated the letter of the Constitution, they should not visit upon him the punishment which they were not prepared to visit upon the head of the man who, without violating the letter, violated the spirit of the Constitution. He did not wish to dwell particularly on that point, but he thought that the member who accepted a good large fee from a Minister of the Crown for the performance of any duty, virtually as much violated the spirit of the law as though he had received the fee for the performance of duties under the hand of the Governor and the seal of the colony. He should therefore abstain from voting, because, although he could not affirm that the honourable member for Bowen had not violated the spirit of the Constitution, he did not feel called upon to vote for that honourable member's expulsion from the House whilst others who had held briefs were permitted to retain their seats. While upon this point, he would take the opportunity of setting himself right with the public with regard to a statement made in the columns of the *Courier* by the honourable member for Bulimba. That honourable member told the public that he (Mr. Rutledge) had received a brief to represent the Crown at Beenleigh. The honourable and learned member must have been very greatly misinformed, and had done him a very serious injustice in publishing such a statement to the world without first giving him an opportunity of acknowledging or denying it. He (Mr. Rutledge) denied that he ever went to Beenleigh, or anywhere else, to represent the Crown. He was quite disinterested on this subject, and did not feel inclined to make a scapegoat of the honourable member for Bowen, though he thought that honourable member was wrong, and that the whole system was wrong. He would vote for any resolution affirming the desirableness of either preventing members of the bar from doing any such work, or setting forth what they should do, how much, and under what circumstances. Were they now to affirm that the seat of the honourable member had become vacant, they would narrow down the choice of the Government very considerably in selecting counsel to conduct cases of great gravity in the future. It was well known that the leading members of the bar were usually to be found on the floor of this Assembly. He did not, however, in saying that, wish to reflect upon members of the bar who had not seats in the House. Crown prosecutors had certain duties to perform, and it would be very inconvenient when the services of honourable members were required in the House that they should be scattered over the colony discharging their duty. It would not be advantageous, on the whole, to the interests of the country that it should be affirmed that members of the bar should under no circumstances be able to take briefs from the Crown. The resolution proposed to be rescinded in New South Wales contemplated not only members of the bar, but everybody else. In a colony like New South Wales there would be greater reason for adopting such a resolution. The Government there would have an opportunity of keeping in funds necessitous members of Parliament in return for, perhaps, fictitious services on behalf of the country. The resolution was not aimed at members of the bar, but at what had grown to be an abuse in New South Wales. The Government had a large number of needy hangers on, who could be kept in funds by the creation of temporary offices which they were selected to fill. Under these circumstances, he felt that a violation of the letter of the law had been committed; but because the same thing had been done in other cases, and the spirit had been violated without the letter being infringed, honourable members were not justified in marking their displeasure by selecting the honourable member for Bowen as a victim.

Mr. BAILEY rose to reply.

The SPEAKER said that on a motion of this kind it was not usual that an honourable member should be entitled to reply.

Mr. GRIFFITH thought the mover had the right of reply. Nothing contrary to that had come under his notice in the Standing Orders, and he referred to the precedent in 1871, when the present honourable mem-

ber for Darling Downs (Mr. Miles) moved a motion and replied.

Mr. COOPER pointed out that the question of privilege arose from the suggestion of Mr. Speaker, made yesterday, and had taken some honourable members by surprise. But for the very able and temperate address of the junior honourable member for Enoggera—in which he concurred—he should have made some rather lengthy comments upon this question. He would add that the honourable and learned member for North Brisbane had certainly misconceived the position of the honourable member for Wide Bay, who, having elected to proceed by raising a question of privilege instead of moving the motion standing in his name, was now debarred from replying on the question of privilege.

The COLONIAL SECRETARY wished to recall to the recollection of the honourable the Speaker that his honourable friend the Premier had put the question whether this was a question of privilege under which every person had a right to speak as often as he liked; and the honourable the Speaker ruled that it was a motion upon which honourable members could only speak once.

Mr. GARRICK, without referring to the question of privilege, could hardly allow the matter to close without making a few remarks. The question was, as stated by the honourable the Colonial Secretary and the leader of the Opposition, whether the seat of the honourable member for Bowen had become vacant by reason of his acceptance of an office of profit under the Crown during pleasure. If they were to interpret the provision of the Act strictly, the honourable member had accepted such an office. The Colonial Secretary seemed to distinguish it by saying it was a temporary office. He (Mr. Garrick) did not think the question of length of time had anything to do with the matter. Whether the time was long or short made no difference: such an office might be for a week or for a year. It was also during pleasure, because whether for a week or a year, if it was the pleasure of the Crown the office might be determined at any time. Therefore it was an office held during the pleasure of the Crown. Something had been said about members of the House not receiving briefs to support the contentions of the Crown, and the cases of Mr. Russell Gurney and Lord Selborne had been quoted. These were altogether different from the one under consideration. He himself not long ago held a brief in the case of "Macdonald *versus* Tully." The retainer was sent to him; he was a practising barrister, and he was bound to accept it. In his profession, whether the client were the Crown or not, the barrister was bound to accept the first retainer that came, enter it in his fee book, and do the best he could for his client; and in a case of the kind to which he had referred he saw no difference between the Crown and any other client. In his case there were circumstances of a special character why he should accept a brief from the Crown or stand out of the case altogether, because he was Attorney-General when the case was initiated, and because he was acquainted with the facts of the case. He supposed, therefore, the Crown thought it desirable, under those circumstances, the retainer should be sent to him, and he accepted it as he would have done a retainer from anybody else. It had been said that the practice objected to had obtained for some time, and here he frankly admitted came in a difficulty. There could be no doubt that previous Governments had given commissions to practising barristers—members of the House—to prosecute at different criminal sittings, and he could distinguish between a person holding a commission of that kind and a person who was proclaimed under the department of Justice Act to be Attorney-General. There was a substantial difference between the two, and if the matter were brought before a legal tribunal there would be no difficulty in convincing it of the distinction. Some of the judges had already made the distinction. When members of the bar held commissions to prosecute in the courts a very material matter was that of reply, and it at once determined the difference between the position of a person holding a commission to prosecute and a person proclaimed Attorney-General. In one such case the court did determine. A precedent was claimed that a person holding a commission could not exercise the rights of Attorney-General, but that a person proclaimed under the Department of Justice Act was to all intents and purposes Attorney-General, and the court conceded the claim. In addition to their own light, the House had, therefore, the assistance of legal authority in the matter; if the gentleman in question was Attorney-General, it must be conceded that he was also an officer. With reference to such cases as Mr. Russell Gurney and Lord Selborne, it was well known that in their briefs there was no such thing as a contract for fees. They had no contract with the Crown as clients, and if the fees were refused there was no claim; as a matter of etiquette they were bound to receive their retainers and briefs. In the case before the House there was a distinct contract—there was an Executive minute appointing the member for Bowen to do all that was required, including power of a grand jury; and the same Executive minute authorising the issue of a proclamation fixed the fee he was to receive. The member for Bowen admitted he had to perform an office, but he declined to say that it was

not an office itself. This was a very curious distinction. Supposing he (Mr. Garrick) were to define all the duties of Attorney-General, and appoint a person to perform them; that person would be Attorney-General whether he was called so or not. If a member of the bar were appointed to do the work of a judge, he was a judge, although he might not be called so. If, therefore, by these proclamations the honourable member had been appointed to do the duties of Attorney-General, he was the Attorney-General to all intents and purposes, and thereby had held an office of profit under the Crown. The time of holding office was not essential. What did "pleasure" mean? It meant holding office during the will of the Crown, and the Crown could in a moment have interrupted it. He (Mr. Garrick) could not but come to the conclusion that his honourable friend was within the meaning of the statute. At the same time, he stood somewhat in the position of the honourable member for Enoggera, and could not find it in his heart to follow what had been previously broken in the spirit. From time to time practising barristers had been appointed to do work of this kind, and it would be a hard case to suddenly fix upon the member for Bowen and pass the motion now before the House. He (Mr. Garrick) repeated that it was within the letter of the Constitution, but it was one of those cases where honourable members might express their opinions but fairly abstain from giving a vote.

The SPEAKER said that, on looking back to the motion to which the honourable member (Mr. Griffith) had referred, he found that the honourable member for Darling Downs (Mr. Miles) was allowed to reply to a motion identical with the one before the House. If the honourable member for Wide Bay wished, therefore, to reply, he could have the same privilege.

Mr. JOHN SCOTT said reference had been made by two honourable gentlemen (Mr. Douglas and Mr. Garrick) to the member for Bowen having been Attorney-General or Acting Attorney-General. He (Mr. Scott) held he could be neither one nor the other, because the Act under which he was appointed clearly stated that while there was a Minister of Justice there should not at the same time be an Attorney-General. If he could not be an Attorney-General he could not be Acting Attorney-General. Another point, which was of some consequence, was that the office which he held was not an office at the pleasure of the Crown, for the simple reason that had the proclamation been rescinded the next day or next minute the person holding it would have been legally entitled to his fee, whether he had done his work or not. No legislation in this case should be made retrospective, for if the honourable gentleman had done wrong he had done it under good example. The same thing had been done over and over again. It was clear retrospective action could not be taken; but if it were a bad thing, let it be put an end to.

Mr. MACFARLANE (Ipswich) said that the lawyers had said so much that he wished to make one remark. The member for Bowen appeared, at any rate, to have accepted an office of profit during pleasure, as the Colonial Secretary had said he offered to do a particular thing in a particular place for a certain amount of remuneration, and that was an office of profit. The question was whether lawyers were to be privileged persons. If any other honourable member entered into a contract he would have to resign his seat, and it was rather hard if the lawyers were to enjoy an immunity which others did not possess

Mr. BAILEY, in reply, said he wanted merely to say that, in bringing forward the motion, he disclaimed all party motives or any party feeling in the matter. He looked upon it as a question in which the privileges of the House were concerned, and as one that must be dealt with. He also brought it forward in order to show the country how the present House was constituted—that out of fifty-five members about one-fifth belonged to the legal profession. Actually, at the present time, the legal interest was represented more than the agricultural, mining, and commercial interests of the colony all put together.

Mr. MOREHEAD: What about doctors?

Mr. BAILEY said if the honourable member for Mitchell had only just returned from Fortitude Valley in a state of excitement, that gentleman might leave him alone. He (Mr. Morehead) had had a lesson in the Fortitude Valley election about his Attorney-General that he (Mr. Bailey) hoped he would not forget. He did not wish to be interrupted by that honourable member. He only rose to disclaim all personal or party motives in bringing forward this motion. He simply wished to let the country know the state of things in that House—the over-preponderance of a certain profession in the House; and he hoped the discussion would pave the way for a resolution something similar to that passed in New South Wales, which would effectually settle the question.

Mr. MOREHEAD said he was not aware whether he appeared in a state of excitement, as he had been accused by the honourable and senior member for Wide Bay. The word the honourable member took exception to was "doctors." Now, he (Mr. Morehead) was talking calmly and deliberately, not under any excitement whatever; and he said there were certain records of the House which, if the honourable gentleman wanted, he (Mr. Morehead) should be happy to re-open. He had a perfect right to interject the word "doctors" when the

honourable member made an attack upon another learned profession of which he was not a member.

Question put, and the House divided:—

AYES, 17.

Messrs. Dickson, Griffith, Douglas, McLean, Miles, Rea, Kingsford, Paterson, Stubley, Kates, Bailey, Meston, Macfarlane (Ipswich), Tyrel, Hendren, Grimes, and Horwitz.

NOES, 26.

Messrs. Palmer, McIlwraith, Macrossan, Perkins, Scott, Stevens, Morehead, Stevenson, Kellet, Low, Lalor, Norton, Macfarlane (Rockhampton), H. W. Palmer, Sheaffe, Archer, Simpson, Davenport, Persse, Hamilton, Swanwick, Weld-Blundell, Hill, Baynes, Cooper, and Amhurst.

NEW MEMBER.

The SPEAKER announced that the writ issued for the return of a member to serve for the Electoral District of Fortitude Valley had been returned, certifying that Francis Beattie, Esquire, had been duly elected.

Mr. BEATTIE having been introduced by the Honourable S. W. Griffith and Mr. Dickson, was sworn, and took his seat for Fortitude Valley accordingly.

COAST ISLANDS BILL—THIRD READING.

On the motion of the COLONIAL SECRETARY, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence by message in the usual form.

ELECTION OF MEMBERS DURING RECESS BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence by message in the usual form.

FORMAL BUSINESS.

The following formal resolutions were passed:—

By the PREMIER—

That so much of the Standing Orders be suspended as will admit of the reporting of resolutions from the Committee of Ways and Means on the same day on which they shall have passed in such committee; also, of the passing of an Appropriation Bill through all its stages in one day.

By Mr. DICKSON—

That there be laid upon the table of this House, a return showing comparatively the charges allowed by Government under the existing agreement with the Union Bank of Australia and those proposed to be made by the Union Bank of Australia and the Queensland National Bank Limited, under the respective agreements or tenders recently submited by such banks to Government, viz.:—

1. The extent of overdraft, unsecured, allowed to Government, and the conditions, if any, attached thereto.
2. The rate of interest charged on such overdraft in London and in colony.
3. The extent of overdraft or advance guaranteed in anticipation of sale of debentures.
4. The term over which such overdraft or advance may extend before powers of sale over such debentures are claimed by bank.
5. The rate of interest to be charged on such advances.
6. Commission for negotiating sale of loans, and if inclusive of brokers' charges, advertising, &c.
7. The maximum rate of brokerage which may be charged in addition to the commission before mentioned.
8. Rate of interest allowed to Government on credit balance in colony.
9. Rate of interest allowed to Government on credit balance in London.
10. The extent to which such rate of interest is affected by amount of credit balances.
11. Rate of interest allowed on fixed deposits.
12. The extent to which such interest is affected by amount of such fixed deposits.
13. The limit fixed as the minimum credit balance which must be maintained by Government before any special deposits of public moneys may be made with other banks.

EXCHANGE.

14. On remittances from London, on remittances from London by wire, and on negotiation of drafts on London.
15. The amount of exchange received by Treasury on the Colonial Treasurer's drafts on London sold between June, 1876, and December, 1878, and rates at which such drafts were negotiated.
16. On remittances to London.
17. On remittances to and from colonies (Australasian).
18. On remittances to or from places within Queensland where any bank is established; also, on such remittances being made by wire.
19. On remittances to and from Ipswich.

OTHER CHARGES.

20. Commission for paying half-yearly interest in the colonies and in London.
21. On special payments in the colonies or in London, such as retirement of debentures.
22. On payments in London to Agent General and on Postmaster-General's account.
23. On payments in London involving receipt of bills of lading or other documents.
24. For payment of Government cheques at par at any bank in the colony.
25. On credits established in London by wire, operative on funds lying in London.
26. Any further charges, commissions, or interest contemplated by such agreements, or either of them, not hereinbefore specially mentioned.
27. The term or condition (if any) under which Government may, should they at any future time arrange with the Bank of England to inscribe their stock, terminate the agreements so far as relates to the negotiation of

Government securities in London and all financial business consequent thereon.

By Mr. GRIFFITH—

That there be laid upon the table of this House, a return showing—

1. The names of all persons employed in the several departments of the Railway workshops at Ipswich and Rockhampton, respectively, on the 1st of May, 1879.

2. The nature of the employment of each such person, the date of his first appointment, and the name of the Minister by whom his appointment was authorised.

3. The names of all such persons who have since been discharged.

By Mr. DICKSON—

That there be laid upon the table of this House, copies of all correspondence between the Government and the chairman and members of the late Real Property Commission.

WAYS AND MEANS.

On the motion of the PREMIER, the House resolved itself into a Committee of Ways and Means.

On the motion of the PREMIER, the Committee resolved that a sum of £272,986 19s. 6d. be granted out of the consolidated revenue of the colony to Her Majesty for the services of the half-year ending June 30, 1879.

On the motion of the PREMIER, the Committee resolved that a sum of £27,118 12s. 3d. be granted out of the consolidated revenue of the colony to Her Majesty for supplementary services of the half-year ending June 30, 1879.

The CHAIRMAN reported the resolutions to the House, and, on the motion of the PREMIER, they were adopted and a Bill ordered to be introduced founded upon them.

The Bill having been introduced, was read a first time, ordered to be printed, read a second time, considered in Committee, and reported by the Chairman to the House without amendment.

ELECTORAL ROLLS BILL—SECOND READING.

The COLONIAL SECRETARY, on rising to move the second reading of this Bill, said he was sure it would be very generally admitted by honourable members on both sides of the House, and by the country, that a Bill to amend the laws relating to Parliamentary elections was very much wanted. Indeed, complaints had come in from every part of the country of the way in which the rolls were collected. It had been found that many persons who had a right to vote had not their names on the rolls. Men who had lived in a district for years, and men who were entitled by residence or otherwise to have a vote, were omitted altogether. It was hard to say how that arose — whether from neglect or carelessness or what, but the fact remained the same, that men whom he might say were the best entitled to have a vote—although of course all men entitled to a vote were equally entitled—found their names omitted from the roll. It was found that in every district of the colony names were left out, and that the collection of rolls under the present Act was therefore a dead letter. Honourable members would remember that when the present Act was before the House he strongly objected to the collection of the rolls being left to the police as it was not part of their duty to collect them, and he was not in the least astonished at their failing to collect them. Without imputing any blame to the men, who were in many instances strangers to a district and also ignorant of the names of the people in the locality and had other duties to perform, or to the varied reading of the Act by benches of magistrates, some of whom ignored the old rolls—no matter what basis they went upon, there was no doubt that we now had the very worst rolls we ever had. In drafting the Bill before honourable members, he had endeavoured to steer as far as possible from anything approaching party politics, and his aim had been to enable every man who was entitled to have a vote to see that he was registered as a voter. He believed that if the Bill became law it would be a man's own fault entirely if his name was not on the roll for the district in which he was entitled to vote. At any rate, he had enabled any man who was neglected by the collectors to put himself on the roll. The question before them was not one of privilege, and certainly not one of party, for as far as he had been able he had drawn the Bill irrespective of party, and entirely for the benefit of the country at large, and to enable every man who was entitled to do so to have his name on the roll. He had not referred to elections, as that was a matter of routine; but the Bill dealt with Part 3 of the present Act, which more particularly dealt with the registration of voters. He thought that when honourable members came to study the Bill, they would agree with him that it was as good a measure as he could possibly introduce. The first clause repealed sections from 12 to 31, and sections from 53 to 56 inclusive, of the Elections Act of 1874, which referred to the collection of rolls and the registration of voters. Clause 2 provided for the existing rolls being kept in force until the new rolls were prepared; clause 3 was simply the interpretation; and clause 4 contained the list of appropriate courts. Clause 5, honourable members would see, made a considerable alteration in the manner of collecting the electoral rolls. Hitherto that duty had devolved upon the police, or any other persons whom the revising justices

might see fit to appoint. He might state that it was the intention of the Government to very materially reduce the police force of the colony, and in order to do so it was necessary that duties which were entirely extraneous to their position should be taken off their shoulders. One of those duties, which he maintained should never have been placed upon them, was the collection of the electoral rolls. These men were not allowed by law to vote, and yet upon them was absolutely thrown the power of making the electoral rolls just what they pleased. It was a power which they did not wish to have, for which they were not fitted, and which was utterly inconsistent with their duty as policemen. Knowing, however, that it might be necessary that they should be employed in some parts of the colony, he had not introduced any clause preventing the revising justices from employing policemen if occasion should arise. The subject was not mentioned, but he trusted it would not be found necessary to employ policemen for that purpose at all. He had also taken a duty in a great measure off the clerks of petty sessions, on whom it had been the fashion to thrust almost every duty that could be crammed on to one man. A great part of those duties had now been placed in the hands of a man to be called the principal collector. At present those who collected the rolls had no head except the clerk of petty sessions, who received no extra emolument, and though they were very anxious to do their duty, he had found in his course through life that duties which were not paid for were generally neglected. This measure would throw the work upon the principal collector, who would be responsible to the clerk of petty sessions, who would see that the rolls were properly compiled. Clause 6 provided that all collectors should make a declaration; clause 7 assigned the duties of collectors; and clause 8 defined the area assigned to the assistant collector. Clause 9 provided a penalty for wilful neglect on the part of collectors. That would no doubt have been a very harsh clause in the present state of the law, which threw the duty on the police, but when the collectors were appointed and paid it was right they should be punished for any wilful neglect. In order that there might be no mistake clause 10 provided that—

"Each assistant collector shall be furnished with a copy of the electoral roll of the electoral district of the previous year and shall between the first and thirty-first of August place the word *dead* against the name of every elector whom he shall have reason to believe to be dead the word *left* against the name of any person whom he shall have reason to believe to have left the district and *disqualified* against the names of any whom he shall have reason to believe to have no qualification or to be disqualified."

That was done with the view of taking it out of the power of collectors to strike out any name they might choose from the roll of the preceding year. The matter would now rest entirely with the revising bench to satisfy themselves, and they were the only parties who had the right of striking out a name. The right to strike out names should not be left with the collector, and a great deal of harm had been done hitherto through that power being left in his hands. In addition to the other duties of the collectors, clause 11 provided that—

"Each assistant collector shall between the first and thirty-first day of August in every year by going through his district and by inquiry of the residents therein and the inspection of maps rate-books lists of selectors lists of pastoral tenants and any other documents accessible to him and otherwise by the best means in his power prepare a list of such persons resident within his sub-district or having a property qualification therein as he shall believe to be entitled to vote for the election of members of the Assembly and whose names and qualifications do not appear in the electoral roll for the previous year."

He should have been very glad had the duties of collectors been defined in that way under the present Act, for the way in which rolls had hitherto been collected was perfectly disgraceful. Clause 12 was a mere matter of form. Clause 13 provided that—

"On the thirty-first day of August in each year the assistant collectors shall deliver to the principal collector for the district the copies of the electoral roll which shall have been supplied to them marked as aforesaid and also the lists prepared by them as aforesaid."

Clause 14 defined the duties of the principal collector; and clause 15 provided the form of list. Clause 16 provided that marked rolls and lists should be given to the clerk of petty sessions. He (the Colonial Secretary) had endeavoured to make the Bill as complete as possible; and, to provide against any collusion in the preparation of the rolls, they would be first in the hands of the assistant collectors, next handed to the principal collector, and thirdly passed to the clerk of petty sessions. Clause 17 provided that copies of lists should be kept; clause 18, that the clerk of petty sessions should cause copies to be printed, &c., and exposed to view; and clause 19 made provision for case of no petty sessions. Clause 20 he looked upon as one of the principal clauses in the Bill. Failing the collector, the principal collector, and the clerk of petty sessions, the clause would give every man the power to register himself at any time in the year. If that clause became law, it would be the fault of any man having a right to vote if he did not get his name registered. The following clauses were much the same as the corresponding ones in the Act at present

in force, but it had been thought desirable to repeal the whole subdivision. Clauses 22, 23, and 24 related to the revision of lists. Clause 25, one of the principal clauses in the subdivision, provided that—

"The clerk of petty sessions shall at the opening of such court of revision produce the lists compiled by the chief collector and the copies of rolls supplied to the assistant collector for the district and the additional lists drawn out by the assistant collector and a copy of the papers containing the names of persons claiming and of persons objected to as aforesaid and such court shall proceed to revise the list compiled by the chief collector and in so doing shall be guided by this Act and the following directions and provisions—

"1. The court shall inquire into and adjudicate upon every case where the chief collector shall have marked any name with the words 'dead' 'left' or 'disqualified' and the presiding judge crown prosecutor or justice shall expunge from the list—

(1) The name of every person against whose name the word 'dead' shall appear who shall be proved to the satisfaction of the court to be deceased

(2) The name of every person against whose name the words 'left' or 'disqualified' shall appear who shall be proved to the satisfaction of the court not to be entitled to vote.

"2. The court shall also inquire into and adjudicate upon all objections duly made under the twentieth section of this Act and if any such objection shall be substantial and proved to their satisfaction shall expunge from the said list the name of the person objected to.

"3. The court shall adjudicate upon claims to be inserted in the lists of which notice shall have been received as aforesaid and in so adjudicating the declaration contained in any notice of claim shall be taken as *prima facie* evidence of the qualification claimed and the name and qualification of every person whose claim shall be allowed by the court shall be inserted by the presiding judge Crown prosecutor or justice in the list.

"4. The court shall have power to correct any mistake or supply any omission proved to have been made in any such list in respect of the christian or surname or address or abode of any person included therein or the nature or local description of his qualification.

"5. No person's name shall be inserted by such presiding judge Crown prosecutor or justice in any list unless notice shall have been given as aforesaid nor shall any name be expunged therefrom except as hereinbefore provided.

"6. The presiding judge Crown prosecutor or justice shall in open court write his initials against every name struck out or newly inserted and against any part of any list in which any mistake shall have been corrected and shall sign his name to every page of every list so revised and no alteration in or addition to any list shall be valid unless so initialled."

Clause 26 provided that no person should have his name more than once on the list; Clause 27 gave the power of adjourning and summoning witnesses; Clause 28 provided for costs in certain cases; and clause 29, how costs might be recovered. Clause 30—Compilation of the electoral roll—contained a provision very much wanted, which was not to be found in any Act at present in force. He had not liked to make it compulsory on the returning officer to have the lists printed in the Government Printing Office, although a very considerable gain would thereby accrue to the public. Honourable members had no idea of the expense to which the country was put for printing those lists in local offices. He did not like to stop that altogether, but a provision had been inserted in this clause that, if the lists were printed at a local office, twenty copies should be at once sent to the Colonial Secretary. No gentleman connected with the outside districts, who was anxious to get the electoral lists, could by any possibility obtain them at the present time, because the returning-officers were not obliged to send copies to the Colonial Secretary. If in committee any honourable member should insist that the printing should be done by the Government Printing Office he should be happy to support him, for, really, after many years' experience, he had found great objection to the work being done by local offices, both from the difficulty of getting hold of the lists through the neglect of officers to send them in, and from the great expense that was incurred. In some instances the price charged for electoral rolls by local offices was positively absurd. The 31st clause providing for the duration of rolls, and what roll should be used if the new ones were incomplete, was formal. The 33rd was an old clause of one of their old Acts, revised: it was much wanted, and gave power to the returning or presiding officer to enforce order.

Mr. GRIFFITH: It is in the present Act—section 60 of the present Act.

The COLONIAL SECRETARY said he could not find it. However, it was absolutely necessary. The clauses he had referred to were the most particular in the Bill. He believed the measure would be of great service to the country. Having passed a law giving the franchise to almost every adult male in the colony, they were bound to carry out the law and see that every man got the right to vote, and that no chicanery and no neglect should occur—that nothing but gross neglect on the man's part should prevent him from having the right to vote at every Parliamentary election. He begged to move the second reading of the Bill.

Mr. GRIFFITH said there were, no doubt, some good provisions in the Bill, and especially the ones making it compulsory instead of optional, as at present, to use the old rolls, and requiring that the old rolls should be submitted with the names of

persons proposed to be omitted; but the measure went further and made alterations to which the Colonial Secretary had not called attention. Another change, to which the honourable member had referred, was the taking of the work of collecting the rolls from the police force. This was almost the only other alteration which was alluded to; for the other parts of the Bill, with the exceptions already named, were really transcripts of the present law. Much might be said on the subject of taking from the police the collection of the rolls. When Mr. Macalister introduced the present law he gave good reasons why the rolls should be collected, in place of the system then existing, and why the work should be done by the police. He (Mr. Griffith) had observed the way in which the collectors were often appointed. He had noticed in some country papers that the police were insufficient, and that a majority of the bench, consisting of political partisans, appointed collectors who were political partisans and electioneering agents. The deficiency in collection under the present system was owing to that fact, to a great extent, and not to the police; if electioneering agents were chosen as collectors, they naturally saw that their friends were placed on the roll and that their enemies were not. A great deal of blame was chargeable to the bench for appointing such persons. They ought to get impartial collectors, and he regretted to think that there were many parts of the colony where this could not be done if the police were to be debarred from acting as collectors.

The Colonial Secretary: They are not debarred.

Mr. Griffith said that, at any rate, they could not be forced to act as collectors. It would be safer and better to leave the collection of the rolls to officers of the Government than to persons appointed by a scratch bench, or as the result of a canvas. He had known cases where persons had canvassed for the appointment of collector, and the way they would act when they were chosen was perfectly well known. Then, again, the chief collector was not a Government officer under the measure; he was to be under no control; he was simply appointed for a time, and, in fact, would be able to disfranchise a great many people. One great fault in the present system would be remedied by this Bill by providing that the names on the old roll should not be left off; but it was quite possible for the chief collector and the assistant collectors to make mistakes respecting the new names, and so disfranchise many persons, and he therefore did not think that the provision was by any means a great improvement. There was another apparent change in the Bill, though it was not easy to ascertain precisely what the Colonial Secretary really contemplated. Under the present Act each police court sat for its own district, and the rolls were collected according to the respective police districts; in a large electorate that was a great convenience, because the probabilities were that there the collecting would be done with greater certainty. In a large district like Bulimba, if the collectors were all appointed by the Cleveland Court, the chances were that men would be chosen who were not familiar with the more populous parts of the district. The same might be said of Oxley, if Goodna were the only appointing court. The practice at present in force of letting the police court for each district appoint the collectors for that district had a great deal to be said in its favour, and he noticed that the Colonial Secretary did not appear to have made up his mind which plan to adopt. It would be impracticable to carry out the thirtieth section, which provided that the electoral roll was to be compiled according to police districts, and was a mere transcript of the twenty-ninth clause of the existing Act, if the fourth section was to stand. He thought it would be just as well to leave the thirtieth section, but if they did not alter it the fourth must be amended. There was another inconsistency. The third section spoke of courts of petty sessions appointed by the Act or by proclamation to have charge of the collection of electoral rolls, and in the nineteenth section provision was made for the appointment of a court of petty sessions in case there was none in any district, and yet in the fourth there was one carefully named for each electorate. That was more a matter of detail, but the Bill must be made consistent. The Colonial Secretary claimed credit for carefully providing for a defect in the existing law as to making new claims, and yet there was no alteration in this respect. In the present law there was no provision for objecting to new claimants, the power of objecting being limited to names on the list compiled by the collectors. He presumed that was an oversight: he remembered his attention being called to the matter a long time ago, and he noticed that in the Bill before the House the sections dealing with the subjects were mere transcripts of those in force. Under the existing law the last day for making objections to names was also the last day for entering claims to be placed on the roll: any number of claims might come in on October 10, and as that was the last day also for making objections, no new names could be challenged. This was a matter which escaped attention when the Elections Act of 1874 was passed, and required a slight alteration. With respect to the inconsistency already indicated in the matter of the police districts, he would point out that the 22nd clause, which was a mere copy of the law in force, would be

inapplicable to the change proposed by the Bill: the clause provided that a court of revision should be held between the 1st and 21st November in every year, in and for every electoral district, at the police-office or court-house of the appropriate court of petty sessions, and "at such other place or places as the Colonial Secretary should appoint." Another matter to which the Colonial Secretary had not called attention was the repeal of sections 53 to 56 of the present law, which had not been used, but which ought to have been, and would, he believed, have been the means of preventing a great deal of personation. If these clauses were condemned now it would be without any trial having been given them. They provided for the appointment of polling districts for each electorate, and that the electors must go there to record their votes; if they did not, but went elsewhere, certain necessary questions were put to them, and if not replied to satisfactorily they must vote openly. The Colonial Secretary had given no reason for repealing these sections, which, he believed, were the only way of preventing personation, or at all events correcting the evils of personation, for they also provided that if a man voted twice his open vote should be rejected. He had little more to say about the rest of the Bill, for, as he had previously stated, it was, with the exceptions named by him, but a copy of the existing law. The correction by which it would be necessary to use the roll for the previous year was a very valuable one, and he was sure that both sides of the House would agree to that defect being remedied.

Mr. GROOM said there were certain provisions in the Bill which he thought were very acceptable, and he was prepared, as an independent member, to tender his thanks to the Colonial Secretary for having, at all events, made one effort at reform in connection with the collection and revision of the electoral rolls. That some reform was necessary he thought could be adduced by those who knew anything at all about the question. He would take his own district: the electoral roll for Toowoomba, when the last general election took place, numbered something like 2,000 electors;—at present it had only 1,700 names. He knew that between 200 and 300 men had been struck off and intentionally disfranchised. The last roll for the electoral district of the honourable member for Aubigny contained something like 1,300 or 1,400 electors;—at the present time it contained only 900, between 300 and 400 of that gentleman's constituents having been intentionally disfranchised. These were facts, and they arose, not from the police—he relieved the police from any imputations that might be thrown upon them in regard to this matter—but they arose from what the honourable member for North Brisbane had described as the "scratch benches." He (Mr. Groom) could give them a better designation, and call them "packed benches." What was the course pursued by these packed benches in connection with the collection of the electoral rolls? In every district throughout the colony there were a number of hangers on — ne'er-do-wells, who somehow or other were overtaken by Providence, and whatever they put their hands to never succeeded, and who looked to the compiling of these electoral rolls as a means of obtaining money. Well, the bench went into a private room and fixed the remuneration to be paid to a horseman at 20s., and to a footman 10s. per day, and then came the question as to who out of ten or twenty greedy applicants was to get this, and when that was decided the rolls were collected. That was the way the rolls were compiled; the result was most unsatisfactory, and it was time that they were prepared upon something like a sound basis. He was therefore quite prepared to hail these improvements introduced by the Colonial Secretary as a step in the right direction. Whether they should exclude the police altogether from the collection of the rolls was a debateable question upon which there would be difference of opinion; but, from his experience, he would twenty times sooner trust the collection of the rolls to the police than to the men who were appointed by the benches. If they wanted a precedent they could go to New South Wales, where the population were numerically four times as great as that of Queensland, and where the electoral rolls were enormously large—containing sometimes 4,000 and 5,000 names. There the rolls were collected exclusively by the police, and they heard no complaint about it. Sydney, he believed, was the only exception in which the bench of magistrates determined who should collect the lists; but in the country districts they were collected exclusively by the police, and experience there was in favour of that system. Therefore, he would be inclined, when the Bill went into committee, to leave the collection of the rolls in the hands of the police, and he was satisfied it would work satisfactorily. That was the chief point of the Bill, but there was another matter the honourable the Colonial Secretary referred to. He did not wish to introduce "shop" into a discussion of this kind; but the Colonial Secretary had brought under notice the difficulty that was sometimes experienced in getting copies of electoral rolls, and he (Mr. Groom) might adduce to his recollection a case in point. The roll for the electoral district of Northern Downs was prepared by Mr. Cardell, when he was returning officer, and it contained something like 1,700 names, but he

(Mr. Groom) was perfectly right in stating that if the late member for Northern Downs, Mr. Bell, had had a contested election in place of the other gentleman withdrawing, there would not have been a single electoral roll in the district upon which the poll could have been taken. The fact was, that the gentleman who succeeded Mr. Cardell as returning officer—Mr. J. Leith Hay—instead of getting the roll printed, neglected it, like he did every other business he took in hand, and it was not printed, and could not be produced. The fault did not lie with the printer in any way, but with the returning officer, who entirely neglected his duty. The fault did not always lie with those who had the printing of the electoral rolls; and so far as the question of expense was concerned, he hoped the Colonial Secretary would bear in mind that there was a wide difference between printing offices in country districts and in Brisbane. Men asked much higher wages in the country than in Brisbane, as the honourable gentleman would soon learn if he had anything to do with a country printing-office. He was glad to hear that twenty copies of each roll were to be sent to the Colonial Secretary's Office. Hitherto it had been the practice to send only one, and he believed that during an election on Darling Downs they sent to the Colonial Secretary's Office for copies of the roll and only one could be found there. With regard to polling districts, he did not see how they could prevent personation. Those provisions were introduced by a late Premier, the honourable A. Macalister, as a step in the right direction, but no Colonial Secretary had ever put them into operation, and he was glad of it, because he thought it would interfere with the secrets of the ballot. They would not prevent personation, which it was almost impossible to prevent. Even to-day had been no exception to the rule. He could mention the name of a very respectable merchant in this city who drove from his residence at Breakfast Creek in to the Valley at half-past nine o'clock this morning, and, having recorded his vote, said to the returning officer, "My brother, whose name is on the roll, is away in Warwick." "My dear sir," replied the returning officer, "your brother voted ten minutes ago." That was a fact that occurred this very day. Of course, he did not know on which side the political predilections lay, and he did not take the trouble to inquire. It only showed that, under any system, personation would occur. If a man made up his mind to personate, he would do so; and so long as they had a number of polling-places for one electorate, they would find men jumping on their horses and voting at four or five different places. Instances of that kind had been known. Some years ago an interesting investigation took place in the old house in Queen street with regard to personation, and it was found that at Helidon, where there were not more than from thirty to forty people on the roll, something like 175 votes were polled. The voters actually denuded themselves of their ordinary clothing, dressed themselves out in different guises, and voted. One gentleman protested to the returning officer that some of them had voted before, but they were perfectly powerless, there being no police there. That was proved on the petition of Mr. Forbes, who was defeated, but he could do nothing, so far as unseating the sitting member was concerned. The polling districts were no protection against personation, and all they could depend upon to prevent it was the good sense of the community. Electioneering dodges would be resorted to. In England they had tried to stop personation, but had not succeeded; and it could scarcely be expected that one of the youngest of the British dependencies would succeed in doing so. He depended more upon one provision than upon anything else—and that was that the electoral rolls should be carefully and *bonâ fide* compiled, and that once a man was on the roll as a freeholder, or under any other qualification, he should remain there until good reasons were shown why his name should be removed. He would give his assistance to get some parts of the Bill passed, because they were considerable improvements upon the existing law.

Mr. MESTON thought that, altogether, the Bill was a fair and impartial one; but there were one or two defects, and he should make one or two suggestions. In the first place, there was no provision made against double voting; and he thought there should be a clause providing that the collectors of the rolls should not be eligible as candidates at Parliamentary elections. He knew one or two individuals who had been collectors, and who were prospective collectors, who contemplated being candidates for election, and he did not think it right that they should be permitted to occupy that position. With reference to the clause which provided that lists of claimants and objections should be hung outside the court of petty sessions, he would suggest that when these proof rolls were printed, a number, say fifty or one hundred, should be provided for distribution throughout the electorate. The clause, as it stood, assumed that the electors from all parts of a district should go to a central point, and that there would be only a single roll outside the court-house for inspection; but if there were some extra rolls printed—even if they had to be purchased—magistrates and storekeepers in central parts of the district could get copies, and the people would have a better opportunity of seeing them. The chief defect in the Bill was the absence of any provision

to prevent double and treble voting, and the same defect existed in the present Act. He could speak of his own district—which no doubt was only an illustration of other electorates—that at one polling-place thirteen or fourteen horsemen rode up, voted, and then rode away to another polling-place in the scrub and voted again in a body. He knew one man who he could prove to have voted in five different places. The suggestion he would make to prevent this double and treble indiscriminate voting was this:—In the form of the roll there were three columns—one containing the christian name and surname of the elector, the second of his residence, the third his qualification, and he (Mr. Meston) would suggest a fourth column specifying the polling-place at which he intended to vote. He admitted that this was liable to objection; but it was impossible to frame a Bill that was not liable to abuse of some kind. He believed some provision of this sort was necessary to prevent this indiscriminate voting, and secure purity of representation, which was not ensured under the present Act or by this Bill. This was all he had to say about the Bill, which he considered a fair and impartial one; and evidently the Colonial Secretary had done his best to provide equitable representation.

Mr. REA was understood to say that the honourable member for Toowoomba had referred to the difficulty arising from packed benches, and he had hoped that that honourable member, from his long experience, would have hit upon some remedy for that evil. Until they succeeded in doing that, he saw very little chance of any improvement in the carrying out of any electoral law. The Bill could be made a good one with the addition of one or two clauses which he intended to propose in committee. One of these would be to the effect that an emergency bench of magistrates should be called within two or three weeks of any election, at which persons whose names had been omitted from the roll might have them put on by paying a shilling fee and being put on oath as to their qualifications. Both sides would then be on the alert, and would see that no person was put on the emergency roll unless he was properly qualified.

Mr. DICKSON wished to point out one defect in the present Act, the removing of which would be a decided convenience to the public. At present clerks of petty sessions were engaged during September in preparing the lists which had been framed by the collectors during August; under the present Act the lists so compiled were obtainable on payment of a "reasonable price." At present it was difficult to obtain from clerks of petty sessions copies of the new roll by the 30th September, even if they had seen the original roll. After the 30th September there were only ten days allowed to send in claims, and he thought that time too short, as the interval was not sufficient to enable persons at a distance to make themselves acquainted with the fact whether they were or were not on the new roll, or to object to names already there. He trusted the Colonial Secretary would take into consideration the advisability of allowing a longer interval than ten days for claimants to send in their claims, for such an alteration would be a great convenience in country districts. As to the clause making Cleveland and Goodna the places where courts of petty sessions for Bulimba and Oxley were to be held, no reason had been give for the change, and in his opinion the metropolis afforded a much more central position for the purpose. One of the main features of the Bill was as to the mode of collecting the roll, and he believed the police would perform that duty in a more impartial manner than paid collectors would perform it. The twenty-second clause furnished an additional reason why the courts of petty sessions should be held in as central a position as possible, but that was a matter which might more properly be dealt with in committee. The Bill, as a whole, he believed to be an improvement on the existing measure.

Mr. RUTLEDGE said it was generally admitted that some improvement in the existing law was requisite, and when he heard that it was the intention of the Government to bring in a Bill to amend the Elections Act of 1874 he anticipated that there would have been a little more originality than was disclosed in this Bill. But he found that the greater portion of it was taken from the existing Act, and that some of the defects of that measure were not dealt with in this Bill. He would throw out a suggestion that it be an instruction to the compilers of the electoral rolls to collate their rolls with the register in the Real Property Office. Persons might, by purchase of property, become entitled to exercise the privileges of electors in an electorate, and yet their names might be omitted from the roll because the collectors were unaware of that fact. He would also refer to the slovenliness that was at present manifested by collectors in the spelling of the names of electors, especially in the names of German settlers, by which they were practically disfranchised, and under the 52nd section of the existing Act it was optional with the returning officer whether he accepted or not the statement of a person that he was the elector indicated by certain collocations of consonants on the electoral roll. He would further suggest that copies of the electoral roll should be placed at every post-office in the district. In the district of Fassifern, for instance, there were a score of polling-places, and the principal police-office was at Ipswich; and if the roll was simply to

be placed there and nowhere else, many of the electors of that electorate would have to undertake a journey of forty or fifty miles to ascertain whether their names had been properly put on the roll. By posting copies of the roll at the various post offices in each district electors in the country would be able to see whether the compilers of the roll had or had not done their duty.

Mr. GRIMES said he agreed with the remark of the honourable member for North Brisbane that the new plan for compiling the roll was not an improvement on the old one. The collectors who were appointed some years ago did not half do their duty. Instead of going from house to house and getting the proper names of the individuals entitled to vote, they generally went to some resident in the district who supplied them with such names as he thought proper. That would account in great measure for the numerous inaccuracies in spelling the names. He thought that the police were the best persons to collect the electoral rolls, especially in the country districts, for they knew the different localities better than any paid collector could possibly know them, through the habit of continually passing through the districts to every farm-house in it when collecting the agricultural returns. A paid collector would be very likely to pass half the houses, more particularly in the less populous districts. With reference to personation, he believed it would be a good thing were they to revert to the old system of voters' certificates, which seemed the best plan to prevent personation. Persons holding those certificates could certainly make some use of them, but it could only be done once during an election. He could not understand why the revision courts were placed so far away from the populous neighbourhoods of the electorates, as for instance in the Oxley electorate where the revision court was placed at Goodna. Very few of the electors of Oxley had any business connection at all with Goodna, and if they desired to see the roll would have to make a special journey for it. This was very inconvenient to a large number of the electors of Oxley, an electorate which, coming down as far as Toowong, made it out of the way in very many cases to go to Goodna. Brisbane would be the proper place for a revision court. The same might be said with reference to the electorate of Bulimba, the revision court being very inconveniently held at Cleveland. As regarded exposing copies of the roll, besides having one placed at the court-house or post-office, one should be left at each of the primary schools in the country districts, so that electors could then ascertain through their children whether their names were on the roll. This would not in any way violate the regulations of the Education Act.

Mr. KELLETT regretted that he had not been present when the debate on the second reading of the Bill commenced, as he had intended to address some remarks to the House—that as retrenchment seemed to be the order of the day money might be saved in compiling these rolls. It would be found on examination that a good deal of expense was incurred by the collectors—the constables—in going through the country. His opinion was this, that when every man was allowed to vote, the qualification being only six months' residence—if that man put any value on his right to vote, he might take the trouble to see his own name placed on the roll. He proposed that all the expenses of collecting should be saved by giving three months during which a man might put his name on the roll—either by himself or his agent—at the court of petty sessions or post-office, or wherever it might be advisable. The name would then be entered on the list, and would come before the revision court. By this means they would have more *bonâ fide* names on the roll, and men would take more interest, because they had taken the trouble to get their names put on, and there would be no inaccuracies. Another matter was that the collectors had placed very bad rolls before them, some of which might have been caused by their laziness, and some might have been done purposely, as, in some cases, he knew had been the fact. When a man knew he had to put his own name on the roll, he had nothing to find fault with if it was not there. There could be an amendment of the Bill by doing away with collecting rolls entirely, and allowing every man who chose to put his name on the list.

The Bill was read a second time, and its committal fixed for Tuesday next.

The House adjourned at eight minutes past 10 o'clock.