Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

**TUESDAY, 15 JULY 1879**

---

## LEGISLATIVE ASSEMBLY.

*Tuesday*, 15 *July*, 1879.

Mercantile Bank of Sydney Bill.—Wrecks and Salvage Bill—third reading.—Motion for Adjournment.—Electoral Rolls Bill—committee.—Ministerial Explanation.

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

### MERCANTILE BANK OF SYDNEY BILL.

The Hon. S. W. GRIFFITH presented the Report of the Select Committee appointed to consider the Mercantile Bank of Sydney Bill, and moved that the second reading stand an Order of the Day for Thursday next.

Question put and passed.

### WRECKS AND SALVAGE BILL—THIRD READING.

On the motion of the PREMIER (Mr. McIlwraith), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council by message in the usual form.

### MOTION FOR ADJOURNMENT.

Mr. GRIFFITH moved the adjournment of the House to call attention to a matter which had that day come under his notice, and which deserved public attention. He was present in the Supreme Court, sitting as a Court of Criminal Appeal, and the case before it was touching the validity of the conviction of a man who had contracted a second marriage, his first wife being then alive. The man, it appeared, admitted having been married twice, and the only defence he raised was that his first marriage took place a little after 8 o'clock in the evening, and was therefore invalid. Of course, he (Mr. Griffith) did not intend to enter into the merits of the case; but what he did desire to call attention to was, that no one appeared in support of the conviction on behalf of the Crown. Whatever the law might be, if a man by getting married after 8 o'clock in the evening could afterwards repudiate his wife, the sooner it was altered the better. His contention now was, that when a serious matter of this kind was brought before the Court, it was the duty of the Crown to have some one there to support the conviction, so that the matter might not be allowed to be decided without full argument. He called attention to the case because the question involved a great public scandal; it was a matter in which the Court should be assisted by counsel on behalf of the Crown.

The COLONIAL SECRETARY (Mr. Palmer) said that, as the Premier was unavoidably absent for a few moments, he would reply to the hon. gentleman himself. The Government were aware that the Attorney-General had been in court all the morning—on the Civil side, he presumed—but he (Mr. Palmer) could give no explanation of the circumstances alluded to, and of which they had not heard before. He could, however, assure the hon. member that an inquiry would be made to ascertain why there was no one present on behalf of the Crown to support the verdict. He could but repeat that it was the first time they had heard of the circumstances.

Question put and negatived.

### ELECTORAL ROLLS BILL—COMMITTEE.

The COLONIAL SECRETARY moved that clause 8 of the amendments follow the last clause passed in the Bill.

Mr. MOREHEAD said that, before the amendments were put, he would like to have an expression of opinion, not only from the Government but from members of the Committee, as to the proposal he was about to make, if there was any chance of success. The time had now come when they should have an educational test in their electoral system, and no man should be allowed to vote if he could not read and write. Being heavily taxed for free, secular, and compulsory education for the young, they should have such a qualification as he proposed, and, amongst other reasons for it, not the least worthy of notice was this—that the true way for avoiding personation was to insist that the elector should read and write. If an elector was able to write there would be no possible means of personation except by forgery—a means not so very likely to be taken. The system he would suggest, if ever it should become law, was that an elector should sign his name as many times as there were polling-places in the electo-

rate, and the different signatures should be deposited with the authorities at the time the elector put his name on the roll, and a signature should be available at each polling-place. Then, if the returning officer had any doubt about the individuality of an elector presenting himself to vote, he could call upon him to sign his name, and there would be immediate proof. Another reason in favour of the educational test was, that it would be an incentive to acquire the art of reading and writing, and would also be an inducement for parents to insist on their children going to school. It had been urged—and, no doubt, would be again—that this educational test would not be a popular movement. That he denied. Every man who could read and write was more ripe for representation than the ignorant man who could not, because the latter got his information filtered through others, who, in their turn, had got it from either letters or newspapers which did not fully represent what was passing and might not represent it right, and those statements the ignorant elector would believe. He might take a case: Supposing he (Mr. Morehead) were a candidate for an electorate, and there was one John Smith, unable to read and write, inclined to him. Smith might be met by William Jones, who might say—"Are you going to vote?" and Smith would reply—"Yes; for Morehead—he's a good man, and will tell the truth; he's right,"—in saying which he also would show his judgment. But Jones might then say—"Have you read that speech he has made about the working-classes?" and Smith would say—"No;" whereupon Jones might read it to him, and do it in such a way that he would turn this man, who up till then was friendly disposed towards him (Mr. Morehead), against him. There were many cases where education was not only desirable but a necessity; for persons who could not read and write were not capable of a correct judgment, because the material was often not put before them in its pure form. He might not receive very much support in this matter, but it was a question which should at least be ventilated, as when education was at every man's door it ought to form part of the electoral system. He trusted Government would give him an answer whether they would be prepared to accept an amendment with a view to putting the education test in force in the colony. If they did accept the proposition it would not be a step in retrogression, but one in advance. They already offered every advantage as far as education was concerned, and they would do well to take this further step in advance. He hoped hon. members would speak out, and not merely speak for popularity.

The COLONIAL SECRETARY said there was a good deal in the observations of the hon. member, and in a very few years, no doubt, the education test would become a test for the preparation of the rolls. Their education system, however, had not been introduced long enough to warrant the introduction of the test proposed. It would be unjust to a great number of men who had arrived here from the older countries of Europe, where they had not had the advantages of education at all, who came to the colony perfectly ignorant, and who, although very smart and clever in the ordinary relations of life, could not read and write. It would, under these circumstances, be rather soon to establish such a test as a qualification for the vote. But he had no doubt it would come in a few years, and he would be very glad to see it. Good and sound reasons had been advanced by the hon. member for Mitchell why a man should have such a qualification. He agreed with the hon. member in that, but thought that at present to make such a test would be going a little too far in advance. Besides, such an amendment would be beyond the scope of the Bill, which was only intended to deal with registration, and did not touch upon qualification.

Mr. KINGSFORD said he was pleased to find the hon. member for Mitchell expressing himself in favour of compulsory education. That hon. member was formerly strongly opposed to it, and it was satisfactory to believe that he now saw how necessary it was that every member of the community should be educated—at least, so far as to enable him to read and write. While agreeing that every voter should be able to read and write, he also agreed with the Colonial Secretary that the time for making it a test of qualification had scarcely arrived, and it would be very hard to deprive men of the franchise because by force of circumstances they did not possess that qualification. If the present system of education was continued, it would no doubt soon be a matter of course that every voter should be able to read and write.

Mr. MACFARLANE (Ipswich) was glad the hon. member for Mitchell had brought the subject forward, and hoped that some such principle would be introduced into the Bill, if it was possible to do so. He could scarcely see the force of the Colonial Secretary's argument, that this was not the proper time to deal with it. If it was not, when would the time come? Would it ever come? The natives of the colony were educated, and it was amongst people from the old country that uneducated men would be found who had not an opportunity of learning to read and write when young. Hearing the hon. member for Mitchell introduce this subject, he could scarcely refrain from exclaiming that Saul was amongst the pro-

phets. If the hon. member would continue in this course he would become one of the best members of the House, and he hoped he would give his mind to matters of this kind instead of to some of those which had recently engaged his attention.

Mr. O'SULLIVAN said, now that education was brought to every man's door, the population of the colony ought to be able to read and write, and he did not object to its being made a qualification for Queenslanders; but to apply it to everybody would be to disfranchise many good men for no fault of their own. The time was drawing near when every man in the colony would be able to read and write, but it did not follow that because a man could write his name he was a better man, or could exercise his privilege of voting more wisely than one who could not. He knew instances of educated men being about as bad members of society as could be found, and of others who could not read and write being respectable, industrious, and well thought of by their fellows. The mere mechanical fact of reading and writing had nothing in it, and he certainly would not lend a hand to disfranchise men already on the electoral rolls.

Mr. BAILEY said that men who had to work with a hoe, a pick, or a plough, found their hands get so stiff and hardened that, even if they could write, their signatures of to-day would not be their signatures of five or six months hence. Indeed, he knew an hon. member of the House who could not recognise his own signature after twelve months. Owing to this fact a difficulty, and a very serious one, would arise at the polling booths.

Mr. MOREHEAD said that, while it was perfectly hopeless to carry into effect what he believed would be a very valuable addition to the Bill, he was glad to find that hon. members were of opinion that the views he had expressed would be embodied in the statute book at some not very remote period. He agreed that it would be a hardship to disfranchise men already on the rolls, but his amendment, if he had moved one, would have been prospective only, and not retrospective. He was much pleased with the advice given him by the junior member for Ipswich; and yet that hon. member had placed him in the most ignominious position he ever occupied—he had patronised him. He (Mr. Morehead) did not wish for either patronage or direction from that hon. member, and he looked upon it as a piece of crass ignorance, if not gross ignorance, on the part of that hon. member to lecture him;—indeed, it was impudence on the hon. member's part to tell him that if he would mend his ways he would make a good member. If the hon. member would attend to his own pulpit, which was not here, and preach to his own congregation, of which he (Mr. Morehead) was not one, it would be better than dictating to him, to which, under any circumstances, he would never submit.

Mr. HENDREN thought that further provision should be made to prevent personation and double voting. He would suggest that it be provided that applications should be witnessed by a justice of the peace, and that each elector should be registered to vote at one particular polling-place.

Mr. MILES said that if declarations were not to be made on oath, the word "solemnly" was not wanted in the copy of the declaration. He would therefore move that the word be omitted.

Mr. DICKSON said that, before proceeding with the amendment, it would be better if the Colonial Secretary were to give the Committee some information as to what effect the amended amendments would have on the Bill, otherwise many hon. members, himself among the number, would not be able to follow them. He thought he was justified in asking for this information, because the effect of the introduction of so many amendments, and amended amendments, on the original Bill was not a little bewildering.

The COLONIAL SECRETARY said that when the present clause, which did not affect the original Bill, was passed, he would state the effect of the amendments. This clause was drafted in order to meet the views of the hon. member for Brisbane principally, and in accordance with his own ideas—that the simpler they made the process of getting a man's name on the roll the better the measure would be. He had decided to do away with all declarations before a justice of the peace, and make the nomination papers sent in by the applicant sufficient. He would not say the mere sending in of a claim would entitle a man to be placed on the roll, because another clause provided that courts might examine witnesses on oath as to his claims. When this clause was passed he would endeavour shortly to state the effect of the other amendments on the Bill.

Mr. GRIFFITH said it would be necessary to alter the clause permitting witnesses to be examined on oath in order to make the Bill harmonious.

The COLONIAL SECRETARY said he had not the slightest intention of recommitting the Bill to erase the power of examining on oath. That principle had been accepted by a large majority, and it ran through the whole measure. The court might examine not only the applicant, but any other person who could throw light on the matter.

Mr. GRIFFITH said the principle discussed and decided in the passing of clause 6 was as to the abolition of collectors of rolls, and that decision he accepted. If the Colonial Secretary would look at the clause

again, he would see that it embodied many other conditions. The portion of the clause empowering courts to examine witnesses on oath related to subsequent clauses, all of which had been expunged, so that it was now quite inconsistent with what the Committee had agreed to the other evening. If this power were to be given the Court, might, in the absence of the applicant and without his having any notice of the objection, examine any man who might be standing by. Packing the roll would be nothing to it. Nothing could be more monstrous, and he felt sure that such was not the intention of the Colonial Secretary.

Mr. O'SULLIVAN thought that if an applicant did not choose to attend the revision court, or have some one to appear on his behalf, it would serve him right to lose his vote if objection was taken to it. It was the duty as well as the interest of the applicant to attend the court.

Mr. REA said that if that was the Government reading of the Bill it would be one of the worst ever introduced. His experience was that men would never be got to waste three or four days waiting the decision of the revision court. The proper way would be to send notice to applicants against whom objections had been lodged, and to fix a certain day for hearing them.

Mr. MCLEAN said it would be the impression of applicants that they had simply to fill up the form and send it to the registration court. They would certainly not consider personal attendance at court necessary—indeed, many of them would be unable to spare the time to do so.

The HON. G. THORN said there was a good deal of force in the objection of the leader of the Opposition. If this clause remained as it now stood the cure would be found to be worse than the disease, and where ten names were on the roll before there would only be five. The clause was a most dangerous innovation, because it gave the power of striking names off the roll. If any name was objected to notice should be sent to the party, and some day named for the inquiry, and then if the party sent no one to represent him the name might be left off.

Mr. ARCHER said the objection did not appear to be very serious. In a criminal case any man might be examined on oath, and if he swore falsely there was a remedy. No man would be likely to swear falsely in a crowded court for the sake of causing a name to be struck off the roll; and the clause provided that the presiding justice should endorse on the notice the cause of rejection, and that the clerk of petty sessions should transmit the notice, by post, to the person whose name was struck off; so that any case of perjury could be found out and punished.

Mr. THORN said the member for Blackall was confounding the cases where notice was sent with cases of new claims. They would be placing too much power in the hands of the bench. The amendments proposed by the hon. member for Blackall were very good, with the exception of this one which should be expunged, because magistrates could tell a person that unless he proved his qualification he would be rejected. Electors living a hundred miles or more from a court would not attend for that purpose.

The COLONIAL SECRETARY said the hon. member for Northern Downs did not appear to have read that part of the clause which provided that no claim should be rejected for informality, and if any were rejected a notice, with the reason for rejection endorsed, should be sent to the party. Further on in the Bill there was also a provision that objection should be taken in the usual form and notice posted. So that every man would have a fair chance, and a fairer chance than he had at present, because no one knew now whether he was on the roll unless he sent to the court to find out.

Mr. GRIFFITH said it seemed to be their fate to be mixing things up in this Bill. The Colonial Secretary referred to a provision further on in the Bill; but as he (Mr. Griffith) could not find it in any subsequent clause, he had come to the conclusion the hon. gentleman must have intended to insert it. He (Mr. Griffith) had pointed out that what was conveyed in the 6th clause as printed was quite inconsistent with the notion that a claim sent in would be a sufficient *primâ facie* proof. He had called attention to that discrepancy, because it was absurd to have two conflicting systems under the same Bill. The present law provided, by the 3rd subsection of the 24th clause of the Elections Act, that the court should adjudicate on claims, and that the declaration contained in any notice of claim should be taken as *primâ facie* evidence of the qualification claimed. This law would be retained by the Bill introduced by the Colonial Secretary; but the amendments of the hon. member for Blackall substituted an entirely new system. It was provided by those amendments that a man must personally go before a registration court or a justice of the peace and answer seven or eight questions upon oath. That being the proposed change the provisions of the 6th clause would be right. If it was necessary for an elector to prove his right on oath it was necessary he should be there. The hon. member for Blackall said a man would not be likely to commit perjury because he would be found out; but it would be no satisfaction to a man who was tried and convicted in his absence to know that he could take action against a man who had sworn against him. He had tried very hard to understand this Bill, and it

appeared to him that the real deficiency in this clause was that it did not state what the quarterly registration courts were to do. He had explained the difference and inconsistency of the schemes, and it would be necessary to re-commit that clause.

Mr. THORN pointed out that under this Bill no claim would stand unless the man came forward to prove his right, and that the present system was far more liberal. By this change the franchise would be cramped up, and only half the people allowed to vote.

Mr. REA said, with regard to prosecutions for perjury, a man might make a statement to the best of his belief, and he could not be prosecuted for perjury.

Question—That the word "solemnly" be omitted—put and passed.

Mr. HENDREN wished to move two amendments—one to add the words "witness, J.P.," and the other to provide that every voter shall state the polling-place where he would vote, with the view of preventing personation and double voting.

Mr. BEOR said the objection that a magistrate might strike out a claim on evidence by word of mouth was met by the provision that the cause of objection should be endorsed and notice sent. To remove all possibility of objection, however, he would move the insertion, after the last paragraph but one, of the words "declaration contained in any notice of claim to be *primâ facie* evidence of the qualification of applicant."

The COLONIAL SECRETARY said he had not the slightest objection to add those words.

Question—That the words be added—put and passed.

Mr. HENDREN said he wished to move the amendments he had referred to.

The COLONIAL SECRETARY said he was too late, as that part of the Bill was passed; besides, they would counteract what had already been done.

Mr. MCLEAN thought it would be most objectionable to add the proposed words. A man might send in his application from one part of the electorate, and afterwards remove to another; or, on a polling day he might happen to be in a market town where a poll was taken.

Question—That the clause, as amended, stand part of the Bill—put and passed.

The COLONIAL SECRETARY proposed the following new clause:—

> Every person entitled to have his name inserted in any electoral list may personally appear before the quarterly registration court aforesaid and may there make his claim and prove his qualification.

It merely entitled any person who preferred to come in personally to register his vote to do so, instead of sending in a written application.

Mr. WELD-BLUNDELL said that under the provision the man who made his claim personally might be called upon to prove his qualification, whilst the man who applied in writing need not do so unless objection were made. He did not see why the same principle should not apply to both cases, and would therefore move the addition of the words "if objected to" at the end of the clause.

Mr. GRIFFITH said that, in either case, there could be no objection made at the time of making application. If a man applied personally to be placed on the list the claim would not be decided on until the next revision court;—should there be an objection in the meantime he would then have to come in and prove his claim.

The COLONIAL SECRETARY did not think the amendment was necessary.

Question put and passed.

The COLONIAL SECRETARY moved a new clause, to follow the last, providing for the compilation of a quarterly electoral list, and that the registration courts, held in April, July, and October, should be deemed revision courts to revise such lists. He wished to say a few words as to the effect of this clause, and the difference there would be between the present law and the incoming one, if the provision passed. Under the 7th section of the present Act a person to get on the roll must reside six months in an electorate before the list was made out, the list being prepared in August. An elector, therefore, who moved from one part of the colony to another, or from one district to another immediately adjoining it, would put himself off the roll, and probably remain off for twenty-two months before he would get on again. He would take his own case as an instance. He had resided in Brisbane and the neighbourhood for many years, and within the last three or four years had lived in three or four different houses; in consequence of his having removed from one house in Enoggera, to town, where he lived for one twelve months, and then removing from town to another district, he could not be on any roll for nearly two years; and there were many others in the same position. Supposing a person removed in March to another electorate, he could not get on the roll for twenty-two months. This Bill proposed to do away with a great deal of that mischief by holding four registration and revision courts in the year; and under this system it would be a man's own fault if he did not get on the roll in six months or a little longer after removing. There were to be three quarterly registration courts in each year, and an annual revision court to be held at the usual time in November; so that a man would have four opportunities of getting enrolled, instead of one as at present. The fact of the matter was, that if he were not on

another electoral roll he should be disqualified from holding a seat in the House, and there were probably many men quite as fit as he for the position who were disqualified from sitting in the House through not being on the roll. It was the right of every man who was qualified to place his name on the roll in the shortest space of time, and under this Bill any qualified person was entitled at any time in the year to send in a written application to be registered. The hon. member (Mr. Griffith) had several times in the course of the debate said that the present Act contained a similar clause, but there was none in it giving such a privilege.

Mr. GRIFFITH: I never said so.

The COLONIAL SECRETARY said he must, then, have grossly misunderstood him. The present Act only enabled a man to register himself if he found his name had been omitted, and that right he had only once a year. Under the clause proposed the list of names registered in January, April, and July would be exposed to public view, and the courts to be held in the following April, July, and October would revise them. The list of names registered in October would be exposed as a supplementary list, but would not remain exposed until the next court, being included in the annual roll. He had made every possible provision for enabling parties who were entitled to the franchise to register themselves, and he believed the Bill would be a great improvement on the present law. With reference to some remarks made by the hon. member (Mr. Thorn), he would refer him to the first sub-section, regarding the lodging of objections, which would meet the objections that he had raised. The quarterly court held in January would not have the opportunity of revising names registered in October, because they would be revised and added to the annual roll at the court held in November; but the quarterly court held in April would register the names of fresh voters and revise those placed on the roll in January. The courts held in July and October would have the same powers; and then came in the annual court, to be held about the middle of November. The clerks of petty sessions, instead of the collectors, would have almost the whole duty of compiling the rolls; and, as their duties were laid down fairly and plainly, he could not see how any clerk who intended to do his work could make a mistake, but if he wilfully neglected his duty provision was made for his punishment, which was only fair considering that clause 34 provided that he was to be paid for his services. The rolls were to be marked, and the lists were to be compiled from the rolls and quarterly list. A form of annual list was given, and a quarterly electoral list, compiled in the month of October, was to be the supplementary electoral list, so that every man who had a claim might be placed as quickly as possible on the roll. They provided for three quarterly registration courts and for a supplementary list for the annual court to be held in November; the first three quarterly lists were to be exposed, from one court to the other; the annual list was to remain on view for thirty days, and the supplementary one for not later than fifteen days. At the end of clause 16 he proposed to add clause 19 from his Bill, providing that if there should be no court of petty sessions in any electoral district the Governor in Council might fix the court at which the duties imposed by the Act should be performed. There was only one case at present to which this section would be applicable. The clauses providing for objections to names, public notice of objections, and list of claimants and objections to be exhibited, were all pretty much in accordance with the present law. He had now explained the difference that would be made if the amendment was brought into force. The clerk of petty sessions would have no power to leave off names; every name sent in must be placed on the list, and it rested with the revision court entirely to remove any name. If the clauses passed the Bill would be made a very good one. He had to thank the hon. member (Mr. Archer) for withdrawing the amendments of which he had given notice. He had gone through them partially, but found it impossible to get on with the Bill whilst it was supposed they were supported by him and he was expected to answer objections. The hon. member had withdrawn the amendments, and he had remodelled them in the shape they were now. He believed they would give every facility to every man who had the slightest title to get placed on the roll, and he had tried his best to make the Bill so that all who ran might read.

Mr. GRIFFITH said they had now for the first time an explanation of the new scheme, such a one as ought to be given at the second reading of a Bill. He conceived last week that something of the kind was aimed at by the Government, although not carried out in the amendments placed before the Committee. Since then these amendments had been carefully revised, and nearly all the amendments he had intended to introduce appeared to have suggested themselves to the Colonial Secretary. The idea of having quarterly registration and revision courts was no doubt good, but there was one radical defect. Each quarterly court, first of all, had to compile a list which was exposed, and to which objections might be made. The following court sat as a court of revision to deal with objections, and to compile a supplementary quarterly roll of names

not objected to. In principle that was admirable, but how would it work? He would observe that all these amendments had been altered since the draft he had considered on the previous evening, and that this was about the fourth different scheme that had been laid before the Committee. There were to be quarterly registration courts in January, April, and July, and revision courts in April, July, and October. The court held in January would simply compile a list of names received during October, November, and December, and it was not proposed that that court should sit as a revision court—because if it did it could only put names on which were sent in before October and were allowed by the annual court held in November, and placed on the annual roll, so that there would be only three quarterly revision courts. The April and July courts would give them proper quarterly rolls; but what was to be done with the new names registered at the July court? Under the proposed clause the clerk of petty sessions made out a list and exhibited it at the police office until the next court sat, and any person wishing to object to any name must send in notice. The court which sat in October dealt with the names registered at July, and the list thus compiled became the quarterly roll from October to December; but at the same time, or at least a month later, another process would be going on. The clerk of petty sessions had to make out an annual list in August, and had to put in the same names that were registered in July, and to expose them to public view from the 1st September to the month of October, and in this case anybody objecting must do so, not before the first Tuesday in October, but before the 1st of October. How on earth was a roll to be compiled when these two things were to be carried on at once? The same list would be dealt with in an entirely different manner at different periods, and it would be quite impracticable to do this because the confusion would be enormous. Supposing he wished to object to a particular name, it was not sufficient that he should do so at the October quarterly court, but he should also have to object at the November court supposing the two courts dealt differently. The result might be that a man might be put on the roll by one court and left off by the next;—a man might not prove his objection at the October court, but he might object at the November court. A man who found that there was no objection to him at the October court, would go away satisfied, and his name might be struck off at the November court. The confusion that would ensue would be intolerable, and there was no way out of the difficulty. The Colonial Secretary did not seem to think there would be any confusion. Therefore, they had simply the same lists dealt with in two different ways by two different courts, and at two different periods. It would appear that the objections would have to be made in duplicate, and what was proposed was really impracticable. If the Government would be content to do what was possible they could get a supplementary roll on the 1st of July in each year, and there would be no confusion; they would then get two rolls, but in attempting to get a third the confusion would be endless, and the first thing the next Parliament would do would be to repeal it as something intolerable. Although the amendments were now in a better form than they were before, and were intelligible as far as they went, they were aiming at something that was impracticable; and it was paying too dear for their whistle merely for the sake of getting their supplementary rolls.

The Premier said the objections of the hon. member would have been very good before he read the amendments now before the Committee, which met all the objections he had raised. He (the Premier) did not see how two courts could adjudicate on the same application, and one might decide one way and the other another. He had read the amendments with great care, and he could not see anything of the sort. There was provision for three quarterly revision courts, but the fourth quarterly revision court was not held, because the work would be done by the annual revision court which took place in November. The work done by the revision court in October came before the November court, so that it rendered the January court useless. There was no difficulty in the thing, which was quite clear.

Mr. Griffith said he had read the amendments very carefully, and he could come to no other conclusion than that he had pointed out—that it would only lead to endless confusion. It would be desirable, and it was practicable, to get two rolls in the year, but beyond July they could not get a roll without great difficulty and confusion.

The Colonial Secretary said the difficulties raised by the hon. member were purely imaginary, and none but a legal mind would have discovered them. He believed that, even if what the hon. member pointed out were to happen, no harm would be done. The only result would be that, perhaps, by some fortuitous concatenation of circumstances—as he had heard the hon. member for Maryborough (Mr. Douglas) say, some years ago—one or two names might be put off by one court and put on by another; and, comparing that with the advantages of getting a roll four times a year, it was a mere bagatelle. He believed the difficulty would vanish like smoke

before the wind, if the Committee would only go on with the Bill.

Mr. BEOR said it did not appear to him that the objection raised by the leader of the Opposition was a fatal one. It only amounted to this—that every new proposed voter would be liable to have his name objected to twice—at the quarterly court or the annual court; but that was all, and there need be no difficulty about it.

The PREMIER thought the hon. member for Bowen (Mr. Beor) had touched upon the real difficulty raised by the leader of the Opposition, whose complaint was virtually that an elector put on after July would have to run the gauntlet of two courts and might be struck off by either; but if he sent in his application up to January or April he would be in the same position, because he would still have to run the gauntlet of the revision court at the end of the year. The only reason why it looked like a hardship in the former case was because the two courts would happen to sit about the same time.

Mr. GRIFFITH said he had pointed out that, practically, they would have two conflicting systems; and, if they wanted a system for worrying electors, and preventing the rolls from being properly compiled, they could not do better than pass this clause. He had simply done his duty in explaining the matter; and he should vote against the clause, because he believed that the compilation of the electoral rolls ought to be made as simple as possible. All legislation of late years had been in that direction, but this would make it as confused as it possibly could be. He thought a certain number of days should be fixed for objections to be sent in. In clause 17 the objections had to be sent in about six weeks before the revision court; but, under clause 10, they might be sent in the day before the holding of the court, and how was an elector to know?

The COLONIAL SECRETARY said he was obliged to the hon. member for any practical suggestions, and would move that the words "fourteen days" be inserted, so that the clause would read that every objection should be sent in fourteen days before the holding of the court.

Mr. GRIFFITH said there was no provision in the clause for sending notice to the person objected to, as there was in clause 17.

Mr. DICKSON said he saw great confusion that was likely to arise from the difficulty of electors understanding on which roll the applicants would be inserted; that was to say, that the procedure of the quarterly revision court and the annual revision court was by no means clear, and he thought it desirable that they should not unnecessarily introduce confusion into the method by which electors could have their names inserted on the roll. The Colonial Secretary could hardly consider this captious criticism, because the system of quarterly registration courts was a matter of very great importance which was not contemplated in the original Bill, and therefore required time for consideration. He thought the difficulty could be got over by the revision courts being held half-yearly instead of quarterly. That would be a great advance on the present system, and do away with a great deal of the confusion which was likely to arise under the system now proposed.

The PREMIER said the hon. member deprecated the idea of his objection being considered captious, but he would put it to him whether he considered the proposition he now made fair or reasonable? When the first of these amendments were moved, it was held by the leader of the Opposition and the Committee to decide whether they should have quarterly revision courts, and it was clearly and distinctly affirmed, on division by 26 to 15, that they should have quarterly revision courts; and now the hon. member came forward and asked them to reconsider their position, and establish half-yearly revision courts. The thing was absurd, and it was a mere waste of time to make such a proposal.

Mr. GRIFFITH said the proposition to have quarterly revision courts was never heard of until last Wednesday evening, the day after the division of 26 to 15 was taken; and he had then pointed out that quarterly registration courts would be perfectly futile, because the duty then proposed to be imposed upon them was merely a Ministerial duty which a clerk of petty sessions could do as well in his office. They had never by any resolution affirmed the desirability of quarterly revision courts; all they affirmed was the desirableness of abolishing the collection of the rolls, and nothing more. The clause should be amended in such a way as to provide that some notice should be given to the person objected to.

The COLONIAL SECRETARY said he had no objection to the suggestion, and would move, accordingly, that the following words be inserted—"And the party objected to in such case within fourteen days."

Question put and passed.

Mr. THORN thought a further amendment should be made to provide that the names of the parties objected to should be advertised in the local Press.

Mr. GRIFFITH moved the insertion of words stating that, in the matter under discussion, the provisions of the section of the Bill relating to annual revision courts should be taken as a guide as far as might be practicable.

The COLONIAL SECRETARY said that would be tautology, as the words "shall be deemed to be a revision court within

the meaning of this Act" already appeared in a preceding part of the clause. However, the amendment could do no possible harm, and therefore he should not object to it.

Question put and passed.

Mr. GRIFFITH hoped that the Committee would reject the clause, as it was an ill-advised attempt to do too much. If passed, it would be the first duty of a new Parliament to repeal it.

Question—That the clause, as amended, stand part of the Bill—put.

The Committee divided :—

AYES, 20.

Messrs. McIlwraith, Palmer, Macrossan, Perkins, Cooper, Low, Morehead, Stevenson, Kellett, Beor, Stevens, Archer, Hamilton, H. W. Palmer, Sheaffe, Lalor, Weld-Blundell, O'Sullivan, Lumley-Hill, and Amhurst.

NOES, 18.

Messrs. Griffith, Dickson, McLean, Rea, Meston, Rutledge, Thorn, Douglas, Kingsford, Horwitz, Grimes, Macfarlane (Ipswich), Kates, Hendren, Tyrel, Beattie, Groom, and Mackay.

On clause 9—Registrars to furnish annually lists of deaths as printed in the amendments—

Mr. THORN suggested that there should be a provision to compel electors to vote in the polling districts in which their qualifications lay.

The COLONIAL SECRETARY said the matter had nothing whatever to do with the clause before the Committee.

Mr. HENDREN said that, seeing a list of electors was to be made out more than once within the twelve months, he would move that registrars should make returns quarterly to the clerks of petty sessions of all deaths in their districts, as it would be a great convenience to know the number of deaths quarterly instead of once in twelve months.

Mr. GRIFFITH pointed out that it would be unnecessary to amend the clause in the manner the hon. member indicated, as the quarterly revision court only dealt with names proposed to be added to former rolls.

Clause 9 of the new clauses then put and passed as printed.

Clause 10—Rolls to be marked; and clause 11—Lists to be compiled from rolls and quarterly list—passed as printed.

On clause 12—Form of annual list—

Mr. SWANWICK said that it would be advisable to introduce an additional column to the schedule, with the heading "postal address." There was a large parish in his electorate called Mackenzie, but there was no postal town of that name, and to address a circular or letter to an elector at "Mackenzie" would be nearly certain to result in the letter finding its way back to the Dead Letter Office. But by adding a column for the postal address, the elector, when he registered his name, could give his address and could be communicated with when necessary. Once made it would be very convenient to everybody, and would cost little more than the schedule in its present form.

Mr. GRIFFITH could not see the use of an additional column for the address, as the electoral list gave the names of the electors, their residence and qualification, and where their property was situated. What more could be done than that, and what would be the use of a postal address in addition? Surely "residence" included "postal address."

On the advice of the COLONIAL SECRETARY—

Mr. SWANWICK, with the permission of the Committee, withdrew his amendment.

Clause put and passed.

Clause 13—Supplementary lists; and clause 14—Lists obtainable on payment of fee—passed as printed.

On clause 15—Lists to be exposed—

Mr. GROOM suggested that the words "primary schools" be inserted.

The COLONIAL SECRETARY said he objected to primary schools being used for political purposes. Any Minister of Public Instruction would feel it his duty to dismiss any schoolmaster who made himself prominent in political strife. If lists were to be exposed on primary schools, masters would feel tempted to take one side or the other. He would do the previous Minister for Education the justice to say that it was his endeavour, as it was his (the Colonial Secretary's), to keep all the primary schoolmasters as much out of politics as possible.

Clause passed with a verbal amendment.

Clause 16—As to police districts forming parts of two or more electoral districts—passed with the addition of the words "keep separate electoral register books."

Clause 19 of the Bill passed with a verbal amendment.

On clause 17 of the amendments—Objections to names on lists—

Mr. GRIFFITH said the clause did not make it clear what persons were entitled to make objection—whether the objections were required to be made in duplicate for the two lists, and whether any objections made would be entertained in October or November.

Mr. MCLEAN pointed out that a large number of men who were six months in an electorate had their names put on the lists, and their names could not be removed unless an objection in this form was forwarded with the sum of 5s.

Mr. O'SULLIVAN said, in that respect the Bill was an improvement, as previously such names could only be removed at the annual revision.

The COLONIAL SECRETARY said the first objection of the leader of the Opposition would be met by striking out the word

"herein," and inserting "on any electoral list:" and he would point out that the other objection was removed by the 10th clause, as passed. He therefore moved that amendment.

Question put and passed.

Mr. GRIFFITH said the question as to whether the objection must be sent in in duplicate, and whether it would be entertained in October or November, remained unsolved.

After further explanation from the COLONIAL SECRETARY, and the passing of verbal amendments—

Clause 17 was passed as amended.

Clause 18—Public notice of objections and list of claimants and objections to be exhibited — passed with verbal amendments.

The COLONIAL SECRETARY said he now proposed to negative all the clauses from 5 to 21 (inclusive) in the original Bill.

Clauses negatived accordingly.

On clause 22—Revision court to be held—

Mr. GRIFFITH desired some information respecting the words "and at such other place or places as the Colonial Secretary shall appoint." This gave power to the Colonial Secretary to appoint revision courts; it was in the existing law, but up to the present it had no meaning, and there was no machinery provided for carrying it out.

The COLONIAL SECRETARY said the provision would apply in connection with clause 19, which provided for cases where there were no courts of petty sessions. It would only be necessary to exercise this power in large outside districts, where they must have someone to do the work. It was only to meet extreme cases; it had never been acted upon, and very likely never would be, but it would be absurd to pass a measure of this kind without providing for cases of necessity.

Clause, as verbally amended to agree with previous amendments, put and passed.

Clause 23—Revision courts how constituted and presided over; and clause 24—Majority to decide—put and passed, as verbally amended.

The COLONIAL SECRETARY moved that a new clause 25 be inserted, and explained that the clause proposed was the same as that in the Bill, except necessary verbal alterations.

Mr. GRIFFITH said he had no objection to the clause, with necessary amendments; but it was a very serious change from the present Act, and he did not understand the reason of it.

Mr. BEOR pointed out that the Bill provided in a simpler manner for what the present Act provided.

The COLONIAL SECRETARY said that a clerk of petty sessions had no power to remove one single name from a roll, but only to mark disqualifications by death or otherwise, as the second sub-section provided that all objections must be proved to the satisfaction of the court before any name could be expunged from the list.

Mr. GRIFFITH said that the 7th sub-section of clause 24 of the present Act provided that a man might elect the polling district in which he intended to vote, but that was omitted altogether from the Bill, because the provisions of the existing law relating to polling districts were proposed to be repealed by the first clause of it. Since then, however, the Committee had decided that the law referring to polling districts should remain; and therefore it would be necessary to reinsert the 7th sub-section of the 24th clause of the Act.

The COLONIAL SECRETARY said he had purposely omitted many clauses in the present Act which he thought unnecessary, but he had no objection to insert the sub-section referred to by the hon. member.

Clause 25 amended accordingly; and clause 26—No person to have his name more than once on list—as printed, passed.

Mr. O'SULLIVAN said that this was a convenient time for him to introduce a new clause, which he had had printed, and which he moved as follows:—

No person in the employment of the Government and receiving pay for his services whether as a Civil Servant or otherwise shall have the right to be placed on the roll of electors or his vote be taken at any election of a member for the Legislative Assembly of Queensland And any person who does so vote shall be deemed to have retired from the service of the Government and be incapable of receiving any salary or allowance from the public funds.

After a pause—

Mr. GRIFFITH said they were waiting to hear what the Government had to say to the new clause.

Mr. O'SULLIVAN said it was not a Government measure—it was an affair of his own, and there was no necessity, that he could see, for any talking about it. There was not a man in the country who did not know that they had a discussion on the subject on one occasion before, and it was then pretty much agreed that it would be good policy to disfranchise the Civil Servants, and from what he could find out they would be glad if such was the case. But this was certain, that the longer their names were on the electoral lists the worse it would be, as the Civil Servants of the colony were increasing very rapidly, and in a little while they would have the voting power of the colony in their own hands, and not the taxpayers, who would on nearly every occasion find themselves out-voted. The principle of disfranchising the servants of the State had already been recognised in the colony in one direction, and he could

not, therefore, see why one section of the servants of the State should be disfranchised and another not. He did not intend to say anything about the matter now, but would reserve himself to make the best reply he could to any objections which might be raised. An opportunity had occurred—and a very good one it seemed to him—for introducing a very easy way of getting rid of the system of State servants voting at all. The House would recollect they discussed the matter very fully in 1877, and then, at any rate, the tendency of opinion was that the House should prevent Civil Servants from sending men to the House to vote their salaries, and by those means becoming the virtual masters of the State. To disfranchise this class had been his idea all along. He had risked his election for Stanley on the point, and he was prepared to risk it again, but he was satisfied the good sense of the House would see he was right. They should not be servants and masters too, and if they received the pay of the State they could not also expect to send members to the House to vote their salaries, and at increasing rates. If they received the State's money they had no right to occupy such a position and ought to stand aside. Of course, he knew the answer he would receive—that they had as much right to vote as anyone else; but his answer to that was now, as it had been before, that he believed that their existence as electors was injurious to the State, and no man had any right to injure that.

The COLONIAL SECRETARY said the hon. member for North Brisbane had called upon the Government to state their opinions of this amendment; but he had no right to do anything of the kind. It could in no way be called a Government question; it was an amendment brought forward on a Government Bill by a private member. Speaking for himself, however, on an amendment of this sort, and for himself alone, he (Mr. Palmer) had no hesitation in saying he should support it. He supported it on the last occasion when the hon. member brought forward a resolution of a similar nature; and he always would support it, whether he was in Opposition or member of a Government;—at any rate, until he altered his opinions, which he was not often in the habit of doing. He was decidedly of opinion that the Civil Servants and persons in the employment of the Crown had no right to vote, and that those persons were being placed in a false position if they were given votes. Under the present law, police magistrates, clerks of petty sessions, and policemen could not vote. Why were they singled out of the crowd of Civil Servants and prevented from voting? It was an opprobrium that had been cast upon them for many years, and he had always voted against it, holding the opinion that men who were paid by the Crown were not the parties to send by their votes members into the House to do as the member for Stanley had rightly said —vote their salaries and bring every kind of influence to bear in increasing their salaries and their promotion in the Civil Service. If a man chose to take Government pay, let him relinquish his rights as a citizen. He was not bound to go into the Civil Service; but if he preferred the "almighty dollar" to the right of voting, he was free to do as he liked. The Government, however, were not to be hunted into treating this amendment as if it were part of the Government measure. Every member was entitled to his own opinion, and he hoped the question would be voted upon, not as a party question, but as a great national question. He would remind hon. members that a party was fast rising in the State —an *imperium in imperio* which, if they did not take care, would master them. The Civil Service was assuming such proportions that, if they went on as they had been going lately, they would have such an influence upon the House that they would be able to insist upon members voting for their salaries just as they pleased, and the sooner this was at an end the better for the Civil Service, the better for the Government, and the better for the country.

Mr. GRIFFITH asked whether this was a Government Bill or not? Here was a Bill brought in to reform the collection of the electoral rolls, and here was an important amendment, altering the franchise, proposed; yet the Colonial Secretary objected to be asked what was the opinion of the Government. What was the function of the Government? If this was a private Bill it should have been brought in on a private members' day and not on a day when it would interfere with Government business. If this was a Government question they were bound to know the opinion of the Government upon it. It was a most important matter, the disfranchisement of a part of the population of the colony, and Government were bound to declare their policy; and then, if they could obtain a majority to disfranchise the Civil Servants of the colony, they must take the responsibility for doing so. There were good reasons why policemen and police magistrates should not vote. The police magistrate was a judicial officer, usually in a country town, and if he was known to vote his power for good might be seriously imperilled. The same rule applied to policemen: if they were open to the suspicion of being political partisans, the result would be most injurious to the public interests. But these considerations did not apply to the generality of Civil Servants, and, as to their becoming an *imperium in imperio*, he had seen nothing of it. Many Civil Servants

had voted against him, but it had never occurred to him to disfranchise them so that they might not do it again. That seemed to be a very improper basis for legislation, and much better reasons should be given than those already adduced before an important change like this was seriously contemplated. The title of the Bill might be large enough to cover the question, but, on the same grounds, it was open to any hon. member to move the abolition of manhood suffrage. The Bill was one to regulate the collection of the electoral roll, and this was a matter quite foreign to it. He objected to discussing the matter further, until he knew whether the Government were prepared to take upon themselves the responsibility for it.

Mr. BAYNES said he did not think the leader of the Opposition had any grounds for his objection that the amendment had not been brought forward by a member of the Government. He should not have favoured the amendment had not the word "permanent" been struck out. There were many Civil Servants who should not be disfranchised, but those were the very men who cared least for their vote. He happened to be travelling through the Northern Downs on the occasion of the recent election for that district, and he could assure the Committee that that electorate was not represented in the House. The majority of the voters were men employed on the railway, and who might be in Sydney the week afterwards.

Mr. THORN: They would not be affected by this amendment.

Mr. BAYNES said they were in the employment of the Government, and the Northern Downs electorate was not represented in the House. He should vote for the amendment.

Mr. THORN said the hon. member for the Burnett appeared to be labouring under a mistake. The men employed on the railway were not receiving Government money. They were in the employment of a private firm;—indeed, very few of the electors of the Northern Downs were receiving Government pay. He could never see why Civil Servants should not have the same right to vote as any other class of the community. They had the franchise in the United Kingdom, and if such was the case they were equally entitled to it here. From his experience of elections—and he had watched them closely—he could say that the Civil Servants generally gave a good straight vote for the interests of the country, not their own, and he believed them to be the most unselfish portion of the community. He should regret exceedingly to see them disfranchised, although it might make an alteration in the members for some of the electorates. He should be glad to see fresh elections take place everywhere. The House certainly did not at present represent the country; and he should only like to see the country appealed to. If ever a House was returned on a false pretence it was this.

Mr. MOREHEAD said he had made perfectly certain that the hon. member for Northern Downs was going to announce his discovery of Europe; but, instead of that, it was that the House did not represent the country. No doubt some of the constituencies were not properly represented; and, as to the number of members, there might or might not be too many;—some, at all events, might very well be done without. The leader of the Opposition had found fault with the Government for not expressing an opinion on the amendment. The Bill was certainly a Government measure; but the hon. member for Stanley had a perfect right, as every other hon. member had, to move amendments upon it, especially when they did not affect its vital principle. He went entirely with the hon. member for Stanley, and he held that Civil Servants had no right to have a vote;—they had no right to be in a position to dictate to those who were really their masters. The gross overgrowth of the Civil Service of the colony was almost wholly due to the fact of their having votes, and a better mode of effecting economy in the public expenditure could not be adopted than by taking away those votes. Not only had the Civil Servant a vote, but he generally had a tail hanging to him. He could state, as a matter of fact, that the Civil Servants of Brisbane had each a lot of friends who voted with them. When the Civil Service became a danger to the State, it was time steps should be taken to prevent the danger from extending further. The Civil Service in Brisbane alone was a danger to the State; it was a factor to be considered in every election in the city and suburbs.

Mr. GRIFFITH: No.

Mr. MOREHEAD would say, yes; and he knew as much about the matter as the hon. member for North Brisbane. The Civil Service was a danger to the State, and it would become more dangerous year after year. It had got beyond the bud, but they ought to nip it at once, or their servants would become their masters. All credit and honour was due to the hon. member for Stanley for bringing forward what might be considered an unpopular proposition. Despite the argument of the leader of the Opposition, he failed to see why police magistrates, clerks of petty sessions, and policemen should be denied the franchise while the other members of the Civil Service were permitted to enjoy it. To his mind there was no question that the privilege should be stopped from the top to the bottom of the Service. Hardly a day passed without some application being made to hon. members by Civil Servants, either to ventilate

their grievances or to have them promoted, or do something or other for them;—in fact, hon. members were becoming the tools of the Civil Servants, to work them into better positions or air their grievances. He had a rough-and-ready way of dealing with those gentlemen. When in Opposition he told them he had no influence with the Government, and when supporting the Ministry he told them he did not like to embarrass the Government; and so he got out of it pretty well. If members of the Civil Service read his speech they would know it was of no use to bother him with their complaints. The more intelligent portion of the Civil Servants did not, he believed, trouble themselves much about these matters; but they were really at the mercy of those who were not so conscientious, who made use of their representatives or their representatives' friends as a ladder for promotion or increase of pay. Men whose salaries hon. members had to vote had no right to exercise the franchise, and it would be an act of kindness to many of them to disfranchise them, for then they would be able to say, when their votes were canvassed by candidates, "I should be very willing to assist you, but I have not got a vote." He trusted the hon. member's amendment would be carried;—he would give it his consistent and persistent support.

Mr. Dickson said the hon. gentleman who had just spoken might be correct in saying that the Government were not obliged to be unanimous; but, at all events, the Colonial Secretary, being in charge of the Bill, ought to be consistent in his conduct with regard to all amendments, and especially be in accord with expressions used by him in the debate this afternoon. During the afternoon the hon. member for the Mitchell attempted to introduce an amendment with regard to the qualification of electors.

Mr. Morehead, as a matter of explanation, said he did not attempt to introduce any clause. He spoke with the intention of provoking a debate, and asked for an expression of opinion from both sides of the House.

Mr. Dickson said that mattered very little. The hon. member proposed to consider the propriety of making the qualification for electors that they should be able to read and write. Had the sense of the Committee been with him, he would no doubt have formulated an amendment; but he found the sense of the Committee against him.

Mr. Morehead: The want of sense of the Committee!

Mr. Dickson said the reception the suggestion met with did not induce the hon. member to proceed further; and that reception was chiefly formed on account of a very proper remark from the Colonial Secretary, that this Bill was in no way intended to deal with the qualification of electors. If that argument held good in the case of want of education, why did not the Colonial Secretary come forward and say that, however much he might agree with these resolutions—as he (Mr. Dickson) knew he did—this was not the time or place to introduce such an amendment. That would have at once met the matter, and would have been consistent. He (Mr. Dickson) should take up the same position as he did during the similar debate in 1877. He could see no reason why persons in receipt of Government remuneration should on that account be debarred from the rights of citizenship. They would not make a man more efficient by lowering him in his self-esteem and in the estimation of his fellow-citizens. It was an insult to the intelligence and independence of Civil Servants to say that they would act like a machine and not use discrimination as to whom they should vote for. A very great deal too much had been made of this matter. It was on a par with other cases of occasional panic in this House—notably, on last night. Then, because a few escapees had landed on our shores, a measure was introduced by which every man would be liable to be arrested without warrant, taken before a justice of the peace, and imprisoned for three years. To-night, an attempt was made to exclude a large class of citizens from the franchise—a class who would compare favourably in intelligent attainments and all those qualifications which entitled men to possess the franchise with any other class of the community. If the hon. member for Stanley had any desire to pass this amendment, he should have come before the Committee with information as to the comparative numerical weight of the Civil Servants as electors; then he might have submitted grave reasons for the consideration of the subject, and shown the magnitude of the danger, if any. He (Mr. Dickson) was not prepared to lay those figures before the Committee, but he was prepared to say that the number, when found, would be very small in comparison with the aggregate number of electors. His broad contention was, that if they deprived a number of people who were receiving Government pay of the franchise they should debar them, likewise, from all the privileges and all the responsibilities of citizenship, and say they had no right to hold property or pay rates. But if they were saddled with the responsibilities of holding property and paying rates, they had a consequential right to exercise the privileges accorded to every man who had the same obligations and occupied a similar place as a contributor to the necessities of the State. They paid the same taxes—possibly heavier taxes—and they had

every right to exercise the privilege usually accorded. He did not at all agree with the apprehensions which had been raised with regard to the growing danger to the State from the voting power in the hands of Civil Servants. Before bringing the matter forward the hon. member should have procured reliable data to prove that they were likely to improperly influence any election in the colony.

Mr. RUTLEDGE said he certainly thought that the hon. member for Stanley, in bringing forward this amendment, felt somewhat ashamed of his action, as the manner in which he proceeded was so very unlike his usual manner when bringing any matter before the consideration of the House. He had always looked upon the hon. member as very straightforward and courageous, and not afraid of expressing his opinions; and he expected the same qualities would have distinguished his action in bringing forward this extraordinary amendment. But from the timid, shrinking way in which the amendment was brought forward, it appeared to him that the hon. member was simply anxious to keep faith with the electors who had charged him indirectly with timidity in this matter. He would, it seemed, discharge his conscience, and let the House do with the amendment what it liked. He excused himself for not bringing forward arguments by saying he would not repeat the arguments he had used during a session of the last Parliament when he brought forward a similar motion. But he had overlooked the fact that there were a large number of new members in the House who had not the privilege of hearing the statement he had made in defence of the position he then took up with regard to a large and important section of the community. Consideration for those new members should have suggested the desirableness of enlightening them a little, and furnishing some grounds why they should fall into the hon. member's views and assist him in carrying his amendment. The Colonial Secretary alleged as a reason why he should support it, that the Civil Service was an *imperium in imperio*, and a growing danger to the community; but he did not bring forward any argument in support of that very strange allegation, nor any proof satisfactory to his (Mr. Rutledge's) mind, that to introduce this amendment would be expedient in any circumstances or necessary at the present time. He said the Civil Service was growing at such a rate that they would be our masters; but he (Mr. Rutledge) had never heard of any peculiar antagonism between the Parliament of this or any other country and the large body that received pay from the State, or anything particular in the minds of Civil Servants that did not exist in the minds of members of Parliament as to what would conduce to the welfare of the country, which would leave Parliament on the one hand and Civil Servants on the other assuming a position of antagonism. Most hon. members on both sides would give the Civil Servants the credit of having some of the magnanimity they took the credit to themselves for possessing. The Civil Servants, having interests as large and important in the colony as hon. members themselves, would not be likely to lend their support, individually or collectively, to any legislation likely to be detrimental to their interests or the interests of their children after them. The hon. member for the Mitchell made use of an extraordinary argument. He said that Civil Servants were a growing danger to the community, and, waxing eloquent, as the hon. member could do occasionally, he said that Brisbane was a conspicuous example of the fact. Now, one fact was worth half-a-dozen arguments; and he should like to have the proof that the Civil Service was dangerous, as exhibited by their voting power in Brisbane. Was that danger illustrated by the fact that the Civil Servants of Brisbane, by their preponderating power, had returned the Colonial Secretary to the House? Was that the evidence the hon. member viewed as indicative of the fact of a growing danger—that they had returned as representative of the metropolis of the colony a gentleman many of whose personal interests were diverse from those of the great body of the electors? The charge had been laid that these men must not be allowed to rise up against their masters. They came to the antipodes to find many strange facts—that cherries grew with the stones outside, and quadrupeds went on two feet—and now it appeared that the maxims held in the old country were entirely reversed here. The great Robert Lowe, in the House of Commons, during a debate on the last Reform Bill, was so Conservative in his tendencies, that he opposed the extension of the franchise;—and when it was carried against him, said, "Let us educate our masters." He recognised the fact that the great body of the electors were not the servants of the House of Commons but their masters;—while he (Mr. Rutledge) did not intend to pander to the prejudices or passions of any class or section, he recognised the fact that, as regards his right to sit in the House, the electors who sent him to it were his masters. He was not their master; and who was he that he should exercise lordship over them? They had sent the members of that House to be their spokesmen and to represent their views. Members of the House were—if he might so express it—the concentrated essence of the intelligence of the electors who sent them as representatives: if they were not so they ought to be; and,

if some hon. gentlemen repudiated that, then upon them be the responsibility for the inapplicability of his statement. He gave the hon. member for Mitchell credit for being a sagacious member, but he should like him to be consistent, and he had been inconsistent that afternoon. He suggested it would be a good thing to require electors to be educated to a certain extent as a necessary qualification for enjoying the franchise, and yet he now said that a large section of the community, which taken on the average were the best educated in the land, should be debarred of the right to exercise the franchise. It had been said that the fact of the Civil Servants having the right to vote enabled them to increase a power which was dangerous to the community—that they would grow and extend, and in this way would become dangerous. But he would ask whether there was any special bond of union between the Civil Servants of the different departments, or between those employed on the Northern coast and those employed in the metropolis? On the contrary, they were perfect strangers as regards particular interests; and unless there was this bond of union, which had not yet been discovered, the danger spoken of was more imaginary than real. He could not see why they should be so anxious to aim a blow at the Civil Service, and more especially when the danger that had been referred to rested upon a shadowy foundation. The argument was that the Service grew, and thus became a formidable danger; but was not the instinct of selfishness as predominant with the members of the Civil Service as with ordinary humanity? Would the Civil Servants regard it in the light of a promotion of their interests to increase the candidates for State pay? Was it not to their interest that the Service should get less, so that their pay might be increased? He believed, if the Civil Servants were polled on the question, three-fourths would give their votes in favour of a considerable reduction of the existing number. It was not the fault of Civil Servants that the Service had become overgrown as alleged, but it was largely due to the pliability of Ministers in recognising applications for admission into the Service made or supported by men who had rendered political services. The Civil Servants would rather see the number limited than increased and were therefore not responsible for the overgrowth. What did this proposal amount to? Why, that, in the youngest dependency—with the exception of Fiji—of Great Britain, a feature was to be introduced in regard to the franchise which did not exist anywhere under British rule. If the thing was necessary it would have been found out in the old country. It could not be said that the Civil Service here bore a larger proportion to the general body of the voters than it did at home. Granting, however, that it did, it could not be denied that in the old country it was a more influential political factor. To gain admission to the home Civil Service required the influence of powerful friends; and did it not, therefore, follow that, if the exercise of the franchise by Civil Servants was a danger to the State, it would be a danger so palpable at home that legislation would be introduced to check it, which had never yet been done? It would be a cruel thing to attempt to deprive a man of that which was the inalienable right of every Queenslander. Was it a degradation to Civil Servants that they should be desirous of getting the "almighty dollar," as the Colonial Secretary had said? Were not these offices created by the existence of the machinery of Government? Somebody must fill them, and when it was taken into consideration that some members of the Service were inadequately paid, it should not be said that in return for securing employment in the Service a man must be content to forego the right to exercise the franchise. If the Civil Service were a pampered institution, and were overpaid, then there might be some cause to restrict its privileges. He ventured to say, however, that the hon. member (Mr. O'Sullivan), who had a promising family growing up, would take very good care that they did not find their way into positions in the Service. He had known many intelligent men who had declared that if they had a dozen sons they would not allow one of them to enter the Service; and he (Mr. Rutledge) applauded the sentiment, because a Civil Servant now-a-days was too much the mere creature of the Ministry of the day, bound to study the frown and bask in the smiles of the political head of his Department to retain his position, and if more limitations were imposed the Service would be reduced to such contempt that no educated, honourable man would accept a position in it. In a young colony like this, especially, the Service should be regarded as a profession to which honourable educated people might aspire to gain admission, but to attain this they must not begin by treating Civil Servants as if they were not on an equality with the commonest labourers in the land. By passing this provision they should begin reducing them to a condition of degradation which would make the Service be regarded with loathing and contempt and aversion by any man who had in his composition a single atom of self-respect.

Mr. MOREHEAD said the hon. member seemed to be inconsistent in the line of argument that he had adopted. He appealed to the hon. member (Mr. O'Sullivan), asking him if he would ever allow one of his sons to enter the Civil Service,

and he further stated that the Civil Service was the inalienable right of every Queenslander.

Mr. RUTLEDGE: No; if I did it was a slip.

Mr. MOREHEAD said he was not answerable for the hon. member's slips; but his words were that a post in the Civil Service was the inalienable birthright of every Queenslander. The hon. member had talked a great deal about the Civil Service, had boasted that it was a grand service; and yet had stated that no individual would like his son to go into it. He could not understand the hon. member's contention: first, he said that the Civil Servants were the cream of the earth, and then he declared that no individual would wish his son to become a member of the Service, although a post in it was the inalienable right of every Queenslander. He also alluded to the Right Hon. Robert Lowe, whom he called a Conservative, but he (Mr. Morehead) had always understood that Mr. Lowe was a Liberal; at any rate, he voted on the Liberal side at present.

Mr. RUTLEDGE: The words I used were—Mr. Lowe, who is so conservative in his tendencies that he resisted the last Reform Bill.

Mr. MOREHEAD said the hon. member reminded him of some other members who always required an interpretation clause to their utterances. At any rate, the hon. member who had the honour of having him as a constituent, represented a larger proportion of Civil Servants than anyone else except his colleage (Mr. Dickson), and he could quite understand the reason why he had taken the argument out of the realms of reason; he had been talking to a brief, and he (Mr. Morehead) could quite understand that if he had talked in any other strain many of his constituents would have been annoyed. What arguments had he deduced? He had gone in for a great deal of powerful declamation, and had done it very well; but when they analysed his speech what had he said? Simply, that the Civil Servants were good, nice fellows, and should have votes. He went on to state that he (Mr. Morehead) went in for an educational test, and still wished to debar one of the best educated classes in the country; but all the police magistrates, clerks of petty sessions, and police were educated men, and still were debarred; consequently the hon. member had put himself out of court. He (Mr. Morehead) took up his position beyond the educational test, and contended that so long as they allowed Civil Servants to have votes and to have the power of returning members, so long would it be a great growing and accumulating evil to the State, and he had heard no argument from the hon. member for Enoggera (Mr. Rutledge), or anyone else, repelling that. He again asserted, notwithstanding the remarks of the hon. member, that the Civil Service had a great deal too much electoral power in the town of Brisbane and other centres of population in the colony—a very dangerous power; and he said they should be debarred from the exercise of the franchise. They were very well as they were;—as a rule they were very well paid; the State did not get too much from them. He knew that there were exceptions where men were underpaid; but, as a rule, the State overpaid instead of underpaid—that was his experience. The State was over-officered, and so long as political influence was allowed to be brought to bear in the appointment of Civil Servants, so long would that over-officering exist. The hon. member and junior for Enoggera had drawn a comparison between the Civil Service of Great Britain and this colony; but he (Mr. Morehead) maintained he was utterly wrong in that comparison. Positions in the Civil Service of Great Britain were not gained by political influence, but in a great measure by competitive examination, and the argument of the hon. member, therefore, fell to the ground. He maintained that no member of Parliament in Great Britain would go to a Minister and pester and badger him to give some friend a billet—even to make him a policeman, or give him a billet in the Customs or some other department. In fact, the pressure brought to bear upon Ministers must be so great that it was surprising that any gentleman could remain in office for any length of time. There was not a member of the House who was not pestered day after day by men asking to get them billets under Government. It was the refuge for the destitute—at least, that appeared to be the idea of those outside. If they could not find work for themselves they went to members of Parliament and others who had political influence and said, "You have influence with the existing Ministry; get us a billet under Government;" a billet under Government in their idea being—so far as his experience went—that they would get enough to keep them and have nothing to do. He knew that his life had been made a tolerable burden to him by these applications, and he was certain a Minister's—he did not mean present Ministers, but any Minister's—must be ten times worse; that they must be badgered out of their lives by applications, very often from useless, worthless fellows who could not make a living in any other way but by getting a billet under Government; and yet these men, when appointed, would have the right to exercise the franchise. Far be it from him to say this of all Civil Servants. There were some of the finest men in the colony in the Government Service—he thoroughly believed it—he knew it; but at the same

time, he thought the Civil Service would very safely bear a great deal of culling. His idea of a Civil Service was that they should have good men and give them good pay, and cast out to seek elsewhere for work those who were not really earning honest wages;—get the very best men in the country in the public service and pay them well—and that they had some of the best men now in the service no one would deny. He sincerely trusted the hon. member for Stanley (Mr. O'Sullivan) would press his motion, which very narrowly escaped being passed on a former occasion, being lost by only one vote. It was then generally approved by the House, and he believed it was now generally approved of. He believed the men they ought to have in the Government service were men who did not wish to have this power, who would not be bothered with it, who wanted to attend to their own business and not be mixed up and bothered with politics, and not have a friend or an enemy standing for a constituency; and those who wished to make capital out of their votes had no right to have the franchise.

Mr. REA said the hon. member who had just spoken began by accusing the hon. member for Enoggera of inconsistency, whereas the hon. member himself, a few minutes ago, said his life was made a burden to him in consequence of applications for Government billets; while a quarter of an hour before he said he had always two good handy answers to such applications, one being that he had no influence with the Government, and the other that he would not pester the Government about such matters. He thought the hon. member ought, himself, to be more consistent in his statements when he accused others of inconsistency. The hon. member had also started a new phase of warning in that House—that there was a rising danger in the Civil Service of this colony. He was astonished that any member should have raised such an alarm, more especially an hon. member occupying the position he did, being one of the eighteen pure merinos who were the real danger to the colony at the present moment. That was the only body in this colony at this moment who were dangerous to posterity, who were taking steps night after night by legislation eventually to put money in their own pockets. It ill became any member of that particular class to tell the Civil Servants of the colony that they were becoming a danger to the State. When they came to examine it, who were those who were drawing high salaries from good billets? They were started by the Herbert Ministry, continued by the Mackenzie Ministry, added to by the Palmer Ministry; and he undertook to say that, if a return were furnished, it would be found that the bulk of those drawing large salaries had been appointed by the friends of the hon. members on the Government side of the House. This warning cast a slur upon the Civil Servants, that they were atrocious beyond measure as compared with the Civil Servants of the other colonies.

Mr. O'SULLIVAN: Hear, hear.

Mr. REA said he hoped the hon. member would stick to that, and say they were the most infamous Civil Servants to be found in all the colonies of Australia. That was what he meant.

Mr. O'SULLIVAN: No.

Mr. REA said that was the only thing the hon. member could mean when he said "hear, hear," and he (Mr. Rea) held that it cast degradation upon the Civil Servants of this colony that was most unjust. Had such a measure as this ever been carried in any colony, proclaiming that the Civil Servants were a class not fit to be trusted with any privileges whatever, not even to protect their families from taxation?

Mr. O'SULLIVAN: They are calling out for it.

Mr. REA said a small minority might be crying out for it, but it was a slur upon a body of men which was most unjust, and he for one should divide the House before he should submit to it.

Mr. MACFARLANE (Ipswich) thought when the hon. member for Stanley (Mr. O'Sullivan) moved this amendment he would give some reasons for so doing, but he had not done so. It was, however, well known that the hon. member held these views, so that they must give him credit for having the courage of his convictions in introducing this clause. The only reason he had heard the hon. member urge why Civil Servants should not have the franchise was that they received Government pay; but was that a sufficient reason why they should be disfranchised? He did not think it was; and he would point out that the effect of it would be to take away from men their manhood. The reason why men were given the franchise was because they were men, not because they were Civil Servants, and as men they were entitled to it. And were they to take away this birthright of the Civil Servants of this colony? Were they in Queensland? He could almost fancy he was in Russia, or France, or some other Continental country. He could scarcely believe that in Queensland, at the end of the nineteenth century, they should propose to disfranchise British subjects by a side-wind like this. He scarcely expected so much as that from the hon. member. It had been said by the hon. member that Civil Servants were receiving the money of the State; granted, but did not they give in return services that the State required? They were employed because the State required their

services, and were they to lose their manhood because they received the money of the State for the services they performed? He thought no man of any independence would accept service under the State upon such a condition. They were quite as much entitled to the franchise as any other members of the community: the fact that they were Civil Servants was no reason why they should be disfranchised. It was true some of them might misuse the privilege they possessed of voting at particular times against, perhaps, their convictions; but those were few and far between, because he gave them credit for having that manly independence that every man ought to have. Therefore, he thought they should be put on the same level as other portions of the community. It had been said by another member that the members of that House were sent there to vote the salaries of these Civil Servants; but he did not think the Civil Servants were so powerful as all that. They were not a power in the State so great as had been represented; but no doubt the heads of departments had a considerable amount of power, and this amendment proposed that, not only heads of departments, but everybody else who received Government pay, should be disfranchised. Well, in that case he supposed they would begin in that House. He supposed Ministers would be disfranchised in the first place, for they were receiving Government pay. Then it would go to the other House, and down every grade of the Service, even to pick-and-shovel men, who were receiving pay from the State. He said it was degrading to place men in a position—he was going to say of paupers, but it was worse than paupers, because paupers had a certain amount of independence; but these men would be bound down by the condition that if they received Government pay they should not have a vote.

Mr. O'SULLIVAN: A man need not engage.

Mr. MACFARLANE said the State required someone, and someone would have to engage, and whoever engaged could not have that independence of mind that they ought to have. It had also been said that the Civil Servants were a danger to the State. What would the Civil Servants of the colony think, to-morrow, when they read in the newspapers or in *Hansard* that they were a danger to the State? He had no doubt they thought themselves very respectable men, very law-abiding, peaceable men; but yet the hon. member declared that they were dangerous to the State — that they were dangerous characters.

Mr. O'SULLIVAN: No.

Mr. MACFARLANE said the hon. member for Stanley (Mr. O'Sullivan) did not say so, but another hon. member did. He (Mr. Macfarlane) told the hon. member for Stanley, some time ago, that he would go with him to the extent of dealing in this way with the heads of departments; but this amendment went a great deal further, and, therefore, he could not submit to it, but should resist it to the utmost in his power. He therefore hoped the hon. member would not press his amendment, or, if he did, he would confine it to those he (Mr. Macfarlane) had suggested.

The MINISTER FOR WORKS (Mr. Macrossan) said that no hon. member for one single moment had expected that either of the two gentlemen representing the electorate of Enoggera would speak in favour of the motion or vote for it. When, however, the hon. member (Mr. Rutledge) charged the mover of the motion with being ashamed of it, it was evident that hon. member understood the member for Stanley very differently from what he (Mr. Macrossan) did. When the hon. member for Enoggera had been in the House a little longer with the member for Stanley, he would find that he had the courage of his opinions everywhere, whether in or out of the House; and when one looked at the number of Civil Servants residing in the electoral district of Enoggera, there was just a shadow of suspicion of the motives which actuated the hon. member for that electorate in making that accusation. The other hon. member representing Enoggera said that the mover of the motion should have brought forward some statistics to prove how many Civil Servants there were; but he could have himself obtained that information, as it was within his reach as well as within that of every member of the Committee who took the pains to educate himself upon the subject. Another hon. member asked what danger there could arise to any country from Civil Servants being allowed to vote; but he would remind that hon. member of the danger which menaced the United States of America through the power held by the Civil Servants in that country. The hon. member must be aware that means were devised for removing from that country the great incubus hanging over it through the Civil Servants becoming such a power, and yet there the number of Civil Servants was not proportionately so large as it was in this colony. There was a time when the Civil Service in the United States was parallel to what it was here, but it became a dangerous power in the country, and it was necessary to sweep away such a power. It was a danger in America forty years ago, and the same danger might arise in Queensland. As to the number of Civil Servants in this colony, he could tell the member for

Enoggera (Mr. Dickson) approximately what it was at the present moment. He maintained that there was not a single country under the sun in which the Civil Servants bore the same large proportion to the adult male population that they did here. The number of Civil Servants engaged on public works was 2,500, exclusive of contractors and others employed in making railways; and the number of Civil Servants in other departments, exclusive of police, clerks of petty sessions, and others who were debarred from voting, was 1,500, making a total of about 4,000. The adult male population entitled to vote amounted to 45,000, so that it would be seen that the Civil Servants represented 10 per cent. of the voting power. He would ask, when they would shortly be compelled to extend the Civil Service by railways being started in different parts of the colony—at Maryborough, Bundaberg, and Townsville, and when they were going in for an extension of trunk lines and the making of branch lines as they proposed to do some time or other—he would ask whether they were not justified in taking steps to avoid what had occurred in the United States? He would not say a single word against the Civil Servants. Not a member of that Committee had a higher or better feeling towards them than he had, but he contended that the best men in the service were those who did not wish to exercise votes, or to be placed on the electoral rolls of the colony. The hon. member for North Brisbane was anxious to know the feeling of the Government on this question; but the hon. member knew that the Bill before the Committee, although introduced by the Government, was not supposed to be a party measure. He (Mr. Macrossan), as a private member, had voted in support of a similar motion to the present when it was last before the House; and he intended, now he was a Minister, to vote in the same way again, and, if the motion was not carried that evening, he should vote in the same way when it was again introduced. It was for the protection of the Civil Servants themselves that he should thus vote, and also to prevent the occurrence of what he considered would be a very great danger.

Mr. MACKAY said he could not support this motion, as the Civil Servants were educated men, of which there were certainly not too many in the colony at any time. Another reason was, that he did not know of a single case in the colony such as had been stated where the Civil Servants had combined to return any one candidate. It had been said that hon. members were the servants of the Civil Servants, and that Ministers and hon. members were pestered to obtain billets in the Service for men; but hon. members who made such statements should speak for themselves, as there were many members who did not pester Ministers in that way. There was one thing to be said about men who had entered the Service who had been known to take active interest in politics and who had employed politics as a means for getting into the Service—they had not taken any part in politics afterwards. It had been said that many Civil Servants would rather be without votes; but if they had votes there was no means of dragging them to the poll to exercise them, and if they did not want to vote they could easily remain at home. It would be a queer proceeding to deprive all Civil Servants of their votes simply because some said they did not care to have votes. They had also been told that the colony was in danger, but he could not see that it had any reason to fear the Civil Servants particularly, and he looked upon the statement as one of the bogies which the Ministers were very happy in bringing up occasionally. The example of America had been quoted; but there was one thing that could be said of the Civil Servants in Queensland—that they were not like those in the United States. They should not live in a reign of terror, knowing that as soon as one Government went out and another came in they were liable to lose their appointments. Then, again, the Committee had been told that the Service would have to be increased as the railways were extended; but he did not think the railways would be wanted, as the tariff on them was being made too heavy. Nothing had been proved to justify depriving Civil Servants of their votes, and he considered that they were as good a set of men and as much entitled to vote as any in the colony.

Mr. STUBLEY was understood to say that he did not anticipate any danger from the Civil Service in this colony similar to that mentioned by the Minister for Works as having existed in America.

Mr. KING said it seemed to him that the question was whether, as a matter of policy, Civil Servants should have the right to vote or not. If it could be shown that the possession of that right had a dangerous effect on the colony, then they had just as much right to keep the Civil Servants from voting as the police. The great object should be to make the cost of administering the Government as small as possible; but he believed it never was the intention of Civil Servants to assist in reducing that cost to the smallest point, and for that reason he considered they should not be allowed to be in the position of master and servant at the same time. The Government had a right to make conditions with those who received pay from them, and if they chose to make it a con-

dition that Civil Servants should not take part in elections they had a right to do so. He believed that it would be in the interest of the colony and of economy if the influence of Civil Servants on elections was diminished.

Mr. DOUGLAS said he had paid great attention to the debate, and his opinion was that the question was not whether the Civil Servants should be allowed to vote or not, but whether the conduct of the affairs of the colony was to be confided to the present hands. The Bill before the Committee was not, on its introduction, looked upon as an important Bill, but as one of only second-rate importance. It was introduced to remedy an evil which was generally admitted, as there was a tolerably general opinion that the collection of the electoral rolls was defective, and the House was of opinion that some alteration in the system was necessary and desirable. They had commenced the discussion of the Bill with the hope of arriving at something like a practical result; but on the first night they had wandered into a somewhat discursive discussion as to the locality of a township on the Main Range in which the Minister for Lands was interested. After some discussion a decision was arrived at on that point that a place called Highfields did exist; and after a little further discussion, the Colonial Secretary found he was all wrong in the Bill—that it was not suitable for the purposes intended.

The COLONIAL SECRETARY: I found nothing of the sort.

Mr. DOUGLAS said it was not suitable, and he withdrew the Bill, temporarily, for further consideration. Then, at a subsequent period, the Bill made its appearance once more to be re-discussed, and certain amendments were suggested introducing wholly novel principles. Then there were the amendments brought forward by the hon. member for Blackall on those which were in his (Mr. Douglas') opinion wholly irrelevant to the purport of the Bill. Discussions of hours' duration were devoted to them, and at last they came to a division and determined to adopt them. Then they devoted another night to the further consideration of amendments on Mr. Archer's amendments, which resulted in his amendments being withdrawn and a new series substituted by the Colonial Secretary. He had listened very patiently to the whole of the discussion, and had longed that he might have the opportunity of shutting up the senior member for Brisbane and the Colonial Secretary in some adjoining room, and, carefully locking the door, let them have it out between them; and, under those circumstances, perhaps the Bill might never have made its appearance again. He had patiently watched the discussion going on across the table, and could not help thinking that, although it was not absolutely improper, it was exceedingly unparliamentary. Now they were favoured with this long amendment from the member for Stanley, and he would do him the justice of saying that, seeing the incompetent and unparliamentary way in which the Bill had been handled throughout, it was not surprising that he should take this opportunity of airing his own particular hobby. Here the honourable member had a favourable opportunity of trotting out his favorite warhorse, and there was no reason under the circumstances why he should not gratify himself. It was well known that he had strong opinions upon the subject, and there would be no objection to his bringing forward the resolution, though the hon. member ought to have made some more distinct and elaborate statement as the groundwork of his action. He (Mr. Douglas) intended to express no opinion upon the subject itself; but he did express a strong opinion on the conduct of the Government in not at once declaring that it was not a matter pertaining to the principles of the Bill. When it was brought forward it should be by a distinct Bill, and they should have reserved their opinions until that was done. In order to have the business of the House and this Bill pushed forward through Committee with all expedition, the Government were bound to oppose the resolution. Until the Government took up that position upon the Bill he should henceforth resolutely oppose it at all its stages, unless some definite announcement was made by the head of the Government. The question now was, not whether the Civil Servants ought to be disfranchised or not—he should be prepared to state his opinion upon that if necessary; but the question was whether the conduct of business was to be so incapably handled as it had hitherto been in connection with this Bill. He was willing to extend to the head of the Government all the courtesy in his power, but he promised him his emphatic opposition if he did not take up the position he was bound to take up, and declare that this amendment had no connection with the Bill. This was an important question, and it should be discussed in a proper way and at a proper time. It was not referred to in the Speech from the Throne. It was not made an important part of the Government policy, and it must be admitted that the disfranchisement of a large number of men was an important part of public policy, and should not be left in the hands of a private member; —or, if adopted at all, it should be by the Government, after due consideration. If any of the statements made that night had any foundation in fact, they

deserved to be thoroughly weighed. If there was anything like a check upon the freedom of Parliamentary action, on account of the action of the Civil Service, the Government were bound to make it an important point of their public policy. If, therefore, the discussion of this Bill was now allowed to drag on in the unmeaning, purposeless way in which it had for the last few nights, he would go into all questions connected with Civil Service appointments. He had a most confirmed and definite opinion as to the action of the Government in connection with these appointments even during the short time they had been in office, and he should be prepared to show how they had abused their power and unnecessarily dispensed with the services of useful men, and how, having done so, they would necessarily have to substitute others for them, thereby introducing the very system which had been denounced by the Minister for Works as that at present adopted in America. The hon. gentleman referred to the American Civil Service. There was no such thing. The Civil Service—if it was to be designated by that name—was one in which men devoted their lives to the duties of detailed Executive Government. The origin of many of the evils which had overtaken the great American Republic was to be traced to the prostitution of the rights of administration by successive Governments. In this colony they were very fast following in their track. They had seen nothing of this Civil Service Bill of which there was such a parade during the elections. If there were evils existing there was a remedy, and the Government might have introduced such a disqualification clause as this in their Civil Service Bill, and allowed it to come from the Administration as part of their policy—they might have given the House some good reasons, at any rate, for the ground they had taken. He hoped that after what he had said they should have something like an announcement from the head of the Government as to what they intended to do. He (Mr. Douglas) would miss no opportunity of opposing this Bill at all its stages, and every clause in it, unless the Government showed an inclination to handle their business, as they should do, with a sense of their responsibilities to the House, and with the knowledge that unless they themselves took the conduct of business it would get into confusion. The Minister for Works had said this was not a party question, but he (Mr. Douglas) would like to know in what division of the present session there had not been clear traces of every vote being on a party question? The present would be made as much a party question as any upon which they had divided. The hon. member for Stanley was one of those innocent members of the Government side who was not yet quite up to their machinations, but he would soon find that he would have to put his trust elsewhere, and, no doubt, he would be one of the first converts to the new state of affairs. And if the hon. member found that the manner in which the Government had met this motion of his led up, as it was now leading, to confusion and even desperation in the business of the Committee, he would then say it was time for him to transfer his allegiance to more competent men.

The PREMIER said the Government had had a good deal of advice from members of the Opposition, and prominently from members sitting on the back benches. He was willing to admit that any advice given by the leader of the Opposition should be taken in good part, but the unasked-for advice of private members was not likely to make so much impression. The hon. member for the Downs, last week, when the Government proposed to conduct the business in a certain way, by taking an extra sitting day, told the House plainly that if they did not go upon his idea he would obstruct during the rest of the session. The hon. gentleman who had last spoken had made a similar announcement, and had said that if the Government did not choose to follow his advice and oppose the hon. member for Stanley he would obstruct the Bill in every possible way. He (Mr. McIlwraith) differed from the hon. gentleman altogether as to the way in which business had been conducted. If the conduct of public business did not suit him he had his remedy, but the remedy he had proposed was anything but creditable to himself. He said he would bring before the country the conduct of the Government in their dismissals of Civil Servants and the state into which the Civil Service had been brought by the appointment of men in their place. The hon. member said he would bring all the grievances of the Civil Servants to the front, and show the harm the Government had done during the short time they had been in office. Was ever anything more preposterous heard? The hon. gentleman was not performing his duty to the country or the House if he did not bring forward matters of that kind quite irrespective of the amendment. The Government did not object to his taking any course he thought fit. He (Mr. McIlwraith) differed altogether from the opinion which had been expressed, that this amendment had nothing to do with the principles of the Bill: it had a very intimate connection with it—it was within its preamble, and if any hon. member prepared an amendment which the Government considered not inconsistent with the principles of the measure they might support it or

reject it as they chose, but they were not bound to ask any private member of the House how they were to conduct the business. If they did not conduct the business properly, let the majority of the House say so, and then the duty would be handed to other persons.

Mr. KINGSFORD thought it was to be regretted there was not a legal gentleman in the House a member of the Ministry to give them a little advice. With respect to the question before the Committee, he might state that, in 1873, he contested Enoggera, and would have been returned but for the Civil Servants whom he had unconsciously offended, and who banded together and voted against him, returning, much to the good of the colony, the present senior member for that electorate (Mr. Dickson). No doubt, the Civil Servants, in an electorate like Enoggera, might influence an election; but in spite of that he should be sorry to support a proposition for their disfranchisement. If they wanted to create general dissatisfaction, upheave the order of things, and bring about confusion, all they had to do was to suppress the civil rights of the people, or a section of them. The Civil Servants were a very important section of the people, and they had an inalienable right to the franchise, and he saw no reason why that right should be taken away simply because they were in the pay of the State. If the Civil Servants were not yet a danger to the State they had no right to anticipate that they would become a danger in the future. This hypothetical danger was the only argument that had been adduced in favour of the amendment, and it was a danger which they had no right to anticipate. The Civil Servants were an intelligent, educated class, who did their work well, and were paid for it none too well; and while serving the State they were placed under many disadvantages which those not in the Service did not realise: they could not enter into business speculations like the employés of merchants and others, and their tenure of office depended on the caprice—or, at all events, the will—of their employers, the Government of the day. There was one thing he might mention in this connection—a great evil which existed, or did exist, in the Civil Service—they lived beyond their means, and it used to be said that some members of the higher grades encouraged the extravagance of those in subordinate positions and acted as money-lenders to them. Whether such a thing existed now he could not tell, but it was, at all events, worthy the attention of the Government. To disfranchise the Civil Servants would be an iniquitous thing. If they were to be made into a separate community, an inferior class—build barracks for them and keep them by themselves on One-tree Hill. He noticed that the amendment particularised those in the permanent employment of the State, implying that those only occasionally employed could enjoy the vote. He should be astonished if the Committee decided that Civil Servants should be deprived of their right to vote at elections.

Mr. MILES said there was no occasion for him to obstruct business: the Government were quite capable of obstructing it themselves, and they were doing so most effectually by the way they brought in their measures. He had had some difficulty in making up his mind how he should vote on this amendment; but the statement of the last speaker, that the Civil Servants had returned the senior member for Enoggera (Mr. Dickson), had convinced him, and he should vote against it. Those Civil Servants showed great discrimination, and had done credit to themselves and good to the country by returning that hon. member. The arguments of the hon. member for Mitchell were not calculated to gain his vote. He had been as long in the House as that hon. member, and had only on one occasion been asked to use his influence to get a Civil Servant's salary increased; and the answer he gave on that occasion was such that the applicant never came back again. He did not think the Civil Servants were under much obligation to the junior member for Enoggera (Mr. Rutledge), when he said they had to cringe to their masters to keep their positions. During his experience of office he had never found them cringing—indeed, he had found them thoroughly independent. After the speech of the hon. member for South Brisbane, he would be no party to depriving the Civil Servants of the franchise. This ought to be a warning to the Government to bring in their Bills in a proper form, and refuse to allow members to tinker with them;—if they did that they would get through double the amount of business. If the Government went on as at present they would have to sit six days a week and all the year round. The way in which the Government brought in their Bills was certainly most disgraceful to them.

Mr. GRIFFITH said that if the Bill was to become law it was important it should do so by the 1st August, and if the hon. member desired to see it pass he would best help the Government by withdrawing his amendment, and bring it forward subsequently as a distinct Bill, for at present it was simply an obstruction to the progress of the Bill. It was now half-past 10 o'clock, and the debate had scarcely begun.

Mr. PATERSON said that, as far as the debate had gone, the inference to be drawn

was, that the amendment was to receive the support of the Government and the Ministerial members. This was a matter of the highest importance, and, as affecting the electoral rights of one of the most respectable and intelligent sections of the community, it deserved to be made the subject of a substantive motion. Viewing the matter, as he did, in that serious light, he trusted the hon. gentleman would withdraw the amendment in the way indicated by the leader of the Opposition. He (Mr. Paterson) had risen to make an observation outside the matter under discussion. From what had since transpired, both in the Press and in the House, it seemed that far too much had been made of some remarks made by the hon. member for Darling Downs (Mr. Miles) on the occasion of the debate about an additional sitting day. Those remarks seemed to have made the Government determined to have Monday for a sitting day, at all hazards—no matter how much inconvenience might result to hon. members generally. He regretted that decision personally, and principally because more weight had been attached to the expressions used by the hon. member than the circumstances warranted. They were made by a private member, and were in no way entitled to the importance attached to them. The unhappy feature in the case was, that they were regarded by the Government as carrying the unanimous approval of hon. members on the Opposition side. He was correct in stating that that character could not fairly be attached to the hon. member's words, and he was sorry the Government had, if not altered, modified their action in consequence of them. He trusted that within a very short period of to-night the Government would reconsider the matter, and assent to the proposal then made that the extra day should be arranged for in some other way. Such an arrangement would conduce to the advancement of the business of the House.

Mr. BEOR said he thoroughly approved of the principle of this amendment; but he was one of those who would rather have seen the proposal brought forward in another shape, as it was matter for a Bill by itself. If the hon. member determined to push the amendment forward he should feel bound to support him. The subject was one involving several side issues, and could not be properly treated in a simple paragraph. For instance, it had been suggested that, if passed, Ministers for the Crown would be disfranchised by it, and could not be returned by their constituents to the House; and the objection was not without force. He believed the Civil Service was bearing so huge a proportion to the rest of the community that it might become a very dangerous element in the voting power of the colony. It was quite possible to imagine that, at some juncture of affairs, the interests of the Civil Servants might be opposed to the interests of the community. For instance, as the hon. member for Maryborough (Mr. King) had pointed out, it could not be supposed that at the present time the Civil Servants would be in favour of economy, but the rest of the community must be in favour of it. An hon. member had made allusion to the United Kingdom, but the conditions in the two cases were very different. Here the Civil Servants were something like 5,000 in a population of 200,000; while in the United Kingdom they did not amount to more than 200,000 in a population of 40,000,000, There was no probability in the latter case of Civil Servants being a danger to the community; but where they were one-tenth of the total number of voters there was a danger.

Mr. O'SULLIVAN said great complaint had been made because he did not make a full explanation in introducing this amendment; but it was well known that he was going to bring it forward. When he introduced the subject on a former occasion, it had been characterised as an abstract motion not intended to effect any ultimate result; and now that he brought it forward as an amendment he was told it should be in some other shape; and very likely if he brought it forward in another shape he would be again wrong. His reason for not having said much about it was, that he knew hon. members on both sides could discuss the matter better than he could. Who would patiently listen to his dull unconnected jargon when they could hear the flowers of speech and corruscations of fancy of the hon. member for Maryborough (Mr. Douglas)—"the thoughts that breathe and words that burn?" He would, however, remind that hon. member, and also the hon. member for Darling Downs (Mr. Miles), of a promise they had made. When his (Mr. O'Sullivan's) abstract motion was before the House, and was lost by a small minority, those two hon. members, before he left the House, walked over and almost asked him to bring it forward again, saying that if he did so they would support him on whatever side of the House they might be, because they entirely saw the force of it. If it were not quite unparliamentary to say so, he would say that the hon. member for Darling Downs was the greatest swindle that ever came into this House. It would be utterly unparliamentary to say so, but outside the House he would say it. He was the shadow of Joe Hume, the great reformer in England, the difference between the great reformer of the old times and the reformer of the present time being as the difference be-

tween an ant-hill and Mount Lambi. The greatest and most powerful objection that had been made against the amendment was suggested by the shrewd intellect of the hon. member at the head of the Opposition. He said he had never heard in his life that this huge Civil Service was increasing, and that that was the great objection he had for allowing the amendment to pass. The logical inference from that was, that, if the hon. gentleman became aware that the Civil Service was increasing, he would vote for the amendment. Surely, the hon. gentleman must have heard from the Minister for Works that the Civil Servants constituted actually 10 per cent. of the voting power of the whole population. But that 10 per cent. did not represent their actual power, because they always had friends and relations who voted in a compact body, so that they had the influence of three times their own numbers. He would refer to an extract from the *Telegraph*, of August 21, 1877, which he had quoted during his canvas through Stanley; and he might mention that in the same paper appeared another leading article, on the 6th November, commenting on his speeches in reference to that extract and stating that they had nothing to retract. It stated that 3,104 persons were immediately employed by Government at the last census, showing an increase on the preceding five years of 1,035, or at the rate of over 50 per cent. It also stated that they were nearly all male adults, and therefore voters; that they were bound together by a common interest which ran counter to the interests of the rest of the people—for, whereas every man not employed by Government was directly concerned in the retrenchment of the public expenditure, every man employed by Government was directly concerned in increasing the public expenditure to the extent of augmenting his emoluments. All the Australian colonies were in open war with the Civil Service, and had been trying for years to work out some means of getting rid of this growing and fattening service, but had not yet succeeded. The question had been taken up by the Press of this colony and of New South Wales, and members who voted against his motion had privately told him that he was perfectly right, and that they wished the grievance were done away with, but were afraid to take the matter up. The only man who took it up was Mr. Pettigrew, who was now dead, and who was certainly an independent member. It was generally agreed that a remedy was required, but the question was, who should take the bull by the horns? He agreed to do so, and he might tell the hon. member (Mr. Rutledge) that, so far from being ashamed at bringing forward his amendment, he believed that if he never did another thing he should be conferring a great benefit upon the State, if he carried the amendment. He held this belief, and that it was his business to bring the question forward, and he could not understand by what logical deduction the hon. member (Mr. Douglas) arrived at the conclusion that the amendment should come from the Government. What had the Government to do with him?—and had he no right to move any amendment he pleased? Was it supposed that because he sat on the Ministerial cross-benches he was to be controlled by or must consult the Government? He would not be controlled by anyone in the matter of bringing forward an amendment that he believed would benefit the State. Did the hon. member (Mr. Douglas), who had nearly ruined the State, and whose election had nearly cost half a million of money, think that he should vote with him if he occupied the Treasury benches? He had a great admiration for the hon. gentleman's talents as a debater, but as a Minister he was too big a theorist. The hon. member (Mr. Mackay) could not handle the question without bringing in branch railways. In the whole course of his life he had never been so much disappointed in a man as he had been in that hon. member. From the time he had first seen him in public he made up his mind that he had some good cheap railway scheme in his head, and he anxiously looked forward to the scheme because he saw that the country wanted cheap branch lines. He waited and waited for the hon. member's scheme—he hung upon his lips, almost as a child clung to its mother's breast, waiting to hear something from him; but he was disappointed as one was disappointed with the Dead Sea apple, which crumbled to dust on being touched. What did this immense mountain bring forth but a miserable little mouse: for the hon. member's cheap railways were shown to be £600 per mile dearer than lines now being made by the Government. If that was one of the importations from America, he was sick of it. The hon. member also stated, with others, that he never knew of any combination with regard to the employés of the State; but he had been long enough in the country to know better. Whatever he (Mr. O'Sullivan) lost by it, he always liked to tell the truth. There was not a public man who did not know that there had been such a combination, and what was the good of shutting their eyes to what was a fact? There was a gentleman now listening to him in the House who was told by a gang of Government employés that if he did not reduce their time they would kick him out,

and did he not comply with their wishes? Did he (Mr. O'Sullivan) not see a Government employé going to an ex-Minister of the Crown on a railway platform and ask him, in the presence of a thousand people, "Where were you, sir, when such a motion came before the House?" The poor, unfortunate member stood shivering, and replied, "I think I was sick;"—and he really was sick. There was no doubt the longer they allowed the Civil Servants to have the franchise the more combination there would be. What injustice was there in his proposal? Had not the principle been recognised ever since the colony had been established? Why was one section of the public servants disfranchised whilst the other was not? Would anyone tell him that the general body of Civil Servants were better educated and more intelligent than police magistrates, clerks of petty sessions, or the police? As regarded the police, there might be something in the argument that, as they might be called upon in election times to interfere for the preservation of order, it was only reasonable they should be disfranchised. His contention as regarded Civil Servants was simply that they were the servants of the State, and that if they were to retain the power to vote they would eventually become the masters. He had never heard the matter so well put as it was by the Speaker (Mr. King), who kept to the real question at issue throughout the whole of his speech. The members of the Civil Service were the servants of the State. Were they to be the masters and to sit in judgment on their own salaries? Did they not at present virtually return their own members to get their own salaries passed, and were they not in reality their own masters already? Was it right that the servant of the State should be the master also, and did not the position in which they now put him take him out of his proper sphere? The principle that he was contending for was already established, not only with respect to a section of the Civil Service, but amongst the inhabitants outside. They would not allow anyone to interfere in what they were personally interested. He could not, as a member of Parliament, sit on a bench to revise the electoral rolls, because it was presumed that he had a personal interest in the matter. A spirit merchant could not sit on the licensing bench because it was believed that he had a personal interest in the granting of licenses. The very members of the Government could not vote in the House the moment they accepted office and became the recipients of salaries: they must first get re-elected before they could re-enter. A Government contractor was not eligible to be returned as a member of Parliament. It could not, therefore, be said that the amendment was proposing anything that was new. There was no principle of fair play or honesty in singling out one section of the public servants to be pandered to whilst the other was disfranchised. The whole meaning of the thing was, that a certain faction, or Ministers of the State, had a depôt, or workshop, in which they found places for their friends who voted for them to a man when the occasion arose. What would the real taxpayers—the farmers—be if this state of things continued? They would be outside the pale of the highly-paid servants, growing cabbages for them as Chinamen now did for Europeans. He knew Civil Servants than whom there could not be better men; but that was not the question at issue at all. The question was—is the servant to be the master? That was the whole question. They were getting well paid, and he had asserted in the House before, and now asserted again, that payment from het State, generally speaking, was so high throughout the country that employers of labour outside could not compete with the Government; and he laid it down as a rule from which he could not swerve, that the pay of the State should always be the lowest, because it was always the most certain. He held that the present high pay of the State discouraged settlement in the colony, because he knew that small farmers actually threw up their holdings to go and look for Government billets. He was not at all so immaculate as the hon. member for Darling Downs; he pleaded guilty to being pestered, from daylight to dark almost, by people wanting Government billets; and he had seen a string after the hon. member as long as Parliament House. He believed there was never a member who came into the House who was not pestered in the same way about this matter. The great thing was that they should deal with the servants of the State on the same principle that outside contractors acted with their tradesmen. A stonemason got more wages than a carpenter because a mason had to work outside while a carpenter worked inside, and made every day in the week good which a mason did not; and although the mason got the highest wages, still at the end of the year it would be found that the carpenter got as much. That was the principle the State should go upon. State pay should not be made an inducement to people to give up or neglect settlement. The servants of the State were not paupers; and the Government offices should not be hospitals; and no man should get there through influence, or any other way than by merit. Years ago competitive examinations were knocked in the head in this colony—why he never could make out, but he knew there were men here who made the greatest

possible use of political influence. He knew one gentleman who had two or three sons, and he said he would never cease using influence until he got at least one of them into a billet of £400 or £500 a year. He (Mr. O'Sullivan) saw them going about the country, and he should not be in the least surprised if they made a contract with the Government to send into the House half-a-dozen members at so much per head. Personally he was in no way concerned in this amendment; and if the House, or any section of it, thought it should not be inserted in this Bill, he was perfectly willing to throw it into the fire. It was no business of his more than that of anybody else in the House, and no one could make it a party question. Whether it was passed or not, the Civil Servants would do the same work for one Government as for another; so that, if ever there was a question before the House that should be made a sort of hunt-the-slipper between both sides, this was one, and it could not by any means be twisted into a party question. At the same time, if the House wished him to withdraw it he was quite willing to do so.

HON. MEMBERS: Withdraw, withdraw!

Mr. O'SULLIVAN said, since it was the wish of the House, he begged to withdraw the amendment; but he promised that, before the session was over, he would bring it forward again in the shape of a Bill.

Mr. DAVENPORT said, although it appeared to be the wish of the House that the amendment should be withdrawn, he for one regretted it, on this principle: He had noticed for many years past the great disposition on the part of parents in this colony to cram their children into the Civil Service, instead of putting them to a trade or other useful work.

Mr. BAYNES said surely some climatic influence must be at work. He had given the hon. member for Stanley (Mr. O'Sullivan) credit as a son of Erin, on more occasions than one; and he was surprised that he should now be overawed by the leader of the Opposition. There had been no arguments brought forth by the other side for the withdrawal of this amendment. The best speakers on the Opposition side of the House had spoken in favour of it. The hon. member for South Brisbane brought forward the best argument why it should be carried. The hon. member for Enoggera and other hon. members also brought forward good arguments in support of it, and he was convinced that if the hon. member for Stanley would stick to his colours it would be passed. To say he (Mr. Baynes) was surprised would not express his feelings; he was more than surprised—he was disgusted that a member should bring forward such an important measure as this, and then drop it as a matter of indifference. It made no difference to him whether it was the will of the Government, or the will of one side of the House or the other; he held that this was a most important question, and if the hon. member for Stanley was the man he had always thought him to be he would stand by his measure, and he (Mr. Baynes) would support him, and he believed he would get the support of the Committee.

Mr. MOREHEAD said he took it that if a member of the Committee objected to the withdrawal of the amendment it could not be withdrawn?

HON. MEMBERS: Yes.

Mr. MOREHEAD: I object to the withdrawal of the amendment.

Mr. GRIFFITH said, in that case, the only alternative was to adjourn. They could not sit there all night, and there was no chance of coming to a division until the question was fully discussed. He had not spoken on the amendment yet, and many other members were in the same position. After all the time that had been spent on the Bill it was certainly unfortunate that it should now be obstructed by members on the Government side of the House; because that was really what it amounted to. The Bill could not pass the third reading before Thursday, and if it were amended in the other House, and were sent back, it could not become law before the 1st of August.

The COLONIAL SECRETARY said he had stated that he would vote for the motion of the hon. member for Stanley in season and out of season, because he believed in the principle of it; but it was also of very great importance that the Bill should be passed into law before the 1st of August. He did not see that any possible harm could arise from the withdrawal of the amendment. The hon. member could bring it in again to-morrow if he liked, upon fresh notice of motion, and introduce a Bill to back it up, and he (the Colonial Secretary) would guarantee to support him; but he would ask hon. members on that side of the House to consider that if the Bill did not become law by the 1st of August it might as well be thrown aside for this year. He believed it would be blocked by the opposition to this amendment, and he therefore asked hon. members to give way their personal feelings on the matter, and allow the amendment to be withdrawn.

Mr. O'SULLIVAN: I withdraw the amendment.

Mr. MOREHEAD said they had not been placed in the proper position even by the Colonial Secretary. They were led to believe in the early portion of the evening —in fact, the Colonial Secretary had said

—that he would support the amendment of the hon. member for Stanley through thick and thin. No suggestion was then made in reference to the Bill; but now they were told that if the amendment were not withdrawn the probability was that the Bill would fall through. Whether the Bill fell through or not, he did not care very much; he had no great affection for the Bill as it stood. But he thought they should have a little more consistency both on the part of the Colonial Secretary and of the hon. member for Stanley, who said he was prepared to stick to his amendment; but he had now kept them there occupied in fruitless debate, and to talk about bringing in a Bill upon the subject was a perfect farce. The hon. member could never have the matter better debated or more ably objected to than it had been to-night, and he said it was a perfect farce to expect them to come there and battle about a question, when it appeared that the hon. member only meant to tilt at windmills, and was not in earnest with it. He said under these circumstances, let the hon. member abandon it altogether; let the Civil Servants have their votes, and have done with it. He was astonished at the hon. member for Stanley giving way in this matter, and, after what had passed, he should withdraw his objection to the withdrawal of the motion.

Mr. MESTON said the hon. member for Darling Downs had accused him of want of moral courage for declining to proceed with the Manning Pension Bill, and now the hon. member for Stanley was accused of want of moral courage for withdrawing his amendment. But he thought that hon. member was showing a sound and wise discretion in withdrawing it. It would still be at his discretion to bring the question forward again whenever he pleased; and as he (Mr. Meston) was anxious the Bill should become law as quickly as possible, he thought the hon. member would act wisely in withdrawing the amendment.

Amendment, by leave, withdrawn.

On the motion of the COLONIAL SECRETARY, the Chairman left the chair, reported progress, and the further consideration of the Bill in Committee was made an Order for to-morrow.

## MINISTERIAL EXPLANATION.

The COLONIAL SECRETARY said that, at an earlier hour of the evening, the hon. member for North Brisbane moved the adjournment of the House for the purpose of calling the attention of the Government to what he considered a dereliction of duty on the part of the Attorney-General in not appearing to plead before the Supreme Court, that day, in the case of a prisoner who had been convicted of bigamy. He promised the hon. member that he would make inquiries on the subject. This he had done, and had received a statement from the Attorney-General, which he would read, in order that it might appear in *Hansard* in the same issue in which the remarks of the hon. member appeared. The statement was as follows:—

"In the matter of the special case set down for the judgment of the Court of Criminal Appeal this day, I beg to submit to the Hon. the Colonial Secretary the following statement:—

"The prisoner was tried before Mr. District Court Judge Paul at the last District Court sittings, holden at Brisbane, on a charge of bigamy, and was convicted and sentenced. A point was reserved by the learned Judge, at the request of Mr. Swanwick, the prisoner's counsel, whether or not the first marriage was a legal one.

"The learned Judge stated a special case, which was sent to the Crown Office, and transmitted to the Registrar of the Supreme Court, I presume.

"Mr. Virgil Power (the Crown Prosecutor), whose duty it would have been to have appeared to support the conviction, being absent at Cooktown as Acting District Court Judge there, I considered the point reserved, and read the special case. I came to the conclusion that the first marriage was *not a legal one*, and that I could advance no argument to support the conviction. *Under these circumstances, and following the strict line of practice in this respect*, I did not intend to appear for the Crown as Attorney-General, but left the Court to pronounce its own judgment after hearing Mr. Swanwick in support of his reserved point. I was in court during the morning, and, prior to the special case being called on for argument, Mr. Griffith asked me if I was going to argue it for the Crown, and I replied, 'No; that I considered the objection raised was a *fatal one*.' I told him, also, the statute under which the first marriage was celebrated—viz., the Marriage Act 1864, and mentioned, incidentally, the provisions of clause 11, which was the clause affecting the point. I left, and I was called back as I got to the door of the court, at the request, I was told, of Mr. Griffith. I then briefly informed the court that I did not intend to argue the case."

"In England, as I understand the practice, the Crown does not appear to support all convictions. It is not the duty of the Crown law officer to argue before the full court every point of law which may be raised by a prisoner's counsel. The judge *is bound* by law to reserve the point which may be raised, whether he thinks it a good *one* or *not*, but the Crown law officer has a decided right to decide whether *he* will appear for the Crown in every case.

"The facts of the case, as I understand them to be, are as follows—

"The prisoner was married under the statute in question, *after* 8 *o'clock at night*. The proviso to this section enacts that no marriage cele-

brated by any minister or registrar shall be deemed to be legal or valid unless celebrated between the hours of 8 o'clock in the morning and 8 o'clock in the evening.

"I was, and am, of opinion that the first marriage was not a legal one, and that therefore the second marriage was not invalid, and that the prisoner was not properly convicted of bigamy. Holding these opinions, I could not possibly assist the court by argument."

Mr. GRIFFITH said he was not, at that late hour of the evening, going to comment on the statements in the paper just read; but he deeply deplored that the hon. gentleman had read it. No one had ever before heard of a counsel for the Crown publishing his opinions of the way in which a court should decide a case under consideration. He would not now say anything more about it, except that the case was one which involved a great public scandal, and it was the duty of the counsel for the Crown to have assisted the court by argument.

Mr. SWANWICK said that, having been connected with the case, he wished to observe that there could not be a doubt in the matter, as the law was perfectly clear and precise. It might be a bad law, and probably it was, but there was no doubt it was distinct on the matter in question, and the action taken by the learned Attorney-General was quite justified.

The House adjourned at twenty minutes past 11 o'clock.