Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 21 SEPTEMBER 1880

LEGISLATIVE ASSEMBLY.

Tuesday, 21 *September*, 1880.

Motion without Notice.—Formal Motion.—Supply.

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

MOTION WITHOUT NOTICE.

On the motion of Mr. ARCHER, the Select Committee on Mr. Hemmant's Petition obtained leave to summon the Hon. F. H. Hart, of the Legislative Council, as a witness.

FORMAL MOTION.

On the motion of Mr. WELD-BLUNDELL, it was resolved—

That there be laid upon the table of the House—

1. A Return showing the amount expended up to the present time upon the Works recommended by Mr. Nisbet, for the deepening of the Fitzroy River.

2. The probable amount required for the completion of the Works.

3. The amount expended up to the present time in the deepening of the River Brisbane below the City.

4. The amount that will probably be required for the completion of the Works that are now being carried on upon the River Brisbane.

5. The estimated cost, if any estimates exist, of maintaining the Rivers Brisbane and Fitzroy at the depth that will be attained upon the completion of the Works now being carried on.

SUPPLY.

On the motion of the PREMIER, that the House resolve itself into Committee of Supply,

The Hon. S. W. GRIFFITH said he took this opportunity of asking the hon. gentleman at the head of the Government whether he was in a position to give the House any further information upon the subject of the proposed mail contract. It was now a fortnight since they last heard of it, and he should like to know whether the hon. gentleman had had any further communication with the contractors, and, if so, what the nature of it was?

The PREMIER (Mr. McIlwraith): I have no further information to give to the House on the subject of the mail contract at the present time. As soon as I am in a position to do so I will give it to the House.

The ATTORNEY-GENERAL (Mr. Beor) moved that there be granted the sum of £5,496 for the Supreme Court.

Mr. DICKSON said this was a convenient time to ask the Government why, in the face of such a large number of Orders of the Day dealing with matters which the public looked forward to with interest, they were pushing on the Estimates with such extreme expedition? Day after day, night after night, they had had the Estimates under discussion, while there were such matters as the Local Works Loan Bill, Pacific Islands Labourers Bill, Insanity Bill, Local Government Bill, Licensing Boards Bill, Criminals Expulsion Bill, State Forests Bill, Gold Mining Appeals Bill, Mines Regulation Bill, Sale of Food and Drugs Bill, Water Storage and Distribution Bill, Goldfields Homestead Act Amendment Bill, United Municipalities Bill, and the Burrum Railway Bill—altogether eighteen Orders of the Day postponed from day to day. He should have thought that the Government, having obtained two additional sitting days in the week—namely, Monday, and Friday morning—might have arranged their business so that certain days should be appropriated to the Estimates, and certain days to some of those Orders of the Day in which the public were so much

interested, and which the House wished to see fairly discussed. Was it the intention of the Government to proceed with any of them this session? With regard to the estimate now under consideration, he was sorry to think that the officer who had been connected with the Supreme Court and the Court in Equity as Chief Clerk had not obtained that promotion which, he believed, he was entitled to, and which it was in the power of the Government to afford him on the occasion of a recent vacancy. The Chief Clerk was an officer of long standing and had assisted, if not actually discharged, the more onerous duties of the Registrar of the Supreme Court during the time he had been in possession of his office. Without wishing to say anything at all against the gentleman who had been appointed Registrar of the Supreme Court, he did think that where vacancies presented themselves, and that promotion was not given in the Service which might reasonably be expected, it did not establish a good feeling in the Service generally if the Civil servants were debarred from obtaining that promotion, which did not very frequently occur. From all he had heard, the gentleman who had discharged the duties of Chief Clerk of the Supreme Court and Chief Clerk in Equity, for many years past, was an officer against whose capabilities there had never been the slightest word raised. He (Mr. Dickson) was a believer in promotion according to merit, and he believed the Attorney-General himself would admit that the officer to whom he referred, as far as merit and ability were concerned, was fully entitled to the position. He should be glad to hear from the Attorney-General his opinions on this case, because there was a general impression that the Chief Clerk of the Supreme Court had twice had the opportunity of promotion within his vision and it had been denied him, not on account of any want of efficiency or capability in the officer himself, but on account of political exigencies and favouritism.

The ATTORNEY-GENERAL said that the gentleman to whom the hon. member for Enoggera had alluded certainly had very great capabilities as Chief Clerk, but he had not the capabilities necessary for the office of Registrar. He was a gentleman who had only just become a solicitor, and had not had that practice in the profession which was highly necessary in a Registrar of the Supreme Court. With regard to the promotion, he did not think it was an office to which a gentleman should be promoted from the lower grades. The appointment was, in fact, promotion to an officer who deserved it, having served the Government faithfully for some years, and who was a solicitor who had seen considerable practice.

Mr. MOREHEAD would ask whether the hon. member for Enoggera (Mr. Dickson) never did anything wrong in his life? Did he not remember the appointment of a small broker in Brisbane, who was also a political agent, as Official Trustee in Insolvency? He did not deny that Mr. Newman was a good officer, but there were at the time the appointment was made plenty of men who might have been promoted according to the system just enunciated by the hon. member for Enoggera. The Attorney-General had simply pursued the very course the hon. member suggested.

The HON. G. THORN said he had heard that the appointment was made because the Registrar of the Supreme Court, as Crown Solicitor at Bowen, assisted to place the Attorney-General in his present position. He believed the officer was eminently fitted for the post; but, at the same time, there were old officers in the Civil Service—Mr. Bell, for instance—who ought not to have been overlooked. He had been informed that it was the intention of the Government to remove the Supreme Court from Bowen to Townsville. Was that true, and when would the court be removed?

The ATTORNEY-GENERAL said he could not inform the hon. member when the Greek calends would come, neither could he inform him when the court would be removed from Bowen to Townsville. With regard to the former part of the hon. gentleman's speech, he was glad it had been made, because he himself had also heard that the rumour was going round. He could say, however, that when he went to contest the election he found that Mr. Crawford was well disposed towards himself personally and would be glad to see him returned, but he reminded him that he was an officer of the department, and therefore expressly forbade him having anything to do with the election. He took care during the whole election that there should be no electioneering done by Mr. Crawford, and did not think that gentleman had exerted himself to secure a single vote for him. If he heard Mr. Crawford even talking about the election, he took care to request him to be careful to have nothing to do with it, both for his own sake and for his (Mr. Beor's); and he believed his instructions were carried out, though, no doubt Mr. Crawford was indignant at such a check being placed on his action.

Mr. O'SULLIVAN said he had nothing to say about the election part of the business, but would tell the Attorney-General that there was a general feeling in the public mind against the person in question getting the appointment. Both he and the public outside were under the impression that the officer was not competent, because the office required an attorney of a certain number of years' standing. He had as kindly a feeling towards Mr. Crawford as any man in the House; but seeing that there had already been two appointments made in which the Chief Clerk of the Supreme Court had been passed over, it was to be regretted that that gentleman did not get the next opening.

Mr. DAVENPORT could assure the Committee that the appointment had been offered to a young solicitor in town before it was offered to Mr. Crawford, and declined by him.

The HON. J. DOUGLAS said that with regard to Mr. Bell, the Chief Clerk in the Supreme Court, he could speak from some personal knowledge of the gentleman. He was promoted to the office he now held because he discharged his duties in the Real Property Office with great satisfaction to the head of his department, and because it was believed he would make a suitable officer. He would take this opportunity of saying a word in reference to what fell from the hon. member for Mitchell, who referred to a certain appointment as reflecting little credit on the then Government. The hon. member referred to the appointment of the Official Trustee in Insolvency, who, he said, had been appointed by the late Government, and who was at the time a political agent. He must contradict that.

Mr. MOREHEAD: You cannot contradict it; I can prove it.

Mr. DOUGLAS would simply say that he entertained a different opinion. The gentleman in question had not been a political agent, though he did not mean to say Mr. Newman never exercised his rights as an elector. He was appointed simply because out of several persons eligible he was considered the best, and he was thoroughly competent to discharge the duties he performed.

Mr. DICKSON said there was no analogy between the two cases, because there were no

immediate subordinates in the Official Trustee's office qualified to undertake the duties. Had there been any officer so qualified he should have given his opinion in favour of promotion. He rose principally to reply to the statement made by the hon. member for Toowoomba, that the Attorney-General endeavoured, not to obtain promotion for the Chief Clerk of the Supreme Court, but to obtain the consent of a solicitor in this town to accept the appointment.

The ATTORNEY-GENERAL: Yes.

Mr. DICKSON said he regretted to hear it. The Chief Clerk was in his opinion in every way qualified for the post if he was not debarred by want of professional experience; and he regretted to hear that the Attorney-General had chosen to ignore the claims of an experienced officer, and had gone outside the Service to fill up the appointment.

Mr. WALSH said the debate tended to show that promotions in the Service were not made according to merit. Last year the Government of which the hon. member (Mr. Dickson) was a member removed a gentleman from the Audit Office and placed him over the heads of others in the Lands Department.

Mr. DICKSON: That was promotion in the Service.

Mr. WALSH said the case under discussion was apparently a similar injustice—following out the old rule that claims other than those of merit procured promotion in the Service. With regard to Mr. Crawford, he had every reason to believe that that gentleman would give every satisfaction, as he was well up in his duties. He was rather surprised to hear that the appointment had been offered to a solicitor in town.

Mr. DOUGLAS said the appointment of Mr. Deshon—which he presumed was the appointment referred to—was made strictly on the ground of efficiency, and in the belief that the public service would be advanced by such a promotion. He was a gentleman of the highest trust and capabilities—next to none in the Audit Office—and it was on that ground that he was appointed to the office he now held. No Government had ever committed itself to the principle that it should not make promotions from one department to another; and if such a principle were adopted it would cripple the public service.

Mr. LUMLEY HILL said if, as the hon. member stated, Ministers had a right to make promotions from other branches of the public service, what was all the to-do about? Mr. Bell was passed over, and a gentleman who had been Crown Solicitor at Bowen was appointed to a position somewhat similar to that which he had previously occupied. The Chief Clerk, who had only recently passed as a solicitor, was not likely to have that knowledge which a Registrar of the Supreme Court should have, and which a gentleman who had been Crown Solicitor was likely to have.

Mr. THORN said he understood the Attorney-General to say, in substance, that Mr. Crawford had been very demonstrative in his favour during the recent Bowen election. He could tell the hon. gentleman that he only knew about two gentlemen north of Cape Capricorn who were better electioneering agents than was Mr. Crawford. As to the removal of the Supreme Court from Bowen to Townsville, if that were not so he should like to have a distinct contradiction from the Attorney-General or the Minister for Works, and he also wished to know who was going to get the position vacated by Mr. Crawford, and the reason why the Crown Solicitor did not go to Rockhampton the other day.

Mr. NORTON said as the hon. member was not in his seat last night he might read the debate in *Hansard*. He hoped that hon. members were not going to have last night's debate over again.

Mr. GRIFFITH said he rose to call attention to a matter of very considerable importance. The vote for the Supreme Court being under discussion, this was a proper opportunity to refer to the position in which the Supreme Court of the Colony was at the present time. The Supreme Court as it at present existed, was constituted under the Supreme Court Act of 1874, which provided in the 2nd section that—

"The number of judges of the Supreme Court is hereby increased to four."

And, in the 7th section, that the Supreme Court should be

"Holden by and before three judges thereof, except when through want of jurisdiction in the person of the Judge, or absence sanctioned by the Governor in Council, or illness, any one of such three judges cannot attend."

Unless the judges were obliged to be absent through illness, or were on leave, there must be three judges to constitute a Court. At present there were upon the Supreme Court Bench—the Chief Justice, Mr. Justice Sheppard (at Bowen), and Mr. Justice Harding—all of whom had been appointed in the ordinary manner. The fourth judge of the Court had been the late lamented Mr. Justice Lutwyche. Upon the death of that gentleman it became impossible to hold the Court in Brisbane, because the circumstances provided by the 7th section of the Supreme Court Act, 1864 did not exist, there being no judge absent through illness or on leave. It was therefore necessary, in order that the Court might be constituted, sit, and perform its functions, that an additional judge should be appointed. The position of a judge of the Supreme Court was probably the most important in the country, and therefore hedged in by the Constitution Act with the greatest safeguards. That Act, under which the Supreme Court of the colony was constituted, provided in the 16th section that the commissions of the present Judges of the Supreme Court and of all future judges should continue and remain in full force during their good behaviour, and the next section provided that it should be lawful for Her Majesty to remove any judge upon address by both Houses. In order to secure the most perfect independence to the judges in the exercise of their important functions it was provided that a judge, when once appointed, should hold office during good behaviour, and there was no power in this colony by which he could be removed. The only way by which a judge could be removed was by an address of both Houses presented to Her Majesty, on receipt of which Her Majesty, on the advice of her own advisers in England, inquired into the case to see if the Houses had proceeded upon good grounds and whether the judge had been justly accused, and then removed or declined to remove as justice might require. That was the tenure of office of a judge as defined by the Constitution Act, and there could be no better tenure to ensure the administration of justice without fear, favour, or affection. In the 9th section of the Supreme Court Act of 1867 a similar provision was made, and the intention of the framers of the Acts could not have been more distinctly expressed. But what had taken place here when a vacancy occurred? Instead of a commission being issued in accordance with the Constitution Act and the law of the colony, a commission was issued to a gentleman—against whom he had not a word to say—to act as judge

until a successor should be appointed to the late Mr. Justice Lutwyche or until Parliament should make other provisions to the contrary. If that gentleman was not himself the successor of Mr. Justice Lutwyche he (Mr. Griffith) did not know what right he had to be there. Surely that event had happened when he took his seat; and if so, the successor having been appointed, his term of office determined. If that was not so, then the appointment was merely during the pleasure of the Crown, and at any moment the Government might issue a commission to somebody else appointing him to be Judge of the Supreme Court as successor to Mr. Justice Lutwyche, and the former commission would then determine. The result was that the gentleman referred to held his commission in violation of the law and of the Constitution Act. It was unnecessary to say that the most serious doubts existed whether the Supreme Court had been properly constituted since the issue of that commission, and whether it had been competent to exercise the jurisdiction of the full court in this colony. He would call the attention of the House to the manner in which the question had been raised in this colony. In 1873 the Government issued a commission to Mr. Justice Sheppard, then a District Court Judge, appointing him to be Acting-Judge of the Supreme Court, in the room of Mr. Justice Lutwyche, absent on leave. The validity of the commission was at once questioned by the Bar; and the Chief Justice, Sir James Cockle, without intimating any distinct opinion of his own, said he thought, under the circumstances, the best thing would be to administer the oath and not take upon himself to decide the matter in a summary manner by refusing to administer it. He administered the oath accordingly, but Mr. Justice Sheppard resigned his commission next day. At that time it was generally understood that such commissions were invalid. Shortly afterwards, in the same year, the Legislature of this colony passed the Acting Judges Act, which provided for the temporary appointment of judges in certain cases only, to act in place of judges absent on leave or through illness. Very soon afterwards a similar question arose in New South Wales, and it was there contemplated to appoint an Acting-Judge. He (Mr. Griffith) had a discussion with some of the leading members of the Bar there on that subject. The intention, however, was abandoned; and there also they came to the conclusion that it was necessary to pass a special statute to enable anything of the kind to be done. He might say that when the matter was under consideration in New South Wales the Judges of the Supreme Court made a formal remonstrance to the Government against the appointment of any gentleman as a Judge of the Supreme Court except on the conditions imposed by the Constitution Act. Even assuming that the Government had the power to do so, the Judges thought it their duty to protest against any interference with the independence of the Bench by such a proceeding. When the appointment of Mr. Justice Pring was made, it was considered by many members of the Bar to be right to raise the question, and the matter was argued in the Court. The Court took the same view as the late Chief Justice did, and declined to treat the commission in a summary way. That was all that was determined. The oath was therefore administered, and Mr. Justice Pring had since taken his seat. There was not a soul in the colony who did not think there were serious doubts about the matter. It did not require a lawyer to interpret the words of the Constitution Act, which clearly said that a judge should hold office during good behaviour. What were the arguments put forward to justify the extraordinary state of things which existed? It was argued that under the Act of George IV. power was given to the Governor to appoint a temporary judge until the pleasure of the Sovereign was known. That Act, which was passed in 1828, provided that there should be judges of the Supreme Court of New South Wales; that they should be appointed by His Majesty—not by the Governor; that they should be appointed and removed from their offices in such manner as His Majesty should by the letters patent direct; that they should be entitled to receive such salaries as His Majesty might approve of; and that in case of absence, resignation, or death of any of the judges, or of any disease or infirmity rendering any judge incapable of discharging the duty of his office, it should be lawful for the Governor to appoint a fit and proper person to act in the place and stead of any judge so absent, resigning, dying, or becoming incapable, until such judge should return to the execution of his office or until a successor should be appointed by His Majesty. See the difference! The judge was to be appointed and removed by the King at will; but, in order to provide for the necessity of carrying on the administration of justice at that great distance from England, it was necessary to appoint a temporary occupant of the office in the event of a judge dying, or becoming suddenly unable to do his work from illness or otherwise; and the power was given to the Governor to make such an appointment until the King's pleasure was known. But the Constitution Act distinctly said that the commissions of future judges should continue during good behaviour; but the other side said, "Never mind the Constitution Act; the Act of George IV. gives the Governor power to appoint temporary judges until the King's pleasure is known; therefore, now the Governor has power to appoint a temporary judge until his own pleasure is known." That was the argument boiled down, but that Act applied to quite different circumstances, and had been repealed implicitly as clearly as anything could be repealed. His view of the law might be wrong, but there were few lawyers in the Australian Colonies who thought so. The Legislatures of Queensland and New South Wales had expressed themselves very plainly on the subject. Suppose there were only doubts on the subject, was it to be tolerated that the Government should allow such doubts to hang over the administration of justice? He did not ask the House to proceed on the assumption that he was right, but he would assert that the vast majority of the profession in the colonies would agree with the view which he had just taken. What would be the consequence if a judge's commission were invalid? Why, the gentleman holding the commission would not be a judge at all—he would be a stranger and an intruder in the Court. Every order which he might make to seize goods or attach a man's person would be invalid, and the persons executing the orders would be trespassers and would be liable for damages—no matter what order he might make it would be absolutely void. If he sentenced a man to be imprisoned, that man would be entitled to his liberty; if he sentenced a man to death, he and every man concerned in the execution would be murderers. That was precisely the position if the views which he had stated were correct. Then, was such a state of things to be tolerated? Two or three months had passed and the Government had taken no steps, and there was no indication of their taking any steps, to remove that state of things. Why did they not make up their minds either to at once appoint a judge, as provided for in the Constitution Act, or as quickly as possible to bring in a Bill to remove any doubts by providing for the administration of justice by a fewer number of judges? One of the

two things must be done. The whole matter reflected the greatest disgrace on the Government: there was not the slightest difficulty in the way of dealing with the question in a short time if the Government desired to do so. He was sure that both sides of the House would evince a willingness—an eagerness—to remove such serious doubts with regard to the administration of justice. The Government would find that they would have the greatest assistance in dealing with the matter. He would not promise that he would assist towards reducing the number of judges, but he would assist so as to have the question determined as speedily as possible. He thought he had waited long enough before calling attention to the matter. The Government would inevitably have to bring in an Act of indemnity for everything which had been done. Was it right, then, that they should go on under a state of things which could only be made lawful by an Act of indemnity? An Act of indemnity was supposed to be passed to cover a wrong act inadvertently committed: but to go on deliberately, knowing that such an Act must be brought in to make lawful what was being done, was a thing for which he knew no precedent. He did not wish to reflect in the slightest degree on the gentleman occupying the temporary office. As far as he knew, that gentleman had performed his duties with the utmost satisfaction. The question was in no way a personal one—it was one of the gravest interest to the country—involving as it did the constitution of the court, the legality of every order which the temporary judge might make, and the liberty or liberation of criminals who might be improperly convicted. He thought that at the earliest moment the Government ought to declare their intentions, and to use every expedition to carry them out.

The ATTORNEY-GENERAL said that by far the larger part of the speech of the leader of the Opposition was a repetition of the arguments which the hon. member had addressed to the Supreme Court when the question was raised before the Judges by the hon. member. The hon. member objected to the appointment of Mr. Justice Pring to the judicial bench on the grounds which he had stated to the House. He (Mr. Beor) did not think it necessary to go over arguments which had been advanced a second time, and which he had previously answered. The Judges decided, according to his recollection, not in the way stated by the hon. member, but that Mr. Justice Pring's commission was a valid commission and that he was entitled to take his seat on the bench. That was the decision which was come to by a court which, apart from the fact that it was the highest tribunal in the colony—the tribunal to which they must trust for the decision of all questions of law, was composed of gentlemen who, as he took it, were best qualified to decide on the constitution of their own court. The only new argument which the hon. member for North Brisbane had advanced was that it was improper that the matter should be allowed to remain in doubt. He would admit that it would be improper to allow any doubt to exist, but he did not consider that there was any doubt.

Mr. GRIFFITH: Oh, oh!

The ATTORNEY-GENERAL said the hon. member might show his disapprobation in any manner he pleased, but he would much rather that the hon. member would do so in the way in which human beings usually did. He was saying that to them there could be no doubts—whatever doubts they might have in their own minds, the tribunal which had to decide all matters of law had decided them.

Mr. GRIFFITH: No,

The ATTORNEY-GENERAL: Yes.

Mr. GRIFFITH: They have not decided; they have refused to give a decision.

The ATTORNEY-GENERAL said that they had to look to that tribunal for decisions, and they must accept their decisions unless they chose to appeal to the Privy Council, which he did not think it was necessary to do in such a case as that under discussion. If anybody was to appeal to the Privy Council it should be the party who made the objection and whose objection was overruled. The Judges of the Supreme Court had decided in favour of the action which the Government took, and, therefore, he took it it was not necessary for the Government to take any further steps. The Government have a right to accept the decision of the highest tribunal in the land.

The HON. J. M. THOMPSON said he was present in court when the matter was argued, and his distinct impression was that the Judges refused to decide. The Chief Justice made one remark which struck him very forcibly, and that was that when a similar question came before the late Chief Justice the latter argued the matter from the point of view taken by the leader of the Opposition, and that being now in Sir James Cockle's position he would do as he (Sir James) had done—that was, decline to take the responsibility of refusing to administer the oath. Mr. Justice Harding said the matter was one which had better be decided satisfactorily, as it was fraught with danger in the future. Personally he did not think Mr. Justice Pring was a member of the court. In answer to the argument of the Attorney-General, that the court had already decided upon its constitution, it might be said that they had no power to do anything of the sort. Unquestionably the matter should, without further delay, be set at rest in one way or the other. There was no doubt whatever that the court was improperly constituted. The Chief Justice was extremely guarded in his judgment, and seemed to rely a great deal upon a statute which, he said, appeared to him to have contradicted the policy of the law which he admitted—namely, that the judges should hold office during good behaviour. He agreed with the Attorney-General to this extent—that it was of no use going into the legal points, because there were so few who would be able to follow them. But he would refer to the constitutional point, which was a very important one. It depended upon this—that a judge should be above all influence. In olden times the judges were appointed by the King and at the King's pleasure; but in the course of time the people became sufficiently powerful to abolish that practice, and the consequence was the passing of an Act which put the judges upon a totally different footing—the object being that they should never have the terror of a superior power in front of them. Before quoting a good authority, who summarised the matter far better than he was able to do, he wished to point out the position in which Mr. Justice Pring was situated. He had nothing to say against him; the best thing would be to give him his commission at once. But his position might now be affected by one of two events. One of these was the passing of an Act restricting the number of the Supreme Court Judges to two—a thing which the Government might do with an overwhelming majority, if they chose to make it a party question; and the second event was the appointment of a successor to Judge Lutwyche. The Government had the power in their hands, and could do as they liked in the matter. The Government had absolute power; and could either act upon their own motion, or through the party supporting them in the House. So that a principle of the constitutional law was

invaded. Kent, in commenting upon American law, dealt with the matter very well. He pointed out that—

"By the constitution of the United States, 'the judges, both of the Supreme and Inferior Courts, are to hold their offices during good behaviour; and they are, at stated times, to receive for their services a compensation which shall not be diminished during their continuance in office.'"

He said—

"The tenure of the office, by rendering the judges independent, both of the Government and people, is admirably fitted to produce the free exercise of judgment in the discharge of their trust. This principle, which has been the object of so much deserved eulogy, was derived from the English constitution."

In commenting upon it he said—

"In monarchical governments the independence of the judiciary is essential to guard the rights of the subject from the injustice of the Crown; but in republics it is equally salutary in protecting the constitution and laws from the encroachments and tyranny of faction. Laws, however wholesome or necessary, are frequently the object of temporary aversion, and sometimes of popular resistance. It is requisite that the courts of justice should be able at all times to present a determined countenance against all licentious acts; and to deal impartially and truly, according to law, between suitors of every description, whether the cause, the question, or the party be popular or unpopular. To give them the courage and the firmness to do it, the judges ought to be confident of the security of their salaries and station."

That appeared to summarise the whole of the constitutional question, and to place the matter beyond doubt. It was of great importance that the constitutional question should be put before the House—the fact that a Judge then sat who could be removed by the Government upon their own motion or by the aid of their party. That the judge should be in such a position was very detrimental to himself. He had no doubt His Honour would be thoroughly independent; and might think that he would in the end receive a permanent judgeship. But still the fact remained that he might be got rid of at any moment. There were circumstances alluded to by the great author upon American law quoted which were likely enough to arise in that colony. It was very likely that Mr. Justice Pring might be called upon to decide upon an unpopular law; or, on the other hand, he might have to run counter to popular opinion in matters affecting persons in authority, or to persons in authority themselves. In all those cases it was possible—he did not say it was probable—that his interest and duty might conflict; and that was a position in which no public servant should be placed. It was a principle which lay at the root of their constitution, that the judges should be thoroughly independent. There could be no doubt whatever as to the importance of the point. As Mr. Justice Harding had remarked, the improper constitution of the court was fraught with danger in the future. It would be the duty of any advocate whose client was in danger to take the point in a case of sufficient importance. As the hon. and learned member for North Brisbane intimated, there were cases in which judges had been punished for acts without authority. The matter lay at the root of our judicial system, and why the Government had not brought it forward before, and decided it in one way or the other, he could not imagine.

Mr. MOREHEAD said the leader of the Opposition, strange to say, did not look at this matter in the light in which he ordinarily looked at matters of this kind. He wondered the hon. member did not tell the Committee that this was part of the gigantic scheme of fraud and swindling with which he was constantly charging the Government; and further charge the Government with placing upon the Bench a man whose rulings they knew they could afterwards upset. So much was insinuated by the hon. member for Ipswich, but he wondered that it was not openly stated by the hon. member for North Brisbane.

The COLONIAL SECRETARY said that if his recollection served him aright, Mr. Justice Sheppard brought before the court his right to sit as Senior Puisne Judge, whereupon the court decided that he was not, and that Mr. Justice Harding was the Senior and Mr. Justice Pring the Junior Puisne Judge.

Mr. GRIFFITH: What was that to do with the matter?

The COLONIAL SECRETARY: A great deal.

Mr. THOMPSON: I should say, in answer to the accusation of using imputations, that the argument I used was the same as that used by Mr. Darley when the question arose in New South Wales.

Mr. O'SULLIVAN thought the real point was whether a saving was effected in having a judge appointed during good behaviour instead of at the beck of a Ministry. There could not surely be much difference of opinion upon that point. The leader of the Opposition had put the case pretty well, and the reply of the Attorney-General was not, to his mind, by any means assuring as to the satisfactory character of the present constitution of the Supreme Court. At the same time, he thought members sitting in opposition were to some extent to blame for not raising the question before. He did not blame the leader of the Opposition for repeating in that House the arguments he had used in the Supreme Court, because the sooner the public were educated as to the real question at issue the better. The Attorney-General said that the matter had already been decided by the Bench, and that none were more competent than the Judges to judge of the constitution of their own court. He had always thought that that House had more to do with the appointment of judges than had the Judges themselves. It was the feeling of the country that this matter should be at once decided. Mr. Justice Pring was in a most unenviable position. It was a wonder that he cared to be a Judge upon such conditions. The remarks of the hon. member for Ipswich were not very complimentary to the side of which a few days ago he was part and parcel. The party of which he was a member were good party men; but the hon. member was mistaken if he supposed that they would support the Government in any measure they chose to submit. For his own part he would be averse to passing an Act of indemnity unless the necessity arose through inadvertence. Hon. members who sat beside him were not the slaves of the Government. He claimed as much right to be independent on the Government as on the Opposition side. He did not care two pins for either side. If he believed in his conscience that his side was wrong he would vote against it, and if he believed it was right he would vote for it. It would be for the general benefit that this matter should be properly decided. Let Mr. Pring be appointed properly or go about his business and somebody else be got. As the matter stood at present it appeared to him that Mr. Pring could be removed at the pleasure of the Government.

Mr. THOMPSON (who was indistinctly heard) was understood to say that he wished to make a short explanation, as he had apparently not been sufficiently clear. It had been said by the member for Mitchell that he was in the habit of making insinuations. He thought he had made himself plain; and, as he did not want to be under the imputation of making insinuations,

he would name the instance to which he intended to refer. It was the suit going on in the Supreme Court, in which there was on the one side the populace, or a large portion, and on the other side he had to look to the powers above him. There was no reason why he should not refer to it distinctly as the instance now before the public. On the other hand, he quite agreed with the member for Stanley that they had nothing to say against Mr. Justice Pring personally. He spoke of the possibility of an Act being passed to reduce the number of Judges to two if it were made a party question, and in doing so he had no intention of questioning the independence of hon. members opposite; still it was known that on occasions a member must, to a certain extent, go with his party. He knew that the member for Stanley was independent, and he only claimed the same privilege for himself. In this respect the hon. member had misunderstood him that he did not refer to an Act of indemnity.

The ATTORNEY-GENERAL said the hon. member for Stanley had found fault with him for having said that the leader of the Opposition had used to a great extent precisely the same argument that he had employed in court, as if he (Mr. Beor) had meant to taunt the hon. gentleman. He did not do so, and had no intention of doing so. He made the remark as a preface to what followed, to show the Committee that it was not necessary for him to reply to what the hon. gentleman had said, because the Judges, after hearing his arguments, had decided against him—in fact, the arguments had been answered by the Judges, and, therefore, it was unnecessary for him to detain the Committee by entering upon them again. The matter was so important that he might be excused for reading to the Committee what the judgment was, especially as his statement of what had been ruled when the matter was decided had been contradicted both by the leader of the Opposition and the member for Ipswich. What the Chief Justice said was this—

"I am very much indebted to my friend Mr. Griffith for reviving some of the old arguments upon this form of commission, which he has put. I think, in probably a very much better form than the poor advocate who presented them to the court on a former occasion. He has followed my track to some extent—at all events, he has done so substantially; and I shall follow the course taken by the late Chief Justice, Sir James Cockle. The very strong inclination of my mind is that there is sufficient matter within the four corners of this commission to form a good appointment to the Bench; but I give no pronounced opinion upon the effect of the limitation."

He might inform the Committee that there had been two contentions about the limitation "until a successor be appointed." One was that they made the whole commission invalid; the other was that the words were surplusage, and did not affect the commission—that the commission became a permanent one.

Mr. GRIFFITH: That was a suggestion of the Bench, not an argument.

The ATTORNEY-GENERAL said he only remembered the observations, but did not know from whom they came. At any rate, the distinction was drawn that it might be so. The judgment went on to say :—

"That may be a matter for Mr. Justice Pring to dispute with the Government, unless he has any understanding with them which he may be willing to carry out. But it seems to me, at all events, that it would be a hasty act on the part of the court, with this commission before us, to refuse to administer the oath to a judge who brings a commission appointing him a Puisne Judge of the Supreme Court of Queensland—one of the three judges appointed to hold the court at Brisbane—'from the date of these presents.' I am inclined to think, also—very strongly inclined to think—that I shall take the course of the learned judge who preceded me, and refuse to disallow Mr. Justice Pring to take the oath."

That might seem to bear out to a great extent what had been alleged by the leader of the Opposition, as regarded the judgment; but, if hon. members would listen to what followed, they would see that the Chief Justice held a strong and firm opinion as to the legality of the commission :—

"I am strongly disposed to think that so much of the Charter of Justice Act as enables the Governor to appoint a judge on the death of one of the occupants of the Bench until his successor is appointed is still in force. I think there is nothing necessarily inconsistent with that in the Supreme Court Act, which requires the commissions of the judges to be during good behaviour. So far as the policy of the law is concerned, very little argument can be drawn from that. A barrister may be appointed to go on circuit, and in case of the illness or absence of a judge he might receive an appointment until the return of the permanent holder of the office."

He might mention that was a thing frequently done at home, where all the judges held their commissions during good behaviour. On many circuits they would find that one, and perhaps more than one, gentleman from the Bar was appointed to act as judge, and he received his commission which continued only during the circuit. Further than that, he might mention that on every circuit commissions were issued to all the leading barristers on the circuit to act as judges if it should be necessary, so that if any actual judge should fall ill or be incapacitated from acting, there might be somebody to take his place immediately. That was a common practice in England. The Chief Justice continued :—

"A barrister may be appointed to go on circuit, and in case of illness or absence of a judge he might receive an appointment until the return of the permanent holder of the office; so that no argument against this commission can be drawn from the mere fact that it is temporary in its nature. By the Charter of Justice Act, the appointment was to be made by Her Majesty upon the advice of her Advisers at home, just as the appointments are now to be made by the Governor with the advice of his Ministers here, he being for that purpose in the position of Her Majesty So much of the statute as related to the mode of appointment, and enacted that such appointment was to be during Her Majesty's pleasure, has been repealed, and the Supreme Court Act changes the nature of the tenure to during good behaviour. So that all commissions, temporary or otherwise, are to be in force during the good behaviour of the person appointed."

That applied to this particular commission in this way, that Mr. Justice Pring could not be dismissed from his office for any other cause than bad behaviour—that he held his office within the term of the commission; that was to say, he held it for six months, or until a successor to Judge Lutwyche was appointed.

Mr. GRIFFITH: The commisssou is not for six months. It is until a successor to Judge Lutwyche is appointed.

The ATTORNEY-GENERAL said that, let it be allowed that under the terms of the commission Mr. Justice Pring held office until a successor to Judge Lutwyche was appointed, he could be dismissed under no circumstances before one was appointed. He held office during good behaviour. The effect of the commission would be stopped only under one set of circumstances, which were the bad behaviour of Mr. Justice Pring. He held his commission to sit on the Bench until the appointment of a successor to the office vacant by the death of Mr. Justice Lutwyche. He could only be removed in consequence of bad behaviour—he held his commission during good behaviour.

Mr. GRIFFITH: Or until the appointment of a successor.

The ATTORNEY-GENERAL said it was useless for the hon. gentleman to reiterate those words. The hon. gentleman meant to say that the commission was put an end to by the appointment of a successor.

Mr. GRIFFITH: So it is.

The ATTORNEY-GENERAL said it was nothing of the kind. It was virtually a commission for a certain period. The leader of the Opposition need not be grinning. He (Mr. Beor) did not intend to use the argument of grinning; and he would add that when the hon. gentleman asked him, as he had just done, to use some style of argument, he was assuming the very impertinent position that he was to judge whether his (Mr. Beor's) arguments were good or not. It was for the Committee to decide whether his arguments were sound or not, and he believed the argument he was now addressing to the Committee was a sound one. The hon. gentleman thought a great deal too much of his own opinion; he had been so long accustomed to have his word taken as law that he had come to think it was law. The Chief Justice continued:—

"It seems to me there is nothing inconsistent with the Charter of Justice Act in the 9th section of the Supreme Court Act. Then the 17th section of the Acts Shortening Act may, I think, be read as far as it applies to the nature of an appointment of this kind."

The 17th section of the Acts Shortening Act provided that—

"Wherever power shall be given by any Act to Her Majesty, or to the Governor of the colony, or to any officer or person, to make appointments to any office or place, it shall, unless there are words to show a contrary intention, be intended that such power shall be capable of being exercised from time to time, as occasion may require, and that Her said Majesty and the said Governor or such officer or person shall have power to remove or suspend the person appointed, and to appoint, permanently or temporarily, as the case may require, another person in his stead, or in the places of any deceased, sick, or absent holder of such appointment."

The 9th clause of the Supreme Court Act provided that—

"The commissions of the present and any future judges of the said Supreme Court shall be, continue, and remain in full force during his and their good behaviour, notwithstanding the demise of Her Majesty, or of her heirs and successors, any law, usage, or practice hereof in any wise notwithstanding."

There might possibly be some meaning in those words, "notwithstanding the demise of Her Majesty." It might possibly be meant to extend to all circumstances, and that no other thing should prevent their holding office during good behaviour. On the other hand, it might be that only the death of Her Majesty was contemplated. The case of Mr. Justice Pring certainly came under the 17th section of the Acts Shortening Act, which he had just read, as had been pointed out by the Chief Justice. The remainder of the judgment was as follows:—

"That is the opinion of Sir James Cockle, I think, and I am inclined to think he was right. The power of removal is taken away, but that of suspension is not. I believe there is the power of suspension under the old statute of George IV., which has created the appointments, and which appointments are now *quamdiu se bene gesserit*, and not during pleasure. Supposing a judge should become suddenly insane and persisted in presenting himself to the court, and in performing the duties for which he would be manifestly incapable, and supposing the Legislature should not be sitting, it seems to me that under the Act of George IV., the Governor would have power to suspend and to appoint another to fill his place until his will and pleasure might be made known, and 'to appoint permanently or temporarily as the case may require another person in his stead, or in the place of any deceased, sick, or absent holder of such appointment.' I think, therefore, there is sufficient in the Charter of Justice Act, the Supreme Court Act, and the Acts Shortening Act to make this a valid commission"——

Those were precisely the words he used when giving what he believed to be the effect of the Chief Justice's judgment, and when he was contradicted by the hon. leader of the Opposition and the hon. member for Ipswich, who said he he had given no such decision. Then the extract continued:—

"even without the condition annexed. I refrain from giving any judgment upon the status of Mr. Justice Pring—whether he is a Puisne Judge permanently (in which case there would be no doubt as to his right to form part of the court), or whether he only occupies that position until a successor shall be appointed to the seat vacated by the death of Mr. Justice Lutwyche—whether the commission is good down to the words 'these presents,' or whether the following words operate. That being so, so far as I am concerned I shall not refuse to permit Mr. Justice Pring to take the oath."

He could not understand how any person who was present in court during the delivery of the judgment could say it was not decided that it was a valid commission.

Mr. DOUGLAS said that although he had listened with attention to the long statement of the Attorney-General, he still failed to apprehend exactly in what position they stood with regard to the appointment. Probably the hon. gentleman would inform the Committee whether the Government viewed the appointment as a permanent or temporary one. From his address he gathered that the Attorney-General justified the existing position, and intimated that it would be maintained without alteration.

The ATTORNEY-GENERAL said the Government had under consideration a Bill for reducing the number of judges in the Southern Supreme Court at Brisbane from three to two.

Mr. DOUGLAS said that in that case they were wasting time. He himself had drawn attention to the subject in a motion for adjournment, and the Premier on that occasion said he contemplated bringing in a Bill to reduce the number of judges. Surely, they ought to have seen the Bill. As much time had been wasted to-night as would have sufficed for its second reading. It seemed to be now admitted by the Attorney-General that it was not contemplated to retain Mr. Pring in his present position. If that was so, surely they ought as soon as possible to legislate upon a subject of such great moment. He regretted to hear the hon. member for Mitchell expressing his wonder that this had not been made a party question. Surely, a great constitutional question could be discussed without reference to party politics. He was glad to see the hon. member for Stanley (Mr. O'Sullivan) discuss the matter in an independent spirit, as such matters ought to be discussed, and without dragging in their miserable party differences. He trusted the Bill would be brought in without delay, for no subject of greater importance was likely to come before them this session, and the time of Parliament might be very well employed in passing such a measure through some of its more important stages.

Mr. O'SULLIVAN was understood to say that he should strongly oppose such a measure, on the ground that three judges were necessary for the Southern Supreme Court.

Mr. DOUGLAS said that was also his opinion, but in that case Mr. Pring ought to be placed in a permanent position, and put in full possession of all his rights as a judge. The Committee ought to know whether there were to be three judges or two. If only two, then Mr. Pring must be unseated; if three, the powers he at present possessed ought to be confirmed.

Mr. DICKSON said it was more desirable to have three judges than two. But there was a more important aspect of the case than that of the reduction of the number of the judges. The great thing was to see that the constitution of the

Supreme Court was a sound one, and did not require further legislation. He would therefore ask the hon. Attorney-General whether in his opinion it would be necessary to introduce an Indemnity Bill into that Chamber to legalise what had been and what was being done by the Supreme Court under its present constitution?

Mr. THOMPSON said there was an instance in New South Wales at the present time of the inconvenience of having a judge appointed temporarily. When the Act under which Mr. Justice Windeyer was appointed was under consideration, Mr. Darley characterised it as being a cruelty to the judge who might be appointed under it, and it so happened that Mr. Darley was the counsel employed to make it so; and he (Mr. Thompson) thoroughly believed, after what had taken place through that appointment of Mr. Windeyer temporarily, the Press in New South Wales would have sufficient influence to prevent that gentleman's permanent appointment, and the result would be that Mr. Windeyer would have to go back to the Bar and probably be engaged in appeals in cases on which he had himself decided as a judge. That was an instance where a difficulty had been predicted and had come to pass. The difficulty in Mr. Justice Windeyer's case was that the Government had appointed him as a temporary judge, and that the popular cry against his efficiency for the office was so great that it would prevent his being permanently appointed. Had not such a course been taken by the Government of New South Wales all the scandal which had arisen in that colony in connection with the administration of justice would never have taken place.

Mr. DICKSON said he would again ask the Attorney-General to give him an answer to the important question he had put.

The ATTORNEY-GENERAL said that if the hon. gentleman had paid him the compliment of listening to what he had said, he would have known that he (the Attorney-General) did not see the necessity of passing such an Act.

Mr. GRIFFITH said he had brought forward that afternoon a matter which he conceived to be of the greatest importance to the colony, and the hon. and learned Attorney-General, instead of replying to the arguments he had used, had attacked him. He could assure the hon. gentleman that his arguments would not gain strength by carping at him, and that if he wanted to make a reputation for himself he had better devote himself to solid work. He (Mr. Griffith) had pointed out that the Constitution Act provided for the appointment of judges during good behaviour, and that they had at the present time a judge who was not appointed during good behaviour but during the pleasure of the Government; and that the appointment of a judge during any other than good behaviour was in itself reprehensible and was also likely to lead to doubts of the validity of the proceedings of the Supreme Court. That in itself was too serious a matter to be passed over without deep consideration. It was of no use whatever for the hon. and learned Attorney-General to get up and say that he had no doubt on the matter, when nearly all the members of the profession both in this colony and New South Wales were opposed to him. With respect to the question whether Mr. Justice Pring held office during the pleasure of the Government there could be no dispute. The hon. Attorney-General had attempted in a fine-drawn argument to show that, although Mr. Justice Pring held office during pleasure, the commission used the words "during good behaviour," and that therefore Mr. Pring was appointed during good behaviour; but supposing he (Mr. Griffith) appointed a person to hold a certain position during good behaviour during his pleasure, and that person did not please him, he could dismiss him. That was what it amounted to in Mr. Justice Pring's case, and the Government could remove that gentleman to-morrow by appointing someone else, or by abolishing a fourth judge. He contended that it was a great evil that a judge should hold office under such conditions, as if the Government were strong enough to hold office for some years longer they might have a bench of judges all of whom held office during pleasure. It was not a matter to be laughed at, but was one of most serious moment. It was of more serious moment than hon. members thought who seemed to pay so little attention to it. There was to him no more deplorable sight than this, that many hon. members seemed to shut their eyes—no matter what violation of the constitution there might be, or what violation of the provisions made by the Imperial Parliament for the protection of that constitution—they seemed to care for nothing so long as they kept the present Government in power. Surely, there were many matters on which all could work together—matters of importance to the country, such as the one now under consideration. He confessed that he had been disappointed; but he thought that the Committee were entitled to some explanation from the Government as to why the matter was still under consideration. How much longer was it to remain under consideration? Why, they had been told as far back as July 14th that it was under consideration, as the Premier on that day said that it was the intention of the Government on an early day to introduce a Bill to reduce the number of Supreme Court Judges from four to three. Yet now, two months afterwards, they were told by the learned Attorney-General that the Government were considering the matter. In the meantime the Estimates had been brought down, in which a fourth judge was provided for during the whole of the year. His belief was that the Government intended to allow the present state of things to go on. No excuse could be offered for the delay, and no member of the Government had attempted to offer any, and therefore their position was quite untenable. If there were to be only three judges why were not the salaries on the Estimates reduced accordingly? But they were not, and what pretext, he would ask, had the Government to give for the delay of the last two months? The matter ought surely to be settled—whether the commission was valid or not—unless indeed, Parliament was so subservient to Ministers that it was willing to allow them to appoint judges during their pleasure.

The PREMIER said the hon. gentleman had just stated that none of the Ministers were prepared to give an excuse for their conduct in this matter; but he (the Premier) did not see what excuse they had to offer, as they had acted throughout under the best legal advice they could procure. A Bill was some time ago under the consideration of the Government, as they thought that the late vacancy on the Bench would be a good opportunity for doing away with a fourth judge. There were a good many arguments in favour of such a step, and if that was their intention how could they have made another appointment? They had adopted the best possible means in their power, as, supposing the Bill to abolish a fourth judge was passed, they would not have to pension off a judge for life as they would have to do had a fourth judge been permanently appointed. The accusation made against the Government of not having done anything more about that Bill applied a great deal more to the opposite side than to the Government, as there were no hon. members who

had done so much to delay business this session as the leader of the Opposition and the hon. member for Maryborough (Mr. Douglas). Yet now, after those hon. gentlemen had wasted ten weeks, they came and accused the Government of not bringing forward this Bill. The Government had not changed their policy or their position in any way. The hon. gentleman also said that, in the meantime, since the first intimation was given by the Government of their intention to introduce such a Bill, the Estimates had been introduced with provision on them for a fourth judge. On what ground had the hon. gentleman made that statement?

Mr. GRIFFITH : The Estimates were brought down in August.

The PREMIER said that the Estimates were printed long before he made his Statement in the House, and the hon. gentleman with his official knowledge must have known that. Then the hon. gentleman asked why four judges were provided for if the Government intended to reduce the number to three; but if the hon. gentleman disapproved of voting the money for four why did he not move that the salaries in connection with the fourth should be struck out? If the Legislature passed a law reducing the number to three, of course the extra amount would be knocked off the Estimates; no one knew that better than the hon. member for Enoggera (Mr. Dickson).

The ATTORNEY-GENERAL said that the hon. leader of the Opposition told him that if he wished to make a reputation he must do more solid work. That remark was in accordance with the hon. gentleman's usual style, as he must have known that in consequence of ill-health he (the Attorney-General) had abandoned his private practice of late. Perhaps the hon. gentleman thought that he did not devote so much time to his public duties as he ought to devote, but the hon. gentleman must have known that for many months past his health was such that it was impossible for him to devote more than a few hours a day to work, and that he had been advised by medical men that if he did more it would be at the risk of his life. He considered it was exceedingly mean of the hon. gentleman that he should have made use of such an expression.

Mr. GRIFFITH said the matters referred to by the hon. gentleman had never occurred to him. He (Mr. Griffith) certainly never attacked him on account of the state of his health; but, as to the other matter, he meant exactly what he said—that if the hon. gentleman wished to make a reputation he should earn it otherwise than by carping at others. He was sure that the hon. gentleman received much kinder treatment in the House than he would under other circumstances; he certainly received more than his predecessors had been accustomed to receive. The Premier stated that the Government had nothing to excuse themselves from, but he (Mr. Griffith) maintained that their position was indefensible. It was a most serious matter, affecting the existence of one of the three great branches of the Government of the colony, which should have been dealt with as speedily as possible; but, although it had been brought under their notice more than two months ago, the Government had done nothing;—they cared nothing. It was a matter that could have been disposed of weeks ago—early in July—if the Government had intended to dispose of it. If they wished to show their sincerity in proposing to deal with the matter, it would not take long to prepare a Bill. It should have been drawn up long ago.

The PREMIER : It has been drawn up long ago.

Mr. GRIFFITH said that made it so much the worse. Why had it not been introduced? Because he believed the Government intended to leave things as they were. He believed they rather preferred having irregularities going on. The Premier stated that he (Mr. Griffith) knew that the Estimates were in print long before they came down to the House; but he had been in office longer than that hon. gentleman, and had assisted in the preparation of more estimates, and he knew that they were corrected and re-corrected up to the very last moment, and he was certain that this year they were not completed until the very last moment, particularly the estimates of revenue. However, that was beside the question. He said that if the Government had intended that there should be only three judges during the remainder of the year there was no necessity to have proposed, as part of their scheme, salary for the whole of the year. It was not usual to do so, and it was no use for the Premier to say it was. He sincerely hoped the House would not allow the existing state of things to continue, and maintained that they were now entitled to ask when did the Government propose to introduce this Bill.

Mr. O'SULLIVAN did not see the force of the last observations of the leader of the Opposition, because if one of the judges was done away with he would not receive the salary afterwards.

Mr. GRIFFITH asked when did the Government intend to introduce a Bill dealing with the subject?

The PREMIER said he declined to state any time when the Government proposed to introduce the Bill referred to by the hon. gentleman.

Mr. GRIFFITH asked did the Government intend to bring in the Bill this session in such time as to give a fair opportunity of its being passed?

The PREMIER said he had answered that question before in the quotation made by the hon. member for Maryborough, and he had seen no reason to alter his mind since then.

Mr. THORN hoped the Government would not reduce the number of judges to three, because it would simply mean depriving the North of their judge, and bringing him down to Brisbane. What had the hon. member for Cook to say to that? The whole of this debate might have been saved if the Government had issued a proclamation appointing Mr. Justice Pring permanently. He (Mr. Thorn) was anxious to see the business of the country proceeded with as rapidly as possible, but when they heard one member of the Government saying one thing and another something quite different what were they to think? He was glad to hear the hon. member for Stanley (Mr. O'Sullivan) say he would oppose any attempt to reduce the number of judges, because on a former occasion that hon. member said he could not vote on the Opposition side of the House because there was a gulf between them, but now it appeared that he had bridged over that gulf and would vote against the Government on this occasion. He (Mr. Thorn) thought the Committee were entitled to be told, before they proceeded further, whether the Government intended to carry out their promise to bring in a Bill dealing with this matter. At present matters had a very gloomy look indeed, but all that might be dispelled by the Government coming down at once and passing that Bill, although at the same time he (Mr. Thorn) would be no party to depriving the North of one of their judges. He would like to hear the views of the hon. member for Mackay (Mr. Amhurst), who was a barrister, on this question. He believed they would be entirely in accord with those of the leader of the Opposition. He (Mr. Thorn) wanted to know whether the Govenment intended

bringing in the Bill referred to, or whether the threat of the hon. member for Stanley would prevent them from doing so?

Mr. DICKSON said after all the talk that afternoon they had done nothing more than arrive at the point at which they started—that was, that while the Government did not defend their action in connection with the Supreme Court, they declined to make any promise whatever to redress the evils complained of. He felt bewildered as to what were really their views on the matter. He inferred from the remarks of the Attorney-General that he did not approve of the present position of affairs in the Supreme Court. At any rate, the hon. gentleman very mildly apologised; he made no reply to the remarks of the leader of the Opposition that convinced members, even on his own side of the House, that the position of one of the Judges was a satisfactory one. He (Mr. Dickson) asked why did not the Government address themselves to the matter, and admit that it was desirable that the position of the Junior Puisne Judge should be at once placed upon a proper basis. That would have removed all objections. He felt constrained himself to say that instead of supporting any measure for reducing the number of judges he would view with much greater satisfaction the permanent appointment of Mr. Justice Pring, so that the court might be properly constituted. He regretted to see that such an important matter should have been treated in a spirit of levity by some hon. members opposite. There were some members on the Government side, like the hon. member for Stanley, who had addressed themselves to the question seriously, and he would like to hear the majority of hon. members opposite impress on the Government the necessity for removing the present scandal—he used the word "scandal" in the sense of being an irregularity in connection with this appointment—as speedily as possible. He should have thought that the good sense of the Premier would have led him to frankly state to the leader of the Opposition his intention to deal with the matter early and summarily. He was sure the remarks of his hon. friend (Mr. Griffith) were not made in any spirit of party feeling. The question was too large to be narrowed down to that. The independence of the Judges of the Supreme Court was a far larger question than a mere debate on the platform of party feeling. He was sure hon. members would agree with him in that, and he maintained that it was incumbent on the Government—who could not defend the unfortunate position which, through their own act, one of the Judges occupied—to admit that they were prepared to remove the imperfection of the position and make it a permanent appointment. He believed that would give much more general satisfaction than any roundabout talk about economical retrenchment and reducing the number of judges, which was decidedly a step in the wrong direction. Whatever might be the financial depression existing at the present time, they need not think of reducing the number of judges with a view to relieving themselves from heavy expenditure. They desired rather to see the machinery of the Supreme Court so constituted that they would feel assured that all matters submitted for its decision would receive proper attention and be properly decided. He certainly thought the Government would have shown a fuller appreciation of the position if they had frankly stated their intention to either introduce a Bill dealing with the subject, or—which he would have preferred—to so amend the commission of the Junior Puisne Judge as to relieve him of the imperfections or disabilities which the members of the legal profession contended attached to his position.

Mr. MILES said he was inclined to give the Government credit for their intention to introduce a Bill to reduce the number of the Supreme Court Judges. Considering the small population of the colony, he thought that with four Supreme Court Judges and three District Court Judges they were overdone. The question whether there should be four Supreme Court Judges, or three, should be settled at once, and he hoped the Premier would not be so obstinate as not to give a definite answer that he would be prepared to introduce the Bill. Unless he did so he (Mr. Miles) should feel it his duty to move the Chairman out of the chair. He believed the only way to get a decided expression of opinion from the Government, as to whether they intended to introduce the Bill referred to or not, was to refuse to pass these Estimates. Not a day should be lost until this matter was settled. He should not pledge himself exactly at the present time as to the course he should pursue; but unless some very good reasons were given to the contrary, he believed that the country would not suffer a bit by reducing the number of judges. He hoped the head of the Government would give some intimation as to when he would bring in a Bill.

Mr. KINGSFORD said that no one could dispute the importance of the question raised, but all the information might have been obtained by giving notice of a question in the usual way. It was the misfortune of the members of the Opposition to spoil all their good intentions by the manner in which they did their work.

Mr. THORN said that he was surprised at the remarks of the hon. member for South Brisbane. They wanted the information first before they allowed the Estimates to pass. This was the time to obtain redress of grievances, and the Opposition could insist upon what information they pleased. They had asked a plain question, and wanted a plain answer—yes or no.

The PREMIER said the hon. member could not have forgotten the way in which the question was asked. If it had been asked in a civil manner he would perhaps have got a less decided answer. As it was, he (the Premier) simply declined to give any further answer than had been given, and he did so because the hon. gentleman, in spite of his continually stating that the Government intended to bring in a Bill, declared he did not believe the assertion, and said more than once that his belief was that the Government intended that things should remain as they were. What other answer did the hon. gentleman expect to get to questions couched in such terms? The hon. member must know perfectly well that the Bill must receive the sanction of the Executive before it came before the House, and he would take this opportunity to inform the Committee that there were a good many of their most important measures yet to come before the House. Nobody, therefore, could say that the one under discussion was exceptionally treated. A number of important Bills would be brought down during the course of the next week, and must be on the table within the month, on account of the Governor's absence, and the hon. gentleman had every opportunity of learning from time to time what the Government proposed to do. After all, this was not the business of the Government—it was the business of the country; and why should they be obstructed in this way whenever the Government were in a position in which they could not be reasonably expected to answer questions which, both in matter and manner, should not be asked?

Mr. GRIFFITH said that as to matter, there surely could not be a more important subject brought before the House than this. There had not been a more important subject introduced

this session than the constitution of the highest court of the colony. It was a matter which required as little delay as possible; that was pointed out from the Bench, and the Government intimated at the beginning of the session that there would be very little delay. This evening the Attorney-General had told the Committee that the matter was still under consideration, and the Committee were therefore bound to infer that the Government had not yet made up their minds. As to manner, the manner the members of the Opposition side were expected to observe was apparently that of humble, obsequious obedience; but he could assure the Premier that they did not intend on that side of the House to observe such a manner. They intended to stand up as man to man and equal to equal, and speak independently, notwithstanding the advice of one member and the rebukes of another. They knew their duty, and had as much dignity to maintain on that side as the Government had on theirs. They were not to be lectured, he could assure the Government. As to the manner in which they must ask questions, according to what had been intimated it was their duty to go humbly, with their hats in their hands, and say, "Please will you let me know so-and-so." That was what it was evidently coming to. There were some members of the House who, according to the opinions of hon. gentlemen opposite, had no business there at all, and whose duty it was obsequiously to get out of the way. Let those hon. gentlemen understand that they would not be driven out of the way by any attacks of the kind to which they had been subjected; and if they were not as obsequious, and humble, and respectful to the Government as they wished them to be, it was their own fault. Members of the Opposition treated the Government with all the respect they were able to feel, and they were not going to refrain from doing their duty.

Mr. WALSH said that the discussion had been carried on a very long time, and it was time it came to an end. Hon. gentlemen opposite must remember that the Ministers answered the questions asked, but were disbelieved; and any gentleman, under those circumstances, would reasonably feel offended and decline to answer a second question. No man liked to be told that he was a liar. Everything, however, that had been stated on the Ministerial bench seemed to be disbelieved; and the only inference was that it was no use answering questions or telling the truth. As to the appointment of the Judge, he must confess himself that, so far, he did not think the arguments of the leader of the Opposition had been refuted in the manner he should like them to have been. He did not know much about the law; but it appeared to be necessary and advisable that a judge should be placed in a position in which he would be above the control of any Minister. But as the Committee had been informed that it was the intention of the Ministry to bring in a Bill dealing with the matter, and doing away with one of the Judges, he was satisfied that the appointment that had been under discussion was only a temporary one; and if the Bill was lost he presumed the appointment of Mr. Justice Pring would be made permanent. The Ministry ought to be congratulated upon their desire to economise by reducing the Judges to two; but for his part, unless they could bring the Supreme Court Judge from Bowen to sit in Brisbane when emergencies arose, he did not see how they could do with only two judges. He, for one, would not be a party to give two judges power to decide the important cases which often came before the Court of Appeal. The appointment of judges, he should imagine, had been a source of great embarrassment to the Government, and he did not wonder at it, seeing the material they had to select from. The best men refused the appointments; the Government had to get the next best, and his own impression was that it would have been wise to have gone out of the colony altogether for judges. He would not now, however, make the charges which he could make, and which he could support by the testimony of eye-witnesses; but he hoped the statement of the Government would end all this discussion, and be accepted.

Mr. DOUGLAS said the subject of the debate might now be approached with calmness; it had been fairly discussed, and the Opposition had a right to expect some more definite reply than they had yet received. Early in July—shortly after the session commenced—this matter was brought under the notice of the House, and the Premier then stated that a Bill reducing the number of the Supreme Court Judges to three would be introduced. Two months had since then elapsed, and the House had seen nothing of the Bill. The subject had been very properly re-introduced on the discussion on the Estimates, and an intimation was made that the matter was still under consideration; but even now the House was not told that the Bill would be introduced at an early period. They were told that it would be introduced, and they were almost led to suppose that it might be introduced without any definite pledge that it would be dealt with. They might now fairly demand, before proceeding further with the estimates under the head of Supreme Court, that a pledge should be given that the Bill would be introduced, as no further delay could well be tolerated in a matter of such great importance as the constitution of the Supreme Court Bench. As a matter for legislation, this question ranked far before many others which had received attention this session; and it was one which would not necessitate any very lengthy discussion—a single day would probably be sufficient to dispose of it. The Premier had stated that the Bill was in type; it must therefore have been under the consideration of the Cabinet, and the Opposition were justified in making a civil request that the Bill should be brought under their consideration, and that they should be placed in a position to deal with it. How it should be dealt with, and what would be the result of that legislation, were, perhaps, matters of minor importance compared with the desirability of settling the matter one way or another. That seemed to be the prime consideration, and he hoped that the Committee at this stage would receive an assurance from the Premier that he would take not only an early opportunity, but the earliest opportunity, of enabling the House to come to a consideration of the matter.

The PREMIER said the only reason why this matter had not come before the House before, and why he had not been able up to the present time to redeem the promise he made to bring in a Bill reducing the number of the Judges, was that he had been unable to do so on account of the way in which business had been obstructed. The Government had every intention of bringing the Bill forward, and no doubt it would be introduced at an early date.

Mr. THORN said he should like to have an assurance, also, that the Government would pass the Bill through the House. Some Bills already brought forward had not been made law. If the Government liked they could pass this Bill in twenty-four hours, as there was not likely to be any opposition to it.

Mr. DICKSON said the debate might have been shortened if the Government had carried out the very sensible suggestion of the hon. member for Cook, who had stated that he thoroughly

approved of the remarks of the leader of the Opposition, that he did not think that the answer of the Attorney-General had dispelled the objections raised by the hon. gentleman, and that he regarded the present position of affairs as being extremely unsatisfactory. The hon. member proceeded to state that he understood the Government intended to introduce a Bill, and that if the Bill did not pass the defect would probably be remedied by the permanent appointment of the present Junior Puisne Judge. The adoption of such a course would dispel the apprehension that at present existed in the public mind; and it would be well if the Premier had pointedly stated the intention of the Government, if the Bill did not pass, to remedy the existing defect in that manner. The Attorney-General in his remarks had not even fully admitted the imperfection of the appointment as it at present stood. He could not concur in the opinion stated by some hon. members that the Opposition should receive with implicit confidence the statements that were made. It was the duty of the Opposition rather to be incredulous, and to insist upon explicit expressions of opinion. It was very desirable that such expression of opinion should be given; and if the Government had only been as explicit as the hon. member for Cook a great part of this discussion would have been unnecessary. It was due to the leader of the Opposition that some such statement should be made. However much respect they might have for the hon. member for Cook, they could not accept his statement as being made on Ministerial authority. The question was a most important one, and the uncertainty which existed could not be set at rest by postponing the question to the indefinite future.

Mr. GRIFFITH asked whether the Government would undertake to say that a Bill to deal with the subject would be brought forward at an early date and be dealt with during the session. It was all very well to say that a Bill would be brought forward, but it was another thing to proceed with it—they knew that there were several Bills on the paper which would be dropped.

The PREMIER said he had answered the question three times. The Government intended to bring in a Bill, and they would push it through if they could possibly find time to do so. The Government had not the slightest intention to shirk the responsibility of dealing with the question.

Mr. GRIFFITH said that the Premier had not yet gone beyond the promise to introduce a Bill. They all knew that such a pledge might mean nothing at all. Did the Government intend to bring in a Bill and to proceed with it?

The PREMIER said he would answer the question for the fourth time. Answering the hon. member categorically, he would say "Yes."

Mr. GRIFFITH said he was satisfied with the promise the Premier had made.

Mr. THORN was rather astonished at the leader of the Opposition taking the promise of the Premier to introduce a Bill. He was satisfied that if the Estimates were passed the majority, if not all the Bills, on the paper would be dropped. He intended to support some of the Bills on the paper, and was anxious that they should be brought forward. He was sure that there would be no opposition to the Bill which the Government were asked to introduce—at anyrate it would not be obstructed. He desired to know why the grant of £100 to the Queensland Law Society was to be discontinued, and whether the Attorney-General received the amount which had been voted for the society?

The ATTORNEY-GENERAL said that he had been the editor of the reports prepared for the society ever since he arrived in the colony.

Mr. BEATTIE said he saw a paragraph in a newspaper the other day to the effect that some defalcations had taken place in an office of the Supreme Court, and it was stated that a fidelity assurance society had been called upon to make good the amount. He desired to know whether such was the case, and, if so, whether the money had been paid?

The ATTORNEY-GENERAL said it was believed that there were defalcations to the amount of £40 in the accounts of the late Registrar of the Supreme Court. It was also believed that a great part of that sum would be recovered without recourse to the guarantee society. The Government would fall back on the guarantee society in the event of the money not being otherwise recovered.

Mr. GRIFFITH said that an officer in the department drew attention to the irregularities some time ago, and he was threatened with dismissal. It seemed rather a curious thing that such a threat should be made to a man who was simply performing his duty.

The ATTORNEY-GENERAL said he knew nothing of the matter to which the hon. member referred.

Mr. GRIFFITH thought it a great pity that the grant to the Law Society should be discontinued. The amount had been voted hitherto to assist the society in bringing out reports, and it would be a pity if the publication of those reports was discontinued. It was of great advantage that the decisions of the Judges should be recorded—it was particularly advantageous to country magistrates, who had only those decisions to guide them. Not only ought the publication of the Law Society to be subsidised by the Government, but they ought to send a copy of it to every country bench. There must be considerable expense attached to the publication; he was sure that £100 did not nearly cover it.

The ATTORNEY-GENERAL said he understood that the money had been granted to start the society. He believed it was understood by the society that the grant would be continued for a few years only. He agreed with the hon. member for North Brisbane that it would be a good thing to send the reports to the country magistrates.

Mr. DICKSON noticed that the vote of £1,500 for allowances to witnesses attending Supreme and Circuit Courts was kept on continuously from year to year although the general expenditure was increasing. Would the Attorney-General inform the Committee what was the amount of the expenses paid last year?

The ATTORNEY-GENERAL said the amount expended last year—£2,205—was somewhat in excess of the vote. It was hoped, however, that the expenses for the ensuing year would be kept within the sum voted.

Mr. GRIFFITH said it would be far better to recognise the fact that there was an increase in these expenses and place the whole sum upon the Estimates-in-Chief, instead of placing a part of it upon the Supplementary Estimates.

Question put and passed.

The ATTORNEY-GENERAL moved that the sum of £4,352 be granted for the Sheriff.

Mr. KATES asked the reason of the decrease of £150 in the vote for incidental expenses.

The ATTORNEY-GENERAL said the decrease was owing to the fact that the travelling expenses of the Sheriff and Northern Sheriff appeared this year as a separate vote.

Mr. THORN asked how it was that £250 was asked for premiums on fidelity policies of bailiffs?

The ATTORNEY-GENERAL said the premiums were paid only on the policies of bailiffs appointed under the Sheriffs' Act of 1875. He was informed that the same vote appeared on the Estimates both last year and the year before, for one of which Estimates the Government of which the hon. member was a member were responsible.

Mr. THORN regarded the payment of these premiums as a dangerous precedent, and did not know where the practice would end.

Mr. GARRICK said he would like to know what amount was covered by the vote.

The ATTORNEY-GENERAL said he was informed that the sum which appeared upon the Estimates was paid under a regulation made by the hon. gentleman leading the Opposition. He believed the sums covered were £700 for the high bailiff, and £500 each for the under bailiffs. He understood that the sums were granted by the society in return for an annual premium.

Mr. GARRICK thought the Attorney-General must be mistaken. The usual premium was 9s. per cent.

Mr MOREHEAD said the system was instituted by the leader of the Opposition.

The PREMIER believed the amount paid was 30s. per cent.

The ATTORNEY-GENERAL said the hon. member for East Moreton must remember that the number of bailiffs had increased since he held office. He believed there were now forty-three bailiffs, every one of whom was covered to the amount of £500. He confessed that, as the item had appeared on the Estimates for several years past, he did not take the trouble to inquire into it. If the hon. member had misgivings when he was in office, why did he not make inquiries for himself?

Mr. GARRICK said that whilst he was in office there was no necessity for him to make any inquiry about the Estimates. He understood the Attorney-General to say that there were forty-three bailiffs, and that each was covered to the extent of £500. Could the hon. gentleman state what collections the bailiffs had made, and show that there was any necessity to insure to the extent named?

Mr. THORN said he should also like to know in which office the insurances were effected. The rate seemed rather high considering that other Government officers were taken at 9s. per cent.—in fact, he thought the work might be done for £30 or £40 instead of £250.

Mr. MOREHEAD said he believed that the only time the last speaker was interviewed by a bailiff it cost him twice as much as was required to do the whole bailiff work for Queensland.

The PREMIER said the insurances were effected in the London Guarantee Society.

Mr. GARRICK said that he found that the rate for the Civil service was 7s. and not 9s. per cent. It seemed a very high rate to pay 30s. per cent. for bailiffs.

Mr. BEATTIE said he did not think the amount was too much. If bailiffs received no salary but were paid simply a percentage, the Government were justified, considering the amounts that passed through bailiffs' hands sometimes, in protecting themselves fully against loss. There were, no doubt, some bailiffs who were decent men, but there were others who did not bear a good name.

Mr. THORN said he should like to know whether the amount of £1,350 down for allowances to jurors last year was spent, and why a sum was not put down for witnesses' travelling expenses. Through witnesses not being paid miscarriages of justice often occurred.

The ATTORNEY-GENERAL said the amount expended from July 1, 1879, to August 31 last, was £1,284 13s. 9d.

Mr. RUTLEDGE thought instances of grievous hardship had arisen in consequence of witnesses being brought from the distant interior to the Supreme Court at Rockhampton and Brisbane without being furnished with the amount of their travelling expenses. Although the Government were not by law required to provide such expenses, he yet thought that exceptional cases might be taken into consideration. People were frequently witnesses of crime against their will, and were brought from the distant interior as witnesses, and they should be reimbursed, especially as travelling in the interior was exceedingly costly.

Mr. SWANWICK said he knew one case which arose through a mistake made by a magistrate or two magistrates at Muttaburra. As a fact, the man was called for the defence, but by some mistake of the magistrate he was bound over to appear at Rockhampton, and he did appear, doing the greater part of the long journey on foot. Although they were not bound to find the man's expenses, the Crown did pay them, and he (Mr. Swanwick) saw that they were paid.

Mr. GARRICK thought something ought to be done with reference to medical men, who only received tenpence per mile travelling expenses one way, and a guinea per day whilst they attended court as witnesses. At the last assizes at Rockhampton several doctors were brought from the remote interior and kept in the town several days; they were a long time on the road, and, through rain setting in, were also detained in Rockhampton after the assizes. Liberal allowances should be made to these men, otherwise they would not care to come as witnesses; they would rather keep out of the way of accidents or injuries than be subject to the risk of being taken from their practice.

Mr. FEEZ said he felt called upon to endorse all that the hon. member had said. A great hardship fell upon many people living at a distance through their having to attend court as witnesses, and he knew for a fact that crimes had been committed with regard to which witnesses had kept out of the way rather than be subject to the loss which they would have brought upon themselves had they seen the offenders brought to justice. At Rockhampton, witnesses had come from such distant places as Winton and Isisford, and in consequence of floods had been delayed. Doctors had been kept from their profession for weeks, but had been merely compensated for the days they were actually in attendance at court. It would be only just that a sum of £500 or £600 should be placed on the Estimates to allow for such cases, and it might well be left to the Crown Solicitor to look into the merits of the cases, see that the money was not wasted, and that only deserving applications were recognised. With regard to the case referred to by the member for Bulimba, it was in consequence of a subscription being set on foot for the man that the circumstances were telegraphed to the department, Brisbane, and the allowance was made.

Mr. THORN said he found that no provision was made on the Estimates for Mackay, a very important place supporting three newspapers. He also noticed that the important mining townships of Thornborough and Kingsborough were omitted. He wondered that the people of the

North were not up in arms long ago over the way they were being ignored by the Government.

The ATTORNEY-GENERAL said there was a bailiff at Mackay, and, he believed, at nearly all the mining townships.

Mr. THORN said he had not asked for a bailiff for Mackay, but for the establishment of a Supreme Court. He also wanted the court to be established at Palmerville and Thornborough.

Mr. WALSH said there was no wonder the hon. member wanted Supreme Courts at every port, because he would be able to settle his bailiff's business more expeditiously next time he went home.

Mr. O'SULLIVAN said, with respect to the hardships of witnesses, he knew an instance where a man had to appear at Armidale as a witness in the Stanthorpe murder case. The man was a working-man with seven or eight children, without 5s. in his pocket, and yet he would have to go on foot to Armidale and back, a distance of hundreds of miles. Possibly he would have to be arrested and taken there. That man was the chief witness in the case, and yet he would be taken from his business, and his wife and children left to shift for themselves as well as they could.

Mr. GRIFFITH said the question had been mentioned a great many times, and two years ago he prepared a Bill on the subject, but as there was no chance of its being dealt with seriously he did not proceed with it. It was a terrible hardship to witnesses in many instances. If a man travelled under recognisance or a subpœna he got the paltry allowance of 10d. a-mile and 4s. a-day while in the assize town; but before committal he got no allowance at all. A great deal of crime went unpunished on that account. If he (Mr. Griffith) had to choose between punishing a man and travelling long distances on those terms, he would let the man commit his crime with impunity. If there was a serious desire to deal with the matter, he would bring the Bill forward at an early date. The small allowance he had mentioned was only paid one way.

Question put and passed.

The ATTORNEY-GENERAL moved that £7,370 be granted for District Courts.

Mr. GRIFFITH said he noticed that a district court was still provided for Thornborough. He had seen it stated that the Judge did not go there, but wired to the people there to meet him at Cairns or Port Douglas. Was that so?

The ATTORNEY-GENERAL said that before he came into office that happened on one occasion. As long as he was in office he would take care it should not happen a second time.

Mr. MOREHEAD asked what were the intentions of the Government with regard to compelling the Northern District Court Judge to reside in his district? The Judge, if he could wire to people at Thornborough to meet him at Cairns, might as well try all his cases at Brisbane, where he resided.

Mr. GRIFFITH said the matter required some explanation. Was the Judge communicated with on the subject, or were any steps taken to prevent the recurrence of such an irregularity?

The ATTORNEY-GENERAL said the fact was as stated, but he could not find that any official notice had been taken of it.

Mr. GRIFFITH said it was strange that no official notice had been taken of such an irregularity. It was a very serious matter indeed, and he expected to have heard a good deal about it. It was a matter that ought to have been deal with by the Cabinet. The Governor in Council appointed places for holding the courts, not the Judge; and if the Judge took upon himself to set aside an order of the Governor in Council, in his (Mr. Griffith's) time it would have been dealt with by the Governor in Council.

The MINISTER FOR WORKS said he happened to be in Thornborough at the time, and the people there complained to him of the circumstance. On returning to Brisbane he laid the matter before the Attorney-General—now Mr. Justice Pring—who promised to make inquiries when the Judge came home from the North.

Mr. THORN said there was no provision made in the Estimates for the new towns springing up in the interior. He hoped the Attorney-General would look into the matter.

Mr. RUTLEDGE saidthe time had come when something ought to be done towards providing a retiring allowance for district court judges. The State was generous in its treatment of the Supreme Court judges. It gave them £2,000 a-year, with a retiring allowance, after a certain number of years' service, of £1,000 a-year; and still more in the case of a Chief Justice. In a large colony like Queensland, where the greater portion of the administration of justice must be done by means of district courts, it was desirable to secure a supply of the best men to fill the office of district court judge. Those gentlemen were obliged to travel long distances in the performance of their duty, and were subjected to very serious hardships. During the last twelve months serious perils had been encountered by reason of flooded creeks, and the health of at least one Judge had been considerably impaired thereby. And yet there was no provision made for them. If anything happened to incapacitate them, there was no provision by which they would be able to retire on a decent income for the remainder of their lives. There ought not to be such a wide gap between the two grades of judges in a colony like this. It was admitted on all hands that it was necessary to have competent men to discharge the duties of district court judges, but it was in consequence of the extremely meagre salary of £1,000 a-year for a district court judge, and there being no retiring allowance, that many gentlemen who would be most eligible for the District Court Bench would decline the honour altogether. Although he admitted that there were judges on the district court benches who were a credit to the Bench, he thought that as the colony increased in importance, as it was bound to do, affording thereby a larger field from which all members of the Bar might reap success, there would be an increasing difficulty in securing eligible men for district court judges. He could not see why a set of men who were obliged to possess the necessary qualifications and attainments for judges, and who were exposed to accidents by floods or by the overturning of coaches, should be deprived of the prospect of having something like a decent competence on which to retire in the event of their health failing or of their resigning their office through old age. After a man had been a district court judge for fourteen or fifteen years—during which the allowance of £1,000 a year which he received was barely sufficient to maintain his position as a judge—when it would be perhaps *infra dig.* for him to go back to the Bar, he had nothing to live upon; consequently, when it might be desirable for him through increasing age to retire and make way for a younger man, he was obliged to cling to office as being his only means of obtaining a livelihood. He thought if the Government would make provision for retiring allowances to

district court judges they would always be able to secure a succession of the most eligible men.

Mr. FEEZ said that he fully endorsed the remarks of the hon. member who had just spoken, but there was another matter to which he wished to refer. He could not see why, in justice to the large communities residing all over the country, the district court judges should not be made to reside in their own districts. When Queensland was part of New South Wales, and Brisbane was a very small place, the New South Wales Government provided the people with the means of doing nearly all their legal business here—when, in fact, Brisbane had only a population of a few thousand persons; and he thought, in common justice to the large communities in various parts, the district court judges should reside in their own districts. At present the Central District Judge went to Rockhampton for a few days only and to other places in the district, and then returned to Brisbane, whilst there would be a great saving of time if he lived at Rockhampton. He thought, also, that the people of Rockhampton were entitled to have a resident judge there, as there was a great deal of work for him to do. It was said that a judge would not live there; but he did not see why if other people could live there a judge could not. He had himself lived there for nearly thirty years, and he did not think there was anything so bad in the climate. He did not see why Rockhampton should be deprived of its right to have a resident judge. The country paid for the judges, and he contended that in all justice to the people of Rockhampton a district court judge should reside there.

Mr. DAVENPORT thought the remarks of the hon. member for the Leichhardt would apply with equal force to Crown prosecutors. The Committee had heard a great deal of the hardships suffered by these officers, but a great portion of the time of both judges and Crown prosecutors was taken up in travelling to and from Brisbane.

Mr. FEEZ did not think the same remark applied to Crown prosecutors, as they always remained practising as barristers, and if they did not like their office they could retire to private practice altogether. But a judge was in a different position, as he would hardly like to go back to the Bar after being a judge.

Mr. RUTLEDGE said it must not be lost sight of, that a Crown prosecutor when travelling had an opportunity of picking up the lion's share, if not the whole, of the civil business that might be going on. Whilst a district court judge had only his meagre £1,000 a-year, no matter the number of places he might have to visit, a Crown prosecutor received £400 and all he could make besides.

Mr. O'SULLIVAN said, with regard to the remarks of the hon. member for the Leichhardt, that when the same matter was brought up before it was argued that a good man would not leave Brisbane to accept an appointment as district court judge at £1,000 a year if he had to live in the North. He quite endorsed every word said by the hon. member for Enoggera (Mr. Rutledge), as he considered that something should be done for district court judges in their old age. As provision was made in the case of judges of the Supreme Court, he could not see why a retiring allowance should not be given to the district court judges, especially as there were only three. If there was a retiring allowance the probability was that some of them would retire sooner than otherwise and leave younger men to take their places. He knew, as stated by the hon. member, that in consequence of there being no retiring allowance they would stick to their billets, as it was impossible for them to go back to the Bar. He believed that if the Government came forward with a proposition for granting retiring allowances to district court judges it would receive the support of the House.

Mr. FEEZ said the hon. member was slightly mistaken in what he had said, as Sir George Innes, who was as good a district court judge as could be wished, lived at Gladstone, and so also did Judge Hirst. Why should they make fish of one and flesh of another?—it was just as good for them to live at Rockhampton as at Brisbane.

Mr. O'SULLIVAN said that it was because Sir George Innes had to reside at Gladstone that he got disgusted with his appointment, resigned it, and went to New South Wales.

Mr. RUTLEDGE said that Sir George Innes was not Sir George in those days, but was a young man who had not been very long practising at the Bar. He had since, owing to his ability, risen in his profession and been made Sir George Innes. Had there been any prospect of retiring allowance at that time, most probably that gentleman would have remained in this colony; but that not being so, he, as was the way with all, only held the office as long as it suited him to do so.

Mr. THORN quite agreed with the suggestion which had been made by the hon. member for Enoggera (Mr. Rutledge). It seemed to him most extraordinary that whilst policemen should be pensioned off after a certain number of years' service, no provision of the kind was made for district court judges. He noticed that no provision was made for a court at Mitchell, although money had been borrowed to extend the railway to that place, and the township was quite as important as many at which there was a court provided. He was surprised that the hon. member for Maranoa had not asked the Government what they intended to do for his constituents there.

Mr. DICKSON said that the Estimates had been framed to show economy, but in practice it would be found that such was not the case. Under the head of "Travelling Expenses" there was an item for which £1,600 was appropriated last year, whilst only £1,400 was put down in the present Estimates. He should like to know on what principle the Attorney-General had acted in this matter. On turning to the Auditor-General's report for 1878-79, he found that travelling expenses amounted to no less a sum than £1,950, and now only £1,400 was asked for that service. Again, with regard to allowance to witnesses and jurors, £2,500 was the amount of appropriation last year, while the expenditure the year before amounted to no less than £3,800. In travelling expenses there was £550 less demanded than was expended in 1878-9, and in the other case £1,300 less, making a difference of about £2,000 short of the actual expenditure thirteen months ago. He certainly deprecated the continuance of Estimates framed in this manner, and he should be glad to hear some explanation from the Attorney-General.

The ATTORNEY-GENERAL said he could not tell why the hon. gentleman should object to the Estimates. The sum voted last year for travelling expenses of judges and Crown prosecutors was £1,600, and the amount expended was £1,269, nearly £400 less than the sum voted; and he thought it a fair thing to take a medium between the two and put down £200 less for next year. The amount set down for expenses of witnesses and jurors, &c., was the same as last year. The amount expended was £3,193, but that must have been an exceptional year. The estimate had been framed upon the estimates of

previous years, and was not likely to be exceeded to any great extent. The expenditure last year for serving summonses was £261, and £250 was now asked, as it was hoped the amount would be kept down.

Mr. GRIFFITH asked, now that the railway was extended to Roma, was it intended to hold a circuit court there? Great expense was incurred in bringing prisoners down to Toowoomba.

The ATTORNEY-GENERAL said the matter had not yet been under consideration of the Cabinet.

Mr. GARRICK thought it was very desirable that something definite should be laid down respecting the position of district court prosecutors in regard to prosecuting in the Supreme Court. The leader of the Opposition had referred to the Prosecutor for the Central District being available, if requested by the Attorney-General, to prosecute in the Supreme Court at Rockhampton and Maryborough without any extra fee, but simply receiving travelling expenses. He (Mr. Garrick) knew that it had been frequently a matter of considerable irritation to district court prosecutors to know in what position they really stood. He was aware that a commission issued to a district court prosecutor was simply, as it must be, for that court alone; but accompanying that commission was a circular letter which said that the appointee must hold himself in readiness at any time to prosecute at any sittings of the Supreme Court held within the district, without any fee. He might say that when he was District Court Prosecutor at Rockhampton, after finishing his own circuit, and when desirous of returning to Brisbane, he received a telegram from his hon. friend the leader of the Opposition, who was then Attorney-General, telling him to remain in Rockhampton and prosecute in the Supreme Court there. He thought that rather hard, although it was certainly within the terms of his acceptance of the office. The Crown Prosecutor of the Northern District Court held his commission upon similar terms, and he (Mr. Garrick) was not required to stay in Rockhampton on that occasion, as the Attorney-General called upon the Prosecutor of the Northern Court, Mr. Cansdell, to prosecute there. He remembered, however, having to prosecute a very heavy court indeed, at Rockhampton—not important so much from the number of cases or the class of offences, as from the great desire there was that the persons charged should be convicted. There were several charges of horse-stealing and offences under the Insolvency Act, and he had to prosecute without fee. When he returned to town he was asked to go to Maryborough and prosecute there also without fee, but he remonstrated with the then Attorney-General, and pointed out that the position was practically inverted—that while he was appointed prosecutor in the district court the principal part of his work was in the Supreme Court, and the smaller part in the district court. His hon. friend (Mr. Griffith) saw the force of his representation, and he was paid a fee of fifty guineas on that occasion. He was afterwards called upon to prosecute a very heavy calendar in the Supreme Court at Toowoomba, of about twenty prisoners, three of whom were charged with capital offences, and he again remonstrated and received a fee. He merely wished to know whether these things had been charged or not? The district court prosecutors had plenty of work to do considering their enlarged districts and the increased distances they had to travel, and he thought some understanding should be come to to relieve them of the duty of prosecuting in the Supreme Court.

The ATTORNEY-GENERAL agreed with the hon. member that district court prosecutors accepted the office believing that they would only be called upon occasionally to prosecute in the Supreme Court. He intended to give the matter his earliest attention, and see if an arrangement could be made satisfactory to both sides.

Mr. O'SULLIVAN asked if any provision would be made at the same time for pensioning district court judges?

Mr. MILES hoped that, notwithstanding the eloquent speech of the hon. member (Mr. Rutledge), the Government would not make any provision for pensioning district court judges. If there was a vacancy to-morrow for the appointment of a district court judge he was sure there would be plenty of applicants for it without a word being said about a pension; and, considering the few years the colony had been in existence, the present pension list exceeded all reasonable bounds. The colony was sufficiently taxed already without pensioning judges and police officers and others after a few years' service, and he hoped the Government would exercise very great care indeed before they gave pensions to district court judges or anyone else.

The ATTORNEY-GENERAL said, in answer to the hon. member (Mr. O'Sullivan), he could only say that in his opinion the pensioning of district court judges was a matter that would require a Bill, and he could not promise, even if he wished it, that those judges would have pensions. For his own part, he did not think the colony could at present afford the additional expense it would necessitate.

Mr. GARRICK said the only question was, whether they could get better men by offering pensions. As a rule, he did not believe in pensions at all, but thought every person in an office of profit should in some way make provision out of their income for the future. The only question was, whether they could get really good men unless they offered a good salary and a pension after a certain number of years' service. With reference to the Supreme Court Judges, it nearly always happened that when members of the Bar were appointed to that position they gave up a larger income than they were going to get. At home nearly all persons called to the Bench received less than from their practice at the Bar, and therefore a pension was always looked upon as a fund to fall back upon. But, of course, the truest system was to have no pensions, but to encourage persons to be provident and acquire a fund for future contingencies.

Question put and passed.

The ATTORNEY-GENERAL moved that £1,240 be granted for Insolvency.

Mr. GRIFFITH observed that the information on this subject was very meagre. There ought to be some information as to how the new system worked. Did the system of charging 5 per cent. on all moneys that came into the hands of the Official Trustee make the office self-supporting? He did not think they ought to pay much for winding-up estates, and it was estimated that under this system the percentage would practically cover the expenses of the office.

The ATTORNEY-GENERAL agreed that the estimate ought to be made up in the same form as in previous years, and he would endeavour to obtain similar returns to those previously supplied.

Mr. GARRICK asked whether the office was self-sustaining?

The ATTORNEY-GENERAL said the hon. member heard the remarks of the leader of the Opposition, which were an answer.

Mr. GARRICK thought there might be something else to explain.

Mr. THORN wished to know whether the position of Official Trustee at Bowen was a sinecure or not?

The ATTORNEY-GENERAL said the return he had promised to furnish would show whether the office was a sinecure or not.

Mr. GRIFFITH said the Committee were evidently very good-tempered to-night, for he had never before seen such answers given by a Minister when asked for information. Possibly the matter would be found out some day. But this was the only time they could get the information; and he should like to know what business was done by the Official Trustee at Bowen? If the Government would not give the information now no other opportunity would offer.

The ATTORNEY-GENERAL said he had promised the hon. member that he would obtain the information. What more could he do? He did not wish to treat the hon. member's suggestion with contempt in any way.

Mr. GRIFFITH said now was the only time any information could be given. It was all very well to say, "You vote the money, and I will see what I can do." They all knew what good those promises were when the Estimates were once passed, however good the original intentions were.

The ATTORNEY-GENERAL said with regard to insolvency, the payments into the Treasury in 1878 amounted to £582 15s. 7d.; in 1879 to £361 19s. 10d.; and in 1880 to £121 16s. 4d.; being a percentage charged on estates realised.

Mr. DAVENPORT was understood to say that things did not run too smoothly in connection with the new Insolvency Act. He knew from his own knowledge of a case of great hardship to a creditor in insolvency. He had mentioned the matter to both the present and the late Attorney-General, but had not been able to get a fair hearing of the case. He and Mr. Grimes of Toowoomba were creditors in an insolvent estate during Mr. Miskin's term of office. Mr. Grimes appealed to him (Mr. Davenport) about some partnership accounts and asked his advice. He recommended him to do a certain thing, which was carried out, and, Mr. Grimes having good faith in the integrity of the office, realised, and remitted the whole of the dividends to the Official Assignee. Mr. Miskin went out of office and Mr. Newman came in, and on the first and final dividend being declared Mr. Grimes was left without anything. The Attorney-General might fairly promise that Mr. Grimes' dividend should be made good.

The ATTORNEY-GENERAL said the matter had been brought before him by the hon. member, and to the best of his recollection, according to Mr. Grimes' own showing he was not entitled to any remedy. Mr. Grimes made the first proof required, but failed to make the second, which would entitle him to receive his dividend.

Mr. DAVENPORT could assure the hon. gentleman that Mr. Grimes made his proofs, but was left out in the cold notwithstanding.

Mr. THOMPSON said the present trustee partially remedied the grievance by sending circulars to creditors previous to declaring dividends. He had himself received a circular the other day.

Mr. DAVENPORT said that would be right as to the future, but he was talking about a wrong done in the past.

Mr. THORN asked what work was performed by the trustee at Bowen, and whether any of the work was done in Brisbane? He had heard that the greater part of the work was done in Brisbane, and if that was the case the office was nothing more or less than a sinecure.

Mr. BEATTIE, referring to Brisbane, said that the Official Trustee did not get the best of the estates; they were generally taken by someone who got five per cent. on the assets, and the amount of work which nearly £600 represented—paying as it did nearly all the working expenses—reflected great credit on the Official Trustee. He must be a good officer and work very hard to be able to make such a good return as that just read by the Attorney-General.

Mr. THORN said the Attorney-General had not yet given the information asked for with reference to the Official Trustee at Bowen.

The ATTORNEY-GENERAL said that he had stated that he would obtain a return as soon as possible, and have it laid on the table.

Mr. THORN said when he was a Minister he was supposed to have all the information ready about his department; and if it was not forthcoming at once the vote was postponed, although he had at that time only been in office a month.

Mr. O'SULLIVAN said he must correct the hon. member. When the hon. member was a Minister he bolted and got sick, and other Ministers had to get his Estimates through for him.

Mr. GRIFFITH said he could not understand this profound ignorance on the part of the Attorney-General with regard to the work at Bowen. The hon. gentleman had been there quite recently, and correspondence from the Official Trustee would come to his office. When he (Mr. Griffith) was Attorney-General business of that kind used to come before him, and surely the hon. gentleman must have some idea whether any business of that kind was being done or not. The Act of 1874 was an experiment to see whether creditors would adopt the system of doing the business themselves; and he (Mr. Griffith) had watched its operation very carefully, and was anxious now to know how the system had worked. At the time of the passing of the Act it was thought that by leaving estates in the hands of the creditors the work could be done cheaper and more expeditiously and that larger dividends would be realised, and he desired to know whether those results had followed. In England the people were beginning to complain, after ten years' experience, that the Scotch system did not suit them, and he was anxious to know whether the introduction of the same system here had been a success. All legislation of the kind was experimental—every Insolvency Act passed was at first said to be bad—and he was anxious to know, since this new system had been introduced, how it had worked. He would also like to know to what extent the work was done in Bowen and to what extent it was done in Brisbane. There used to be some correspondence in the office which would enable the information to be given, and he desired to know into what channel the business was settling.

Mr. ARCHER said he was quite as anxious as anyone to hear the information, but he regretted the tone of the remarks of the leader of the Opposition. There was not the slightest doubt that if the Attorney-General had been longer in office he would have had the information at his fingers' ends. Did the hon. gentleman (Mr. Griffith) really think that he was making a grand display of generosity when he, finding that an opponent who had only been a couple of months in office had not certain information, got up and twitted the hon. gentleman? No generous enemy would do so towards his political opponent. It was what he called a really little

display of that political feeling of badgering an opponent—"He's not got the information, and I'll show you how I can tease him." The hon. gentleman should remember that he was the leader of a party, and he should not indulge in such small petty annoyances.

Mr. GRIFFITH said hon. members were sometimes told that they ought not to make insinuations and impute motives, and the hon. member who especially set himself up as a model of decorum was the hon. member for Blackall. The hon. member, however, made a speech which was nothing but imputations of the basest motives against him (Mr. Griffith) for doing a very plain duty in the kindest manner he had ever seen adopted in the House. The hon. member need not lecture hon. members on the Opposition side of the House: he was accustomed to do so, but he required a little lecturing himself sometimes—he was not such a model of propriety after all. The hon. member had better keep those lectures to himself, because lectures of that kind, like curses, sometimes came home to roost. He (Mr. Griffith) was not badgering the Attorney-General, but simply asking for information which he thought the hon. gentleman was able to get in the House, and when he asked for it he was looking direct towards an officer of the Attorney-General's Department, who was in the House, and through whose hands the correspondence would pass. He asked the Attorney-General to take the ordinary course and get information which was at his immediate command. If the information was not at his command that would be a sufficient answer. To accuse a member of the Opposition of condescending to badger because he chose to ask for information and speak upon a subject under discussion should be beneath the dignity of any member of the House of any standing. That sort of talk might be expected from some members on the Government side of the House, but certainly not from a member who set himself up as the mentor of the House and a model of propriety.

Mr. ARCHER said he made no insinuation at all, and he said nothing which he was not perfectly justified in saying. When the hon. gentleman had twice admitted that he could not get the information required within the House, to ask for it for the third time was a small kind of badgering—taking advantage of the feeling of having got an enemy in the wrong place. As to it not being proper for him to notice the circumstances, it was proper for anyone to do so. Though he had not been so long in the House as the hon. gentleman, he had probably seen as much of life as the hon. member had, and knew as well what were the proprieties of life. He had said nothing in an offensive way, but had made an appeal to the good feelings of the hon. gentleman, which he seemed to think was not justified. He had no means of influencing the hon. gentleman except in that way.

Mr. GARRICK said the hon. member had a very odd way of settling things. He spoke in a most oracular way, as one should say, "I am Sir Oracle, and when I ope my mouth let no dog bark." That was the style the hon. member for Blackall was continuously assuming in the House, but he had no right to assume that style at all. For his own part he had watched the hon. member for many years past, and must say that, while being one of the most seemingly fair men, the hon. member hit the mark as one of the biggest partisans he (Mr. Garrick) knew. The hon. member was always found voting on one side; he always delivered his blow on one side; he was true as steel, back and edge, to his own party; but he was always found trying to smooth down the Opposition party in one form or another. The Opposition had come to know the hon. member very well in that respect, and were able to appreciate what he said at its true value. With respect to what the hon. member said about the leader of the Opposition, the hon. member, had he been in the House during the four or five sessions previous to last year, would have seen the treatment which the then Government received when the present Government party were in opposition. Did the hon. member think that moral condition had been arrived at when members who had received a blow on one cheek were expected to present the other cheek? The Opposition did not affect to have acquired that high moral tone; they endeavoured to carry on the business in as fair a manner as they possibly could. When he (Mr. Garrick) sat upon the cross benches before becoming a member of the late Ministry, he had seen how the hon. member for Northern Downs was not allowed to proceed with his Estimates unless he could give every particle of information about them, and if he failed the result was an adjournment of the Estimates. He also remembered how the hon. member for Darling Downs was treated in an exactly similar way with reference to the Storekeeper's estimate: it was no use his stating that he would undertake to get the information the next day—the Estimate was postponed until he could give the information, the Opposition refusing to accept any promises, and insisting that their principle was—redress of grievances before supply. That was then insisted on, and two Ministers had to postpone their Estimates until the demand was complied with. Did the hon. member for Blackall imagine that the Opposition were now to be dumb and subservient—that the slightest insistance on their part would be defined as obstinacy and obstruction? They desired to carry on the business fairly and rightly, and they knew that this was the time to get information, and that it would be idle to ask for it after the money had been voted.

Mr. GRIFFITH said he would ask the Attorney-General to take the ordinary course, and see whether he could procure the information from his officers.

The ATTORNEY-GENERAL said he could not obtain the information. When he was asked the first or the second time the hon. gentleman might have seen him go to the gallery and inquire.

Mr. GRIFFITH said he had not seen the hon. gentleman do so.

The PREMIER said he had seen the Attorney-General asking for the information, and he heard the hon. gentleman give the information obtained or he should have spoken himself. He had asked the officer of the department what information he had received from the insolvency department at Bowen, and his reply was that no information had been received, and a complaint had been made in consequence. The substance of that reply had been given to the Committee by the Attorney-General.

Mr. GRIFFITH said that if the Attorney-General had made that statement at an earlier period the question would not have been repeated.

The PREMIER said the reason why he did not make the statement was that he heard the Attorney-General give the information.

Question put and passed.

The ATTORNEY-GENERAL moved that £927 be granted for "Intestacy."

Mr. GRIFFITH said that as this was a new department the Committee were entitled to some information as to how it was working.

The ATTORNEY-GENERAL said that the information could not be supplied from his

department. The report of the Curator of Intestate Estates was laid on the table early in the session.

Mr. GRIFFITH said the only information contained in the report was that the Act had been in operation eighteen months; that it had proved to be a great improvement on the old Act, the main difference between the two being that real and personal estate were treated in the same way. They knew when the Act was passed that it would be an improvement on the old one. They ought to be told how much money had been received and paid away, and they ought to be told whether the new Act was more expeditious and less expensive in its working than the old one. Five per cent. of the money received was retained, and he should like to know how much had been paid into the Treasury?

The PREMIER said that during last year there had been received into the Treasury £16,180, and there had been paid out £8,525.

Mr. GRIFFITH said he wanted to know the net profits received by the Treasury from the department. It was important to know that, so as to be able to compare the new system with the old one, under which the Curator paid himself by commission.

Mr. DICKSON thought that the Attorney-General had erred in not having instructed the heads of the different departments to be in attendance, so that information could be obtained when it was asked for. They could not expect the chief clerk in the Attorney-General's department to be able to furnish details respecting every department. He found, on referring to the Auditor-General's report of last year, that the amount received from the Insolvency and the Intestacy departments was £1,177. It was unfortunate that the amount received from each department was not stated. The expenditure for the two departments was £2,159—Insolvency, £1,241, and Intestacy £917; whilst the amount asked for this year was £2,192 for the two departments. Together the departments were being worked at a loss of about 50 per cent.

The PREMIER said that the cost of the Intestacy department last year was £917. There was received as commission on money paid into the Treasury £805, and for money invested in the Savings Bank £500—in all, £1,305; so that there was a balance in favour of the office of £388.

Mr. DICKSON asked whether the Premier could supplement his statement by giving similar information respecting the Insolvency department?

The PREMIER said he could not supply the information.

Mr. THORN wanted to know why the officers of the departments were not in attendance?

Mr. GARRICK thought it would be extremely interesting to know something about the working of the new Intestacy Act. They ought to have some information as to the land.

The ATTORNEY-GENERAL said he was not in possession of the information asked for, and he believed there was no one in the House who could furnish him with it. He would be a perfect compendium of knowledge if he had at his fingers' ends all the information for which he had been asked.

Mr. GARRICK did not know what they were there for if not to elicit the kind of information for which the Attorney-General had been asked. The hon. member had not even promised to furnish the information at a future date.

The ATTORNEY-GENERAL: I will lay the information on the table as soon as I can get it.

Mr. GRIFFITH hoped that when members on the Government Benches were on the Opposition side of the House they would require more information than had been asked by the Opposition that evening. It was essential to good government that all the workings of the departments should be made known to Parliament; and the most fitting time for imparting that information was when the Estimates were being passed. He hoped they would never again witness the scene they had had that evening—Ministers when asked for information not only saying that they did not know, but in almost as many words that they did not care.

The PREMIER said they had had a little too much preaching about the manner in which the Government used to conduct themselves when they were in opposition. Surely there was no need to remind hon. members of the ignorance of hon. members of the late Government concerning the details of the departments over which they presided? They could not even furnish the information which was absolutely necessary before the Estimates could be passed. They did not even understand their Estimates. But what were the questions which had been asked that evening? His colleague had been asked, for instance, some questions as to the receipts and expenditure in intestacy. The question was simply put to puzzle the hon. gentleman. He had himself answered the questions from two documents—the *Government Gazette* and the report of the Curator of Intestate Estates. The hon. member who put these questions, with his knowledge of figures, could have obtained the information in a minute, without endeavouring to puzzle the Attorney-General. The hon. member read up a little of some report about which it was likely the Attorney-General would know little, and upon the information he had gathered he endeavoured to puzzle the Attorney-General. That was perfect child's-play, and certainly should not be resorted to by the leader of the Opposition.

Mr. GRIFFITH said he had been accused of knowing all about the reports. He had never heard of the report from which he quoted until it was placed in his hands while speaking. The Opposition were perfectly justified in complaining of the want of information as to the operation of a new Act of Parliament.

Mr. DICKSON said he must congratulate the Attorney-General upon the manner in which he had got through his Estimates. When the hon. gentleman commenced he was gushing with information, and he believed he would have continued to gush had he not been restrained, as he had been the previous evening by his senior colleagues, the Premier and the Colonial Secretary. The Attorney-General could expect little less than the catechism to which he had been subjected, seeing that he had confessed to his constituents that he knew nothing about the policy of the Government. Having been two months in office it was to be expected that he would know something about his department, even if he knew nothing about the Government policy.

Mr. THORN also thought the Attorney-General was to be congratulated upon getting through his estimates so rapidly. When he was in office he was kept dancing for a whole evening over an item of £10, and he was perpetually badgered because he could not give the names of the whole of the supernumeraries in the Works Department, he having been in office only one month. He was absent only one day when the Estimates were in progress. He hoped the Treasurer would get on as well as the Attorney-General had done. Although the Premier went to England to gain information as to the working of the Agent-General's Department, he was unable when asked the other night to

give the names of officers in the department. But he could assure the hon. gentleman that that question would have to be answered before his department was passed. He objected to the Estimates going through so quickly. He wanted to see some of the measures promised in the Governor's Speech passed, for if the Government got the Estimates through they would close the session and the country would have none of the promised measures. There were something like nineteen Government measures on the paper, and the first was the Pacific Islanders' Bill. He wanted to see it become law, but believed the Government intended to shelve it. He had also doubts about the intentions of the Government regarding the reduction of the Judges of the Supreme Court—one of their supporters had told them that he would not support the reduction. If the idea of the Ministry was carried the Northern Judge would be brought down, and the North would be deprived of their judge. Glancing through the paper he noticed that the Government seemed to get their measures as far as the consideration in committee, and to let them remain at that point. Turning to the Estimates he found that there was no provision for a Curator of Intestate Estates for the North. He hoped that the Northern members would see that such an officer was appointed.

The COLONIAL SECRETARY said the member for Northern Downs might feel quite assured that all his twaddle about looking after northern interests would be understood by the northern people and northern members. The Committee had heard over and over again about the trouble that the Opposition used to give the late Government in getting through the Estimates. He would admit that the member for Northern Downs had plenty of trouble, but that was because he did not know a solitary fact about his Estimates; he had to leave the House on the pretence of being sick, and to allow his leader to go on with his Estimates, otherwise they would never have been got through. As a matter of curiosity he had referred to *Hanard* for 1877, and he found that the Attorney-General's estimates came on late in the evening of August 28 and considerable progress was made. He did not see that many wonderful questions were put to the Attorney-General. There was no talking against time, but there were several divisions to reduce items and they were invariably carried against the Government. On the 29th August, after the usual work in the House and motions for adjournment, the Attorney-General got at his Estimates again, and on that evening he passed the whole of the Estimates for the Law Department and the Education Department. Now, where were the questions and the talk upon various subjects such as had gone on at the present sitting? The opposition which his side had been charged with having then offered did not take place.

Mr. RUTLEDGE said that some time ago a number of cases occurred in which employers of Polynesians who died during their term of service failed to render accounts to the curator, as they were required to do, and money which ought to have gone to the curator was retained by the employers of these unfortunate kanakas. He wished to know from the Attorney-General whether there were any such cases now?

The ATTORNEY-GENERAL: The return is on the table.

Mr. GRIFFITH was understood to say that he never saw the Colonial Secretary's Estimates go through so easily as they had done this year; but that was because the Colonial Secretary had told the Committee all about them. He did not think that the strictures made by the Opposition, as to what was the ordinary practice in the passing of estimates, were unfounded. His experience was that the earlier estimates were brought forward the more difficult it was to pass them. On this point he differed with Mr. Macalister, who favoured proceeding early with the Estimates, whereas he (Mr. Griffith) held that they ought first to go on with the other business, and let the House have an earnest of the intentions of the Government. He had found that this course had answered best.

Question put and passed.

The MINISTER FOR INSTRUCTION (Mr. Palmer) moved that £3,230 be granted for Secretary for Public Instruction—salaries. There were two small increases in the vote. The first was to the chief clerk. He understood, on what he considered to be good authority, that when that gentleman was appointed to the department he went in with the promise that his salary should be raised. The leader of the Opposition, who was Minister for Instruction at the time, ought to know whether that was the case or not. On the understanding that that promise was made they were bound to keep it, and they had put an additional £50 to his salary. £50 had also been added to the salary of the accountant, who did an enormous deal of work, and through whose hands more money passed than through those of any other officer in the public service. The item for contingencies had been increased from £500 to £550. The actual expenditure last year was £540. The estimate had been framed with the greatest care, in view of the real requirements of the office.

Mr. MOREHEAD said he trusted hon. members would proceed to consider the whole question of national education. With the exception of last year, when there was a slight diminution of £1,000 on the estimate, the vote for education had been increasing year by year. This year the increase on the already over-swollen estimate was £10,000. If the system was to be persisted in, where would it all end? It would only lead to public disaster—to financial ruin. They were treading fast in the steps of two of the southern colonies, who were already begining to feel the heavy burden cast upon the people by this tremendously expensive educational system. As long as he stood in the House he would protest against such an expenditure—no matter whether he succeeded or not—and the probability was that he would not succeed, as it seemed the prevalent belief that any amount of money ought to be spent upon what was called the education of the people. He denied that the people were educated under the present system. The great centres of population received undoubted benefits from it, and so did the wealthy people; but the poor, who had to bear the bulk of the taxation to support the system, derived the very smallest advantage from it. Last year the educational system in Victoria cost the colony £544,926; in New South Wales, £367,033; and in South Australia—where education was as well looked after as here, and where the population was only slightly larger—£87,471. And yet this colony was now asked to vote a sum 50 per cent. in excess of that spent in South Australia. He knew that the great scheme of free, secular, and compulsory education was one that had caught the ear of people, for they thought that by it they were bringing education to the doors of the working man. But, in reality, they were doing nothing of the sort. The system of education only touched the working men in a very small way—excepting with regard to their pockets, which were touched very heavily to support it. Representing as he did an outside district, he spoke feelingly on the matter, for his constituents paid a very large sum per head in support of the

system of education. The system was to a great extent useless to the outside districts, although, as he had said before, it was an advantage to people living in great centres of population, and an excessive advantage to the wealthier classes. In addition to going in for a sound education in the three "Rs"—which he held to be the only duty of the State in the matter—they were going in for all sorts of luxuries—such as grammar schools subsidised by the State, and which were resorted to by those whose parents were well able to pay for the education of their children. It was not the duty of the State to provide education for the children of the well-to-do. In these very Estimates items were put down which ought to be paid for by the parents themselves and not by the State. They were getting such a class of schools at the present time that people in every rank of life sent their children to the public schools. It might be said that rich and poor should be all alike, and that the rich had no no right to be deprived of any advantages the poor possessed. But he did not hold with that view. He held that the duty of the State was simply to educate children whose parents were unable to educate them. At the present moment children were taught to such a pitch in the schools that they learned to despise manual labour of any sort—they despised the trades of their fathers—and there was a possibility of over-educating them so that they would absolutely despise their own parents for their so-called ignorance. The income of the colony was crippled—the people were overburdened with taxation—and yet the cost of the Department of Public Instruction had increased this year by about ten per cent. He was well aware that both the leader of the Opposition and the Colonial Secretary had imbibed the craze of free, secular, and compulsory education—although both had admitted that they dare not put the compulsory clauses into operation. He (Mr. Morehead) was not prepared to deny that if the education system was to do any good —seeing the number of street arabs growing up in Brisbane and other large towns—they would have to use the compulsory clauses; and yet they had been told by the leaders on both sides that those clauses were to remain a dead-letter. He admitted that if they once started the compulsory system, such a storm might be raised as no Premier or Minister of Instruction would care to face. What he chiefly wanted to point out was that the much vaunted education system, which was said to distribute equal justice in the shape of education to all classes of the community, had altogether and utterly failed. If it were possible to reduce the vote by one-half he would propose it, and almost "cry back" to the old system, which he had always held, unpopular as the view might be, to be better than the existing one. When national and denominational schools were running side by side there was a healthy competition which did not now exist. The State schools were all toned down to a dead level. He did not stand there as a champion of denominationalism or any other ism. No one could charge him with having any strongly expressed religious convictions, but those who had such convictions had a right to be considered; and he held that a certain religious body to which he did not and was not likely to belong, and which contained one-third the population of the colony, had been very badly treated indeed, by being taxed to pay for a system of education which they could not conscientiously support. In that respect the Act was a disgrace to the statute-book. However, it was useless to try to remove it. One step in a wrong direction, whether taken by people or legislators, only seemed to hurry them on in the way they should not go. Still, looking at the question from a purely financial point of view, he must enter his indignant protest against the enormous growth of the education vote. He hoped hon. members would consider the question on the broad general principle of cutting one's coat according to one's cloth. In conclusion, he would point out again that although the people in the outside districts were heavily taxed to support education they derived little or no benefit from it.

Mr. GRIFFITH said that of course he entirely dissented from the views of the hon. member (Mr. Morehead), and should like to give his reasons for doing so; but it was hardly desirable to begin a discussion on so large a subject at that late hour of the evening.

The MINISTER FOR INSTRUCTION said the Committee might have got through the estimate if they had not wasted so much time in the early part of the sitting. It was no use sitting four or five days a week if nothing was done. The whole of yesterday was wasted on a £3,000 vote. They had had pretty much the same thing that day, and it was ridiculous for them to sit at all unless they did some work. He should certainly not consent to an adjournment.

Mr. GRIFFITH said it was evident that the Government thought proper to punish hon. members of the Opposition to-night because they had thought it their duty to discuss certain Estimates yesterday. It amounted to the Government telling them that because they were naughty one night they were to be kept up all the next. The Government did not deny that it was time to adjourn, but merely said that some members of the Opposition talked too much yesterday.

The PREMIER said he should like to know what kind of tempered Ministry would suit the hon. gentleman. Last night the hon. gentleman complained of the temper of the Attorney-General, he always complained of the Minister for Works, and now he complained of that of the Colonial Secretary, and two or three times he had complained of his (the Premier's) temper.

Mr. GRIFFITH said he had expected that hon. members on his side of the Committee would be treated with ordinary courtesy, and that they would not be told when one of the most important votes in the Estimates was commenced at 10 o'clock at night, and when there was likely to be a long debate, that because they talked too much yesterday they should sit up all night now. He must confess that he himself had not much to say, except to ask for information with regard to the working of different branches of the department, and he did not see any reason why that should take long; but they would certainly not get through the first vote that night if there was to be a discussion on the question of education generally. The hon. member for the Mitchell had initiated a discussion which in the ordinary course of events would occupy a long time, as he should not like it to be said that that hon. member was the only one who spoke on the question.

The MINISTER FOR INSTRUCTION would like to know what the hon. gentleman called courtesy. He believed it would be for the Government to conduct their business as the hon. gentleman liked—do what business he liked, and adjourn when he liked. Perhaps what the hon. gentleman now called courtesy he might then call cowardice—but that he would never have a chance of saying. For his own part he did not see why there should be any long discussion, as he looked upon the education question as settled. The Government would be quite prepared to answer any questions that might be put to them. He was sure that *Hansard* could not be very full, as all that had been said that evening could be put into one page; so that there was no reason for not going on so far as the reports

in *Hansard* were concerned. He was, as he had said, willing to give the fullest information on every subject.

Mr. DOUGLAS said it must be remembered that on the previous evening the hon. Attorney-General had approached the Estimates for his department in rather a novel way, and he himself had enlarged upon some subjects; the consequence being that the Committee did not make much progress. That evening there had been a rather long discussion, but still the Estimates of the Attorney-General had been passed. Considering that that hon. gentleman had not been long in office, and consequently was not well informed on all subjects, it was not surprising that more discussion had taken place than usual. But now the Committee were asked to go to a fresh subject altogether; and, although he (Mr. Douglas) was not inclined to follow the course adopted by the hon. member for the Mitchell, who had raised the whole question of education, he was desirous of obtaining an opportunity of addressing a few remarks to the Committee on subjects of detail and administration which he thought worthy attention. He desired to have a fair opportunity of doing that, and he did not think he could do so that evening. With regard to the vote under consideration he had no objection to deal with it, but he certainly wished to have a sufficient opportunity of discussing the whole practice with regard to the administration of the department. He thought that if it was agreed to discuss the first vote as a mere start, the larger matters connected with education might be remitted to another occasion.

Mr. THORN trusted that the hon. gentleman in charge of the Education Estimates would mete out to the Opposition the same courtesy that he insisted upon their showing when he sat on the Opposition benches—namely, that no fresh business should be taken up after 10 o'clock; especially as this was a very important question on which there was likely to be a long discussion.

The MINISTER FOR INSTRUCTION said he did not wish to keep up the Committee very late, and if there was no objection to the vote now proposed he should be ready to agree to an adjournment.

Mr. GRIFFITH said there was no objection to taking the vote so long as they did not go into a general discussion. He wished to say something in regard to the increase to the chief clerk. He had always entertained the notion that clerks should begin at a low salary and rise as they deserved; and in making the appointment of the chief clerk he carried out those views by fixing the salary at £350, with the understanding that if that officer showed himself competent to perform the duties that sum should be raised. He thought himself that this year there should be a little increase. The accountant was a very old officer, and his increase was recommended some little time ago.

Mr. O'SULLIVAN said he could not let the vote go without some remarks. He found that the Estimates for education had been increased by about £10,000, and that in the vote under discussion there was an increase of £170. He believed it was the wish of some members of the Committee that the cost of education should not be increased, and therefore he should make a start in the way of decreasing it by moving that the vote be reduced by £170.

Mr. FRASER said he was sorry the hon. member for Stanley had lumped his amendment in this way, because, while he (Mr. Fraser) was anxious to be as economical as possible, he thought they were fully justified in increasing the salary of the accountant, who had been nearly all his lifetime in the service, and was a most deserving officer. With regard to some of the other increases he should be inclined to support the hon. member for Stanley, and would therefore suggest that the items be taken *seriatim*.

Mr. THORN thought the hon. member for Stanley was to be commended for raising his voice against these increases. With the exception of the boy in the office he thought the salaries should remain as they were. This was not the time to increase salaries in any of the departments. He had also grave doubts about the working of the Education Department: the officers did things very slowly; there was more red-tape there than in any other department, and he hoped the hon. gentleman in charge of it would see that the officers were a little smarter. He should support the hon. member for Stanley if the question went to a division, but he thought it would be better to put the items *seriatim*.

Mr. FEEZ said he had intended to object before to an adjournment, simply on the ground that the hon. gentleman who had just sat down had treated them to about two hours' talk that no other assembly in New South Wales or Victoria would have listened to. There were members in the House who had something better to do than to sit there month after month, and it was impossible to get on with business if time was wasted as it had been. He saw from *Hansard* last week that one member made forty-two speeches in one night, and it was impossible to transact business at that rate. He was anxious to get on with work, and would propose to sit till 12 o'clock every night, and to sit every day in the week if hon. members continued to waste time as they had done. With reference to this vote, without wishing to speak against education or the money that was necessary to vote for it, still he thought that something like a relative proportion of the population of the different colonies should be made the basis of that expenditure. If they looked at Victoria, they found that with a population of 850,000 the expenditure for education was £544,000; in New South Wales, with a population of nearly a million, it was £367,000; in South Australia, with a population of over 300,000, it was £87,000; and in Queensland, with a population of 210,000, the amount was £123,844. Looking at this they could come to no other conclusion than that they were spending too much for this purpose; and if it was not possible to strike out votes for schools that had been started he certainly thought they should not go on increasing the vote from year to year. The sum voted last year should be quite sufficient to enable them to carry on this year. He would also point out that the outside districts did not derive much benefit from this expenditure. The great benefit was concentrated in large centres of population, where facilities for education already existed and were within the reach of everyone. What benefit was it to a gentleman who lived at Mitchell, or Aramac, or Blackall, to send his children to a grammar school at Brisbane or Rockhampton? He might just as well send them to South Australia, or Tasmania, or New Zealand, where they would have a more healthy climate, and where they could be educated at just the same price. They also afforded facilities for branches of education which no fair person could claim. He considered that if children got a sound general education, that was as much as the country could be expected to give; and if any persons desired to give their children higher education, they should find the means for doing it. These schools should be made more self-supporting; the grammar schools should be more largely supported by those who were in a position to do so. It was not only the children of the shoemaker or blacksmith who got the benefit of grammar schools, but the children of the wealthy, who could well afford to pay for it.

Even in Germany, which was so often referred to in regard to education, and where it was established on a sound basis, there was not the same liberality bestowed on the population as here, and he thought they were going too far. He supposed the next thing would be to propose a university here. There was one in Sydney; but he believed that if it had not been for a large sum of money that had been left to that institution lately, it could not be supported—the fees were so low, and the State could not carry it on. He said, therefore, that they should limit education to what it was costing at present, and not increase the expenditure.

Mr. DICKSON pointed out that if the hon. member for Stanley persisted in this reduction he would be doing a great in injustice to the chief clerk, who was removed from the Treasury about two years ago and appointed to this office on account of his special abilities, with the distinct promise that his salary should be increased so as to place him on a par with other chief clerks in the departments. However desirable it might be to exercise economy, they should be careful not to do it in such a way as to violate promises of this kind.

Mr. RUTLEDGE said it was well known that the Colonial Secretary was a strict disciplinarian, and that gave him (Mr. Rutledge) confidence in voting for any reasonable increase that hon. gentleman proposed, especially as he was rather chary about proposing increases. He contended that the increase to the chief clerk was quite justified, and that it was not worth while haggling over minor matters of this sort.

Mr. THORN said the hon. member for Leichhardt was wrong about the Sydney University. He (Mr. Thorn) had not heard anything about the Government withdrawing aid from that institution. He should certainly support the amendment of the hon. member for Stanley. This was not the time for increases.

Mr. SWANWICK was understood to say that it took the hon. member several years to get his university degree.

Mr. O'SULLIVAN said that his main object in moving the amendment was to reduce the vote to what it was last year; but if that could not be done without discussing every item, he should feel inclined to throw the thing over. The hon. the Colonial Secretary would hear plenty on the subject of education before he got his votes through, no doubt; he, himself, had plenty to say upon it.

Mr. WALSH understood that previously a promise had been made to these clerks, and that if the item were reduced the Government would be breaking faith with him. Although he should feel inclined to vote for the amendment, he hoped the hon. member would withdraw it.

Mr. MILES said that the hon. member for Leichhardt was fast becoming a copy of the Colonial Secretary; whenever he got up he spoke of the Opposition in the most offensive manner.

Mr. FEEZ was understood to deny that he had said anything offensive.

Mr. GRIFFITH said that he appointed the Chief Clerk in the Education Department at a salary of £350 a-year on the promise that it would be raised regularly, if he deserved it, until it reached the original sum, which was £500 a-year.

After further discussion, chiefly upon the way in which the question should be put,

Question—That the vote be reduced by £170—put and negatived; and original motion put and passed.

The House resumed.

The PREMIER, in reply to Mr. GRIFFITH, said Notices of Motion would be taken to-morrow, the subject being the plans and specifications of the branch railways.

The House adjourned at 11 o'clock.