Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 16 SEPTEMBER 1885

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LEGISLATIVE ASSEMBLY.

Wednesday, 16 *September*, 1885.

Petition.—Questions.—Question without Notice.—Petitions.—Beauaraba Branch Railway.—Western Railway Extension.—Mackay Railway Extension.—Elections Bill—resumption of committee.

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

PETITION.

Mr. FRASER presented a petition from the Baptist Association of Queensland in favour of the Licensing Bill, and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. FRASER, the petition was received.

QUESTIONS.

The HON. J. M. MACROSSAN asked the Colonial Treasurer—

If the Government intend to extend the Townsville jetty?—and, if so, when will the work be commenced?

The COLONIAL TREASURER (Hon J. R. Dickson) replied—

Tenders are now called for the extension of the Townsville jetty, receivable up to 10th October next.

The HON. J. M. MACROSSAN asked the Minister for Works—

When the Townsville jetty line will be commenced?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

The Chief Engineer, Central and Northern Division, has been instructed to proceed with the necessary works with as little delay as possible.

The HON. J. M. MACROSSAN (for Mr. Hamilton) asked the Minister for Works—

If the contractors, whose tenders for the construction of the following railways were accepted, have yet signed for the contracts:—Railway from Cabarlah to Crow's Nest, also from Howard to Bundaberg?

The MINISTER FOR WORKS replied—

The contractor for the line Howard to Bundaberg has signed the contract but not the contract for the line Cabarlah to Crow's Nest.

Mr. PALMER asked the Minister for Works—

1. Have the Government arrived at any decision on reports furnished them by their officers as to the terminal station of the Cloncurry and Gulf railway?

2. When is it likely the Parliamentary survey of the said railway will be commenced?

The MINISTER FOR WORKS replied—

1. Yes. The Government intend to carry out the line recommended by the Chief Engineer, Cook and Carpentaria Division (Mr. Hannam), between Cloncurry and Normanton.

2. Instructions have been issued to send a surveyor to the district to execute the necessary surveys with all practicable despatch.

QUESTION WITHOUT NOTICE.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I should like to ask the hon. Minister for Works another question in connection with the answer he has given to the question of the hon. member for Cook. Does he know of his own knowledge whether the contractor has signed the contract for the line from Howard to Bundaberg?

The MINISTER FOR WORKS: I am perfectly sure it has been signed.

The HON. SIR T. MCILWRAITH: Was it signed within the last half-hour, or how long since?

The MINISTER FOR WORKS: The contract was signed before I left the office.

PETITIONS.

Mr. BROOKES presented a petition from the Albert-street Wesleyan Church, signed by the minister and congregation, in support of the Licensing Bill, and especially of the clauses relating to local option and Sunday closing. He moved that the petition be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. BROOKES, the petition was received.

Mr. BROOKES presented a petition from the Ann-street Wesleyan Church, signed by the minister and congregation, which he said was to the same effect as the previous one. He moved that the petition be received.

Question put and passed.

BEAUARABA BRANCH RAILWAY.

The MINISTER FOR WORKS moved—

That the Speaker do now leave the chair, and the House resolve itself into a Committee of the Whole to consider the following resolutions, namely:—

1. That the House approves of the plan, section, and book of reference of the proposed Beauaraba branch railway, commencing at 120 miles 52 chains on the Warwick line, as laid upon the table of the House on Tuesday, the 1st instant.

2. That the plan, section, and book of reference be forwarded to the Legislative Council, for their approval, by message in the usual form.

Question put and passed, and the House went into Committee accordingly.

The MINISTER FOR WORKS, in moving the adoption of the resolutions, said this was a branch railway from the Warwick line, commencing at 120 miles on the Warwick side of the Yandilla road. The length of the line would be 16 miles. It passed along the main road leading from the starting point to Beauaraba for about 8¾ miles. The main road was for the greater portion of the distance 10 chains wide. Two or three miles of it was only 3 chains wide; however, there was ample scope both for the main road and the railway as well. The cost of the line would be somewhere about £3,000 a mile. There were no heavy works upon it; it was nearly all a surface line, and he thought there was only one bridge upon it, in length 363 feet. It would be of very great service to the residents in that locality. It would accommodate all the settlers on what was known as the Eton Vale Homestead Area, and a portion of the settlers on the Westbrook Homestead Area. Then there was a large settlement on the North Branch, on what was the original Yandilla Run—there was a very large number of settlers on Yandilla itself; south of Yandilla there was also a large number of settlers; and the line would also accommodate the settlers on Condamine Plains, and take the whole of the traffic to Yandilla Station. As he had said, it would not be a costly line, Mr. Stanley's estimate being £3,221 per mile. He believed this short line would be of very great service to the inhabi-

tants of the locality. He did not know that there was any other information he could give, but if there was he would be very glad to give it. The land where the terminal station was to be was all Government land, and there was not more than about twenty-three acres to be resumed on the whole of the line, so that the cost of resumption on the line would not be a large amount.

Mr. CAMPBELL said that, while not wishing to stop those people who had applied for the proposed line, it was his duty to point out to the Committee the serious loss and inconvenience many others on the Westbrook Homestead Area would be put to if the line was carried out as surveyed, and provided that the line now under survey from Toowoomba through Drayton to intersect that line was carried out. There would be something like 300 settlers deprived of railway communication. A certain line had been surveyed through Drayton, and if the proposed branch to Beauaraba was carried out the line between Gowrie Junction and the Overall Bridge would fall into disuse. Consequently, as he had said, a considerable number of people would be deprived of the means of communication they had at the present time. If, instead of adopting the route now submitted to the Committee, a course were taken bearing away sharp to the left through the Westbrook Estate, thence on to Piddington's and Beauaraba, the line would be a convenience to the settlers on the Westbrook Homestead Area, and the distance would not be increased by more than a mile and a-half at the outside. But if it were carried out as at present proposed, and a railway were made through Drayton, it would be a very serious inconvenience to those people. He knew it was not the wish of hon. members to take away railway communication from people who had taken up their land on the strength of the facilities that existed for the transit of produce to market. Many of the people who now held the lands in that locality, and who were depending on the line, were not the original selectors from the Crown, but persons who had purchased their land from the original selectors. As he had said, it would be a very serious hardship to those people if the line were carried out as proposed.

The MINISTER FOR WORKS said he did not understand the hon. member when he stated that if the proposed branch to Beauaraba were carried out the line beyond the junction would be disused. He did not know what the hon. member meant. He (the Minister for Works) believed that there were a number of residents in the district referred to who wished the line to go from Oaky Creek to Beauaraba. But such a line would go all round the country and increase the length to such an extent that it would be actually impracticable to construct the railway. He himself had been induced some sessions ago, by some residents on the Darling Downs, to propose a loop-line from Clifton by way of North Branch to Oaky Creek. However, he had since had an opportunity of travelling over the district, and he came to the conclusion that the proposition for that line was entirely untenable. The line now submitted to the Committee would, he believed, be of very great advantage to a large number of settlers. There was a large settlement about Beauaraba and North Branch who would be able to use the railway, which would also give facilities to several stations besides. He had never mentioned any line to Drayton to the Committee. That would come on for consideration at the proper time, but it was not going to interfere in any way with the branch now proposed to be made to Beauaraba; so that the hon. member need not be alarmed about that matter.

Mr. KATES said he thought that, of all the lines projected, that was one which should commend itself to the approval of the Committee. It had been pointed out by the Minister for Works that it would benefit a great many people. The hon. gentleman did not, however, go far enough: he did not point out the various other districts to which the railway would be a benefit and advantage. He (Mr. Kates) found that the people of Beauaraba, the people of North Branch, of Yandilla, of Umbirom, of Southbrook, of Condamine Plains, and of Western Creek, besides the stations of St. Helen's, Balgownie, Felton, and Tummaville, would be largely benefited by the construction of that line. A petition had been recently presented to the House wherein it was pointed out that there were no less than 180 sheep-owners settled between Umbirom and Western Creek who had flocks of from 2,000 to 40,000. The country was rich agricultural land in many places. He need not point out to the hon. member that Yandilla Station, which was very rich agricultural country, would also be benefited by the construction of that line. Not very long since the hon. member for Aubigny presented a petition signed, he (Mr. Kates) believed, by 200 persons interested in the Drayton deviation. Well, the Drayton deviation was not before the Committee at the present time. The question before them was a branch from 120 miles 52 chains on the Warwick line to Beauaraba. It had been pointed out that 8¾ miles of the line ran along the main road, which was five or ten chains wide, and that very little money would be required for resuming land. That was a recommendation in itself, and it had also been shown that the benefits to be derived from the construction of the line would extend to 2,000 or 3,000 people. The line would run through North Branch and Umbirom, and there was a great deal of cultivation going on in that direction. The petition that had been presented to the House, approving of the present route, pointed out that if the line were taken by Oaky Creek the distance from Beauaraba to Toowoomba would be increased by twenty-three miles. He would not say any more on the subject at present. He cordially recommended that branch line to the approval of hon. members.

The HON. SIR T. McILWRAITH asked if the estimate of £3,200 per mile made by the Engineer-in-Chief would cover the cost of permanent-way material and rolling-stock, and, if not, which of them?

The MINISTER FOR WORKS said the estimate covered everything with the exception of the land to be resumed.

The HON. SIR T. McILWRAITH: Rolling-stock?

The MINISTER FOR WORKS: No, not rolling-stock.

The HON. SIR T. McILWRAITH: It did not cover rolling-stock—did it cover rails?

The MINISTER FOR WORKS: It covered timber, rails, fencing, bridges, permanent way, stations, and supervision. It did not include rolling-stock or the land to be resumed, which amounted to somewhere about twenty-three acres altogether.

Mr. ALAND: About sixty acres.

Mr. NELSON said he knew something about the country through which the line was to go, and although he would very much like to give a vote in favour of it he could not see his way to do so. The hon. member for Darling Downs spoke very much in favour of it, but it must be taken into consideration that the line was in his electorate, and that he was

the colleague of the Minister for Works. It was in the electorate represented by those two hon. members. While there was such an abundance of money to be spent they no doubt considered it only fair that their electorate should get some share of it. Anyone looking at the proposed line would see that the majority of the people enumerated by the hon. member, Mr. Kates, would derive no benefit from it whatever. It was to start from what was known as the Overall Bridge on the Warwick line, and to get to that bridge one had to travel twenty-one miles from Toowoomba, and when there it was only nine miles from Toowoomba by road. Then the distance to Beauaraba was sixteen miles, and by road fifteen miles, or one mile shorter than the railway on account of the latter having to wind round hills. Supposing the line to be finished, produce going to Toowoomba by it would have to pay railway freight on thirty-seven miles, while the distance by road was only twenty-four or twenty-five miles. And a very good road it was, too, besides being under the superintendence of one of the wealthiest and best conducted divisional boards in the colony, and one which had already spent a lot of money in putting the road in its present excellent condition. A man who had wool or anything else to send in would far sooner send it twenty-four miles by his drays than pay all that railway carriage upon it. The cost by railway would be at least 50 per cent. more. At the outside, it was only a two days' journey for drays, and could very often be done in one day. Another thing to be taken into consideration was the large quantity of freehold land through which the line would have to pass. There was very little Crown land the settlers on which would be benefited by it. The cultivation of the settlers there was not agricultural produce in the ordinary sense of the term. They were nearly all grazing farmers, who used the bulk of their agricultural produce for feeding their stock, and what they had to spare they did not send to Toowoomba; their market was in the other direction, westward. From the number of places mentioned by the hon. member one would think it was a very populous district. But such was not the case at all. The Minister for Works did not tell the Committee what was the population of the township. He (Mr. Nelson) would supply the information. It consisted of one man, who was postmaster, innkeeper, saddler, baker, brewer, and everything else for the whole district. The records of the Department of Public Instruction would furnish a good test of the population of the district; and from those records it would be found that the district could not support a State school; it had only one provisional school, the average attendance at which was sixteen. Were they going to make a railway to a place like that? What the hon. member for Aubigny said was perfectly true. If the line was made as proposed either it would have to carry freight at enormous prices or else it would get nothing to carry, or else they would have to make the deviation from Overall Bridge to Beauaraba, in which case the twelve miles of railway from Overall Bridge to Gowrie Junction would be perfectly useless. The line, in fact, ought to have gone to the Westbrook Homestead Area, which could be easily done. The population would not warrant the line being taken as proposed, and in his opinion the population there, before many years, would be even less than it was now from the simple operation of ordinary economic laws. Homesteaders had been allowed to acquire land at a great deal less than its value because they believed that the homesteader was a good class of colonist to encourage, and in the hope that a good many of them would take root. But they did not always do that. The industrious homesteader was bound to buy out his dissipated or idle neighbour; and even if a homesteader did well it was very often his best policy to sell, because he had no room for expansion. He would sell in order to go further afield, where he could get more scope for his labours. Then, it was well known that capitalists had their eye on the district, and before long they would have absorbed a very large number of the small settlers out there. The proposed line was promised to the electors of Darling Downs by the Minister for Works at a grand banquet which took place at Beauaraba some time last year. On that occasion the Minister for Works was very big indeed. He told his hearers that they had been promised a railway for a long time and that now he was in a position to give them one. The hon. gentleman said he did not care whether his colleagues were willing or not. He had ordered the survey without any authority from the House, and he would have it made in spite of anybody—and a lot of arrogance of that sort, which was highly applauded by those to whom it was addressed. There was no chance of the railway being a remunerative concern. With regard to cost, they could only go by the cost of the adjacent line. The railway from Gowrie Junction to Warwick cost £8,800 odd per mile. Supposing the proposed line could be made for £800 less, or £8,000 per mile, the amount on the estimates—£48,000—would only make six miles; and that was what it would really cost before it was finished. The Minister for Works mentioned twenty-three acres as the amount of land that would have to be resumed. There was nearly three times that amount on Eton Vale alone. Besides that, a large amount of compensation would have to be given to freeholders, because on account of the windings of the line their properties would be cut up into such narrow strips as to be rendered almost useless. Their fences would also have to be compensated for. In short, he looked upon the line as a piece of log-rolling and nothing else. It would delight the heart of the benevolent individual who wrote to the papers to the effect that the loan was raised for the mere purpose of making railways for the supporters of the Government. He should certainly advise the Committee not to agree to the plans until, at least, they had the deviation before them. In fact, that ought to have come in first. There was no proposal of that kind here.

Mr. GROOM said he knew something of the district, and he fancied he could tell a very different story from that related by the hon. gentleman who had just sat down. He would like to correct him in the statement he had made with regard to the road near the Overall Bridge. He ventured to make this assertion: That all the money on deposit that the Jondaryan Divisional Board had at the present moment would be swallowed up in making even half the road anything like the thirty chains that had been made about seven miles from the bridge. They called for tenders as an experiment, and they found that for about thirty chains of the road it would cost something like from £900 to £1,200, so that the experiment proved that they would swallow up every shilling they had for that one particular road alone, to say nothing of the enormous extent of other roads scattered through the division. He did not think, therefore, that the argument that the Jondaryan Divisional Board could make a good road would hold water. With regard to the settlement in the district, they had there some of the best settlers in the colony. They were not generally 80 or 160 acre men, because the Messrs. Gore were not of those greedy, avaricious, land-grasping men who were on the Downs in early days, but large-hearted liberal men, who allowed selectors to go in

every direction, and never had had their names identified with dummying in any way. The result was that in that district were some of the finest selections on the Downs—360 acres, 640 acres, and even larger areas. He might mention two gentlemen alone—the Messrs. Porter—who had exhibited an amount of enterprise and vigour in connection with pastoral pursuits that even the squatters in the surrounding neighbourhood might imitate with very great advantage. Most of the selectors had large areas which they were devoting to good purposes. They were not putting all their eggs into one basket, but combined agriculture with grazing. They had little herds of cattle and little flocks of sheep which were fattened for the Brisbane market in lucerne paddocks. Some of the best cattle and sheep sold in the yards in Brisbane on Thursday mornings came from that district. It was not for him to say whether or not that was a log-rolling line; but since the House had recognised the principle of branch lines that district was as much entitled to a railway as any other to which a railway had been granted by the House. The last speaker was a little astray with regard to the population. It was not a one-man township; if he remembered rightly, there were two public-houses there. Mr. Bowden had one and Mr. George Hadley the other.

Mr. NELSON: I heard that Bowden had sold out to Hadley.

Mr. GROOM: The hon. member had information that he had not. He knew that Mr. Hadley started a brewery. He (Mr. Groom) had that case in his mind when the question of inspecting breweries was raised. He wondered how they were going to inspect that brewery which was situated so far from police supervision, there being none located there. He knew the roads to and around Beauaraba well. They were black-soil roads, and if the residents consumed their own produce instead of taking it to market it was because the roads were so bad they could not utilise them. He had driven over the roads several times. He had had the pleasure of doing so in very wet weather, when it would take a team of bullocks almost to draw an empty buggy, let alone a dray loaded with produce. If the policy of branch railways were adopted by the House, that district, he had no hesitation in saying, was as much entitled to one as any other district in the colony. He would like to say a few words with regard to what had fallen from the hon. member for Aubigny, who very properly had spoken on behalf of his constituents. The hon. member, and some of his constituents who had spoken to him (Mr. Groom) on the subject, were afraid that if the Drayton deviation were made, the intermediate line for some twelve miles, from the Overall Bridge to Gowrie Junction, including the Gowrie Crossing and Wellcamp Stations, would be taken up. The inhabitants of the district had very properly instructed their representative to see that no harm would accrue to them through that line being formed; but he was under the impression that the Government would not attempt to take that line up. Whether the railway would be utilised or not would be a fair question for consideration when the subject of the construction of the Drayton deviation came under discussion. It had been stated that an alternative route had been suggested to go through the Westbrook Homestead Area. As to that the engineers were the best judges. He believed Mr. Phillips had gone over that line and thought it was the best that could be chosen; and he himself was one of those who was quite prepared to accept the opinion of the engineer in charge of the works.

Mr. CHUBB said he wished to ask the Minister for Works whether he could give any idea of the probable expenditure which would be required for the resumption of the land; and whether there was any unalienated Crown land along the line which would be thrown open for settlement?

The MINISTER FOR WORKS said it would be very hard to say what the resumptions would cost. In all cases where resumption was necessary the Government appointed some individual who was capable of putting a proper value on the land, and that was offered to the owners. If they were satisfied with the amount, of course it was paid; if not, the matter went to arbitration. How did the hon. member expect him to know what it was likely to cost? He supposed the land would not be worth more than £2 an acre or 50s. an acre at the outside, so it could not amount to very much. He was very sorry that the hon. member for Northern Downs should be so very despondent about the line. He thought it must have been a good many years since the hon. member was there, for there was a large population in the district now.

Mr. NELSON: I have been there recently.

The MINISTER FOR WORKS: The hon. member said there was no agriculture there. It would not pay to take agricultural produce from that part of the district to Toowoomba; carting it over twenty-four miles of black soil would cost almost as much as the produce was worth. It was almost impassable in wet weather. He knew no district where a branch line was likely to be more remunerative than there.

Mr. CHUBB said the information given by the hon. gentleman was really very valuable, but it was all in the Railway Act. He did not ask the hon. gentleman what was the course of procedure when land was to be resumed; but if he could give the Committee any idea of the probable amount that would have to be paid for damages, severance, and other expenses—whether it would be £20 or £50 or £100 per acre? All that the hon. gentleman told them was in the Statute-book. The hon. gentleman did not answer the other question he asked him—whether there was any unalienated land at the end of or near the line that would be available for settlement. The line would apparently pass entirely through large freeholds, and it was intended simply to provide a railway to enable some large selectors to carry their produce to market. The hon. gentleman said there was considerable settlement at the end of the line; but he understood that the policy of the Government was to open up country and provide land for settlement, and, so far, it did not appear that there was any land which would be opened for settlement by the construction of the line. According to the estimate of the hon. gentleman, the line would cost £3,000 or £4,000 more than had been appropriated by Parliament; that was not a very large sum; but if the cost of resumption of land and other expenses were added, at the same average that the Warwick line cost, it would bring the expenditure considerably above the vote. He should like to know the reason of the extraordinary haste displayed by the hon. gentleman in bringing these plans before Parliament. The money was not voted until nearly the end of last year; but it appeared that there were two reasons why it should be hurried. The chief one was because it happened to be in the electorate of the hon. gentleman; but he was surprised at the haste displayed by him in expending the first portion of the loan of £2,300,000. If it was considered advisable that railways should be made in the electorates of the hon. gentleman and those who supported him while the

Government had money; representing a Northern constituency, as he did, he felt it his duty to vote against the line, and all other lines in the Southern district, until the hon. gentleman expended the money which he had in hand in reference to the railway in the Bowen electorate, which was voted three years ago and was now lying in the Treasury.

Mr. KATES said they now had the real reason of the hon. gentleman for opposing the line. Last night they voted £600,000 for the North, and perhaps a great deal more would have to be voted; but when they asked for a branch line for the South, to an agricultural district, it was to be opposed by the Northern members. He would like to know how long ago it was since the hon. member for Northern Downs visited that locality?

The MINISTER FOR WORKS: He is behind the age.

Mr. KATES said a few days ago he presented a petition signed by 600 *bonâ fide* residents of the district he referred to. That looked like more than a "one-man" township.

Mr. NORTON: Were they all genuine?

Mr. KATES said he challenged inspection, and if the hon. gentleman could find one petitioner's name he would give in. They were all genuine. It was a very rich district, and there were a great many sheep-farmers there on a small scale, and a good deal of cultivation of lucerne. The district was well entitled to a branch line, especially, as had been pointed out, that it was all black soil and good agricultural land; but to make a good road over that soil would cost much more than making a railway line. He did not know whether it was a fact that the Warwick line cost £8,000 per mile.

Mr. NELSON: £8,840.

Mr. KATES said the hon. member said last night that the Stanthorpe line cost £10,000 per mile, but he did not think it had cost so much. With regard to the statement that there was only one provisional school there with an attendance of sixteen children, he knew of two State schools where there was a large attendance; so that the hon. gentleman could not have been very well informed when he said there was only one.

Mr. NELSON: I said "in the township."

Mr. KATES said that within a radius of twenty-five miles from that township there were many valuable and industrious settlers. He did not think any reasonable objection had been lodged against the construction of that branch line, although it was in his electorate, He had made up his mind long ago that it was desirable to have a branch line to connect that district with the Southern Railway. The hon. member for Port Curtis might laugh, but if he took the trouble to visit the locality he would be one of the first to support it.

Mr. DONALDSON said that a short time ago he travelled over the country where it was proposed to construct that branch line, and he did not think hon. gentlemen had any idea of its quality. He was very favourably impressed, indeed; for the whole distance he travelled he was never out of sight of a homestead, though they all seemed to be moderately sized holdings. He did not think there was any large holding, with the exception of Westbrook; and the country, which appeared to be permanently settled, was of a first-class character, and he did not despair of seeing a large agricultural population there. He thought the line would be a benefit to the country and assist its development. If they were making mistakes in the construction of railways at all there could be no mistake in constructing them in districts where the land was good. Therefore he was favourably impressed with the line under discussion, and should vote for its construction. The Drayton deviation had accidentally cropped up in the debate, and he might say he did not see any necessity at all for that line, as the present line from Gowrie Junction was quite sufficient for the present. Hon. members had reason to complain that the information furnished by the Minister for Works was not sufficient, when introducing many railway Bills. There was a good deal of information that might be furnished from statistics, such as the population of the district; the quality of the land, whether agricultural or grazing land; how much was alienated or unalienated—that would be very useful indeed and would prevent a great deal of discussion. He believed the land had already been sold in the district now referred to, and there was no doubt that a railway would benefit private holders instead of increasing the value of the State lands, as was the case with some other railways. No doubt it would not go far towards increasing the value of State property in this case, as it would be principally private holders who would receive the benefit; at the same time, the country would receive an indirect benefit by having the capabilities of the line considerably increased. He should certainly support the motion.

The HON. SIR T. McILWRAITH said the hon. member who had just spoken had not made it clear to him that he had visited the part of the country through which the line went.

Mr. DONALDSON: I have visited it.

The HON. SIR T. McILWRAITH said he was quite sure the country through which it passed was not as the hon. member described it—dotted with homesteads and all small holdings, whether under the homestead clauses or not. It went through two large estates. More than three-fourths of the line went through Messrs. Hodgson and Ramsay's and Yandilla Estates.

Mr. DONALDSON: It does not get within miles of Yandilla.

The HON. SIR T. McILWRAITH said the whole of the acreage required to be purchased was sixty-seven acres, and fifty acres of it belonged to Hodgson and Ramsay. That accounted for at least half of the line, and there were not many homesteads there. Then they came to the terminus, and it was a matter of dispute between the Speaker and the hon. member for Northern Downs as to whether there were one or two people in the township. It appeared that there were a brewer and a publican—but one individual. However, if the Beer Duty Bill became law, there would have to be an inspector there, and that would increase the population to two. Here was a line which went through nothing but two big estates and got to a township where there were only two people. It was a perfect farce to make railways of that kind. The hon. the Speaker's argument that the roads there were bad and impassable applied equally to every part of the Downs, and was therefore no reason for making a railway in that particular direction. They were asked to pass a line which, according to the Engineer's estimate;—and his estimate was never fulfilled—they found the railways always cost more than his estimate;—they were asked to expend on the construction of the line an amount greatly in excess of the amount voted for it. They had borrowed £48,000 for it, and were asked to construct a line which would cost considerably more. It was a matter of doubt with him whether there was any settlement along the line whatever; at all events, there was no settlement along the line, whatever there might be at the terminus. There

was a good deal in the contention of the hon. member for Aubigny, if he understood him aright; and he might be quite rightly apprehensive of the effect of making the line branch off from the particular part of the main line indicated here—namely, the 120-mile peg. The effect of that, if the line was carried on from the same point to Toowoomba *viâ* Drayton, would undoubtedly be to render a portion of the main line useless. The hon. member said he did not believe the Government would pull it up, but they could not possibly run trains on it if there was no traffic. Practically, that part of the main line would be shut up. The hon. member for Aubigny, as he understood, said they could have taken that branch railway from another portion of the main line, a little south of the Gowrie Junction, to the same place—Beauaraba—about the same distance, and have gone through the Westbrook homestead selections.

Mr. CAMPBELL: With settlement all the way?

The HON. SIR T. McILWRAITH: Yes; with settlement all the way. But they were not going to do that, because the Speaker's pet scheme of a double line to the 120-mile peg was to be carried. That railway was one of the greatest swindles they had heard of. Surely one line from Toowoomba to the 120-mile peg was sufficient! The time might come when a line of that sort, through the increase of settlement or other reasons, might be necessary, but in the meantime they should be satisfied with the line as it was. He thoroughly believed in the line which the hon. member for Aubigny proposed. It would have gone through settled country, and would certainly not have gone through country where the whole of the land would be taken from one estate. On the line proposed fifty acres was to be taken from one man, ten acres from another, and all that the small holders spoken of gave was six acres, of which four acres belonged to one man. That showed the sort of settlement they were going to get on the line. Had the line been taken from a point south of Gowrie Junction, it would have gone through the Westbrook Homestead Area, where there was more settlement than at the terminus of the proposed line. That would have been a sensible plan to adopt. He did not think the proposed line was a proper line to be made, nor did he think it should be made at all.

Mr. CAMPBELL said the first eight miles of the proposed line went through Eton Vale, and there was no settlement there and not likely to be any. The proprietors would not use the line, because their woolsheds and works were at the other end of the run, and they used the direct Warwick line. The other line, as he had pointed out, would go through the whole of Nos. 1 and 2 of the Westbrook Homestead Area; and the Beauaraba people would receive just the same benefit as they would by the railway if carried in the way proposed by the Government.

Mr. NELSON said the Minister for Works seemed to think that he (Mr. Nelson) did not know anything about that district; but he was pretty intimate with it. He had been there not very long ago, and had recently spoken to people who lived there, and they told him that even if the railway was constructed they would not send their wool by it, for the simple reason that they could send it cheaper by the road. No man was going to pay for thirty-seven miles of railway carriage, unless there were different rates fixed, when he could send his goods by dray in twenty-five miles. To meander twelve miles a long way out west did not make much difference on the whole, but twelve miles' deviation in thirty-seven miles was adding a third to the distance, and that made a great difference unless the rates were changed.

Mr. MIDGLEY said he should probably have voted for that line, but if what had been stated by the hon. member for Aubigny was correct he certainly should not. If the line ran through eight miles of any man's freehold property it would be a sufficient reason for him to vote against it.

The PREMIER: You must go through to get past it.

Mr. MIDGLEY said he understood the line could be taken by another route and pass through closer settlement. If passing through the large estate was inevitable, whichever way the line was taken, he would have to withdraw his statement. It was a grievous evil to construct a line at the cost of the State through so much freehold property belonging to one man. He had previously expressed his views on that subject when speaking of Westbrook and Canning Downs. He was always opposed to the running of lines of railway through long stretches of country belonging to one individual. He thought there might be further inquiry made into the matter with a view of obtaining a route through more settled country than the proposed line seemed to go through.

Mr. KATES said he hoped the hon. member would not be led away by the statement that eight miles of that line would pass through Eton Vale. Eton Vale was an enormous estate, and it was very fortunate that twenty miles of the railway did not pass through it. The population around Beauaraba, Umbirom, and Southbrook was increasing daily, and it was for the benefit of those people and the stations of St. Helen's and Yandilla that the line was to be constructed. If the hon. member would look at the petition which he (Mr. Kates) presented to the House, he would see that the proprietors of St. Helen's, Pine Creek, Western Creek, and Yandilla were all prepared to send their produce by the proposed line. There were over 600 settlers in that district, and not the few that had been stated by the hon. member for Northern Downs. He thought it was not too much to ask for a branch line that would cost between £3,000 and £4,000 per mile for such a district.

Mr. CAMPBELL said he would like to point out that on the petition referred to by the hon. member for Darling Downs there were the names of many persons who were nearer Cambooya on the Warwick line than Beauaraba, and he was certain that those people would not send their stuff by the Beauaraba railway.

The HON. SIR T. McILWRAITH said the hon. member for Fassifern was interrupted in his speech by the Premier saying that if the line did not go through Eton Vale it could not go to Beauaraba at all. That was not the case, for if the suggestion of the hon. member for Aubigny were carried out the line would not go through Eton Vale, but through a large amount of selection on the Westbrook Homestead Area.

The MINISTER FOR WORKS: It would make the line longer.

The HON. SIR T. McILWRAITH: Very little longer; it would run at right angles to the main line, and the difference in length would be very inconsiderable. There was not the slightest question which would be of the greatest benefit to the greatest number—the line through Eton Vale or the line through the Westbrook Homestead Area. The only redeeming feature in connection with the line proposed was that the Minister for Works had ceased to rectify the blunders made by his predecessor in office, the Hon. Mr. Macrossan, and had adopted the

system which the late Government introduced into the colony of making the railways on the main roads. The line before the Committee would run along the main road for about six miles.

The MINISTER FOR WORKS: Eight and three-quarter miles.

The HON. SIR T. McILWRAITH said if hon. members looked at the plans they would see that the line traversed the main road for some distance, and that if the route which had been suggested by the hon. member for Aubigny were adopted they could get to Beauraba without going through Eton Vale.

The MINISTER FOR WORKS said the hon. member for Fassifern was in the habit of changing his mind very often. He hoped the hon. gentleman would change it again on this occasion. His objection to the proposed line was that it went through private property for about seven miles. The proposition made by the hon. member for Aubigny would take it through private property nearly the whole way.

Mr. CAMPBELL: Not more than a mile.

The MINISTER FOR WORKS: He knew the country as well as the hon. member for Aubigny. It would go through private property the whole way, and would be very much more costly than the line now under consideration. That line ran along the road, which was 10 chains wide, for $8\frac{3}{4}$ miles, and where it passed through private property it traversed forest land which was worth about 50s. an acre. He was perfectly satisfied that it was the proper route to take, and that the line would be constructed at a very much lower cost than by carrying it by the route proposed by the hon. member for Aubigny. It would take nearly all the money to resume the land required on the latter route, and the distance would be about four miles longer.

The HON. SIR T. McILWRAITH said they were getting a little information now. The information that the Committee had now was that they ought to support that line because the land through which it would pass was so bad that it could be got for 15s. an acre, as it was only forest land. Was not that an absurdity? Hon. members were suspicious at first that there was no population on the line. Now they found that the only inducement the Minister for Works had for constructing the line was that the country was very bad and only worth 15s. an acre.

Mr. KATES: The Minister for Works said 50s.

Mr. MOREHEAD said there was an old proverb which was, perhaps, not inapplicable to that case, and that was that "when rogues fall out honest men get their own." There had been an immense deal of wrangling among the Darling Downs members over that line, particularly as to the direction it should take. He did not mean to say that they were rogues, but they quarrelled, and possibly honest men might get their own. He was very much surprised to find that there was a portion of Darling Downs over which a railway did not go, for he had thought that the whole of Darling Downs was chessboarded by railways. However, he was very glad to find that that was not the case; but he thought they ought to get some information from the Minister for Works as to what additions the railway revenue was likely to derive from the construction of that branch line to Beauraba. They were in the dark on that particular point, and he did not think the Minister for Works should come down to the Committee with such a scheme as that without showing what benefit the revenue would derive from the railway extension proposed. He had no doubt that the hon. gentleman had the information at his side, and that he would be able to tell hon. members what benefit would accrue to the State from the construction of that railway—and he ought to do so, because the interest on the cost of construction would have to be paid by the whole of the taxpayers of the colony. He (Mr. Morehead) was sure the hon. gentleman had taken steps to discover what advantages to the railway revenue would arise from the construction of that line. If, however, he was not in a position to give the Committee that information he had no right to ask their sanction for the proposed expenditure. The question before them was not one of extending an existing line, but it was a deviation or alteration from the present railway system, and in his (Mr. Morehead's) opinion when an alteration took place the Minister should tell the Committee what benefit would accrue from it to the community and to the State generally. He hoped the hon. gentleman would tell what revenue was expected from that deviation.

Mr. MIDGLEY said the Minister for Works had charged him with being fickle and changeable; he did not know on what grounds, and he thought the hon. gentleman would find it very difficult to say himself, if put to the test. He (Mr. Midgley) was sometimes in doubt upon a question, but when once he had formed a strong impression about a subject he was not given to change; in fact, he supposed he was rather considered a nuisance because he did not change more readily. He had not been in the House long enough, and had not been a member of a Cabinet yet. When he had been a few years longer, and if he ever attained to that honour, he should know a great deal better how to change about than at the present time. He had seen marvels of changes on the part of Cabinet Ministers; complete somersaults of changes, perfect topsy-turvy changes, which a man must be a perfect political acrobat to be able to perform. He had not changed on the subject under consideration. He said it was a mistake—a blunder, a sin—to construct a long line of railway through private freehold property, belonging to one or two individuals. If the land belonged to a number of individuals so much the better: but here was a line of railway which for half its distance ran through land held by one man or one company. He said it was a mistake to construct the line in that direction if another route could be found which was not open to the same objection.

The HON. J. M. MACROSSAN said he had listened very carefully to the debate, not knowing the locality through which the railway was intended to go, and thinking that he might get some information from the members who did know the locality. Now, five members had spoken who knew the locality. They were all representatives of the Darling Downs, and there seemed to be a difference of opinion. When doctors differed how were other people to make their minds up? The Darling Downs doctors differed very much as to the advisability of taking the railway according to the route proposed. The chief representative of the Darling Downs, the hon. the Speaker, gave them one argument in favour of making the railway which struck him (Hon. Mr. Macrossan) as being a very astonishing one. He said the country was composed of black soil, that it was therefore very bad for road-making, and it was very much cheaper to make a railway than a road—therefore they ought to make a railway. But that did not follow at all. Even admitting that the country was bad for making roads

that was no argument in favour of making the railway. They should listen carefully to the suggestions of any member who knew the district well, and it had been suggested that by taking a different route a very much larger number of people would be accommodated. Why should they make a railway because the land was composed of black soil and road-making was difficult? Had they not established a new system of road-making by divisional boards, and did they not subsidise them for making roads? Were they also to subsidise the Darling Downs because the roads were hard to make? That was a most extraordinary argument, and he thought members of the Committee would not be justified in accepting that as an argument in favour of making the railway. He did not quite agree with the hon. member for Fassifern, who objected to the making of railways through private property, because if they made railways in settled districts they must go through private property. He had heard the Minister for Works, a very few weeks ago, say that he was determined he would make no railway through big estates, but here he had brought down a plan showing a railway the half of which went through a big estate. On that account the hon. member for Fassifern would be perfectly justified in voting against the railway. For his own part he felt quite justified in voting against it after what had fallen from the hon. member for Aubigny. As to the opinion expressed by the hon. the Speaker that when the Drayton and Toowoomba deviation was made the remaining portion of the main line would not be taken up, the hon. member might rest assured that Parliament would not let any Minister for Works run trains that would not pay for over twelve miles of railway. Was the Ipswich line not taken up after the main line was made, and why should not that part of the main line not going to be used be taken up? If they made the Drayton and Toowoomba deviation—which he thought would be a mistake—it would be throwing money away—the useless portion of the line would be certain to be taken up. He was very glad to find the Minister for Works had taken a leaf out of the book of one of his predecessors—that was himself (Hon. Mr. Macrossan)—in making railways along main roads. He thought the hon. gentleman ought to acknowledge the assistance which the late Government gave in passing an Act empowering him to make a line of railway along a main road. The hon. gentleman must have taken another leaf out of the book of the late Government, or else the proposed line would not be made for £3,500 a mile. He must have taken a leaf out of their book as far as the economy of construction was concerned. The line went through pretty much the same kind of country as the main line to Warwick would go through, and if it did not cost more than £3,500 a mile it must be because it was going to be constructed on more economical principles than the main line. That was the principle he tried to carry out, and he was not going to say anything against it now. At the same time the hon. gentlemen should not decry the work of his predecessors when he was obliged to follow in their footsteps. It was admitted that the line was to be made for £3,500 per mile, but even that would exceed the amount of the vote on the Loan Estimates. The line would cost £3,200 more than the money voted, and that did not allow for equipment nor for the cost of land and severance. In arguing upon the Cairns and Herberton line last night it had been said that the equipment would take about £500 a mile, but that was a new line of railway having a terminus of its own. The line under construction, being a branch line, could be equipped for much less—probably for £200 a mile—and that would make £3,200 more to be added to the cost of construction, making a deficit of £6,400. He was quite sure he would not be overstepping the mark when he said that the cost of the line and severance would amount to £600, making in all £7,000 more than was voted on the Loan Estimates. The Minister for Works shook his head, but he could not shake those arguments.

Mr. MOREHEAD: He wants to find out if his brains are there.

The HON. J. M. MACROSSAN said he did not know how the Minister for Works had arrived at the conclusion that the land would only cost 50s. a mile, after the description given by the hon. the Speaker, who said that it was all black soil; the land was supposed to be excellent of its class, and he did not think it could be obtained for that price. He had, however, taken a moderate estimate of £600 for the whole of the land and the whole of the severance. Well, he did not see his way to vote for the adoption of the plans. He believed after the statements made by the hon. member for Aubigny, which had not been contradicted in a rational way—the only contradiction being by the Speaker—they would be perfectly justified in remitting the plans back and trying to find another route which would go nearer to Gowrie Junction through the Westbrook Homestead Area, and give railway communication to a larger number of people. According to the hon. member for Aubigny, if his suggestion were adopted, the length of line between the end of the line and Toowoomba would be actually shorter, and therefore it would be an advantage to farmers, who would thus have to pay less for the carriage of their produce. He thought the Committee would hardly be doing its duty in passing the plans, with the very meagre information supplied by the Minister for Works; in fact, he had given them scarcely any information. He had given none as to the probable amount of traffic, having left hon. members to imagine that. From the scanty information given with reference to the line, and after hearing the intelligent suggestion made by the hon. member for Aubigny, the Committee would not be doing its duty in voting for the adoption of the plans.

Mr. JORDAN said he was not present when the hon. member for Aubigny spoke, but he had been able to gather, from what other hon. members had said, what must have been the substance of his remarks. If he (Mr. Jordan) thought that that was a mere log-rolling business he would not vote for it. If he thought that some egregious blunder had been perpetrated in the laying out of the line—that it might have been done for half the money, or that the colony might have had double the advantage from carrying the line in another direction—he should hesitate, and take care to satisfy himself on those points before voting for the line. It was a very difficult thing, he found, from the discussions they had on those railways to get at anything like a correct idea of all those circumstances which would enable a person to form correct judgment as to the value of a line or whether any great mistakes had been made in laying it out. One listened to speeches like that delivered by the hon. member for Northern Downs (Mr. Nelson) with very considerable interest. It was an exceedingly humorous speech, and one could not help listening to it with attention and some degree of pleasure. It exhibited the talent of the speaker, and as it enlivened a debate which was apt to get somewhat dreary they were always glad to listen to a speech of that kind for a few minutes. But the hon. member's speech, he was sure, must be taken in a Pickwickian sense The one man for whose benefit the line

was to be made—the hon. member could not expect them to understand that literally. They had nothing to do with how many people lived in that particular township. It had been made clear to his mind that it was a very important agricultural settlement, that there was a large area of land under cultivation, and that 600 persons interested had signed the petition for the railway. In addition to those important facts, the Speaker had given the Committee a lucid description of that particular locality; and the Speaker, who was the oldest member of the House and who had represented the interests of that district during the whole of his Parliamentary career, probably knew more about it than anybody else. That hon. member's statements were always so clear and lucid, and his facts and figures were, generally speaking, so conclusive, that hon. members listened with considerable attention to what he said. The statement of the hon. member, Mr. Kates, also carried great weight to his mind; and he had come to the conclusion that that line of sixteen or seventeen miles, and which was not to cost a large sum of money, would be a valuable line to the numerous settlers in that locality. They ought to make not only coast railways and transcontinental railways, and railways to the great centres of industry, but they ought to make railways for the accommodation of persons who were already settled on the land—of men who had had energy and enterprise enough to risk their all on the land, and who had at present no means of communication with a market. The hon. member, Mr. Nelson, had admitted that the settlers there were obliged to consume their own produce because they could not send it to market, and they would be very glad to send it to market if they could. It would cost, he supposed, as much to make a good macadamised road over those seventeen miles as to build a railway. They had the fact before them that there were 600 people or more settled in that agricultural district, and that there were seventeen miles of black-soil country between them and the market to which they wanted to get, and to which they could get by means of a cheap railway. It was a question between making the railway in that direction or making it in the direction advocated by the hon. member for Aubigny. Perhaps it might have been wiser to have taken it in the other direction, but he was not satisfied on that point after what had been said. The only objection to the line as proposed seemed to be that it would go through seven or eight miles of private property. That private property did not belong to small men, but to a big man; therefore the hon. member for Fassifern had adduced as a reason for not making the line that he would not vote for a line if it went through a big estate. But that depended upon circumstances. If they could not get to that large number of settlers—those successful farmers—at Beauaraba without going through seven or eight miles of land belonging to a big man—go through it, not for the sake of the big man, but for the sake of the 600 men behind him who wanted to get to a market but could not. By the other route the line would also have gone through private property, and it would have been a longer line. The hon. member for Bowen suggested that the Minister for Works did not even know how much the land would cost, intimating that it would cost the colony a great deal of money. But the Minister for Works had very well answered that; he said it would not be a costly line in that respect, because the private land through which it would run could be bought for 50s. an acre. Had the line gone the other way and through the farmers' land, it would have cost a very great deal of money to buy the land. Therefore that would be a cheaper line than the other, and as he had come to the conclusion that it was the best route that could have been adopted, he should support it.

Mr. MOREHEAD said the speech of the junior member for South Brisbane forcibly reminded him of the old saying—

> "A woman, a dog, and a walnut tree,
> The more you beat them the better they be."

That hon. member had been very well beaten indeed by the Minister for Works, and had been brought back into the fold, or pen, or sty—he did not know by what name the place should be called. Instead of cursing the Minister for Works, the hon. member blessed him altogether, and said the speech of the hon gentleman was a most excellent one, every word of which should be accepted as gospel truth.

Mr. JORDAN: I did not say that.

Mr. MOREHEAD said those were not the absolute words, but they were quite near enough, and looking at it from a South Brisbane point of view; the South Brisbane electors would agree with him in the rendering he had given. What were really the facts of the case before them? They were asked to vote a sum which, at the lowest estimate, would not be less than £80,000 for more expenditure on railways on the Darling Downs. They were not met there as a mere parochial meeting of the people who were interested in the Darling Downs, but to protect the interests of the taxpayers of the colony. It had been said that the Darling Downs were the curse of the colony, and he was not sure that the remark was altogether wrong. He knew how utterly useless it was for him to ask the Government to do anything for the district he represented; he had long ago given that up as hopeless. There was certainly a sum of money on the Estimates for a railway from Warwick to St. George, but that was not to be touched until after a rival line had been made to Warwick. A more preposterous proposition had never been submitted to Parliament, as would be admitted by any member who knew anything of the district and of the relative position of St. George to Brisbane. It would be utterly useless to ask the Government to let the St. George railway start from where it ought—namely, from Dalby; therefore he would wait until things got more settled, and until they got men in control of the affairs of the colony who understood the colony and the requirements of the people. If the Government really had the interests of Brisbane at heart, they would know that in order to get the border traffic they should not extend the railways in the direction they proposed to do, but which he hoped the Committee would prevent them from doing. They knew perfectly well that the extension of the railway first to Warwick—which would do an enormous damage even to the petted district of Darling Downs—then to St. George and further westward—was simply nonsense, assuming that the intention was to tap the border traffic. It could be done more cheaply in the way he had shown. However, not being a joint in the tail of the present Ministry, he had no hope that any action he might take, any speech he might make, or any vote he might give, would assist him in getting the colony developed in the way he thought it should be developed. Everything now was done on purely party lines.

The MINISTER FOR WORKS: No.

Mr. MOREHEAD: There was no consideration given to the wants of the colony; the whole thing was run on purely party lines.

The MINISTER FOR WORKS: No.

Mr. MOREHEAD: The hon. gentleman might say "No," but he was simply a unit in the Cabinet. There was only one Minister, only one Bismarck,

only one Griffith! The hon. gentleman might shake his head and look sage, but he knew very well that he trembled at a word of the hon. the Premier. He posed before the country as an honest and independent man, but when he went into the Cabinet he was simply depressed and sat upon. He went into the Cabinet like a lion and came out like a lamb. There was no doubt it was the only instance that could be found in the record of colonial parliaments of a purely personal Government. Take away the head in the present instance and there was nothing left. They had heard about Cerberus; no doubt the Minister for Works would make a good head for Cerberus; there were three heads in that case, and in this there was only one. They had also heard—he had no doubt the hon. member for Maryborough, Mr. Sheridan, with his classical knowledge, would bear him out in that—of a hypothetical monster on which, if one head was cut off, a number of heads would spring out. If they cut off the head of the present Government—not that he wished any personal damage done to the Premier—if they removed the Premier, the whole thing was gone. The Minister for Works might say that the lines were not run on purely political principles, but it was not the hon. gentleman who was responsible to the House—it was his master. They had heard some strange ideas propounded by the hon. member for South Brisbane. He understood that hon. gentleman to say that they could have railways made almost as cheaply as roads in some parts of the colony. If so, the divisional boards ought to make them, but otherwise he did not think the colony could afford to pay for its development even in the settled districts in the way the hon. gentleman suggested. A complaint had been made—he thought by the hon. member for South Brisbane—that the people whom the extension was to benefit would not be within sixteen miles of a railway until it was completed. No doubt that was a very sad thing, and to people living in the settled districts it would be almost a household grievance; but the hon. member and those who held with him ought to look further afield. If large sums of money were to be spent on railway extension they ought not be spent in districts that already to a very great extent enjoyed railway communication, but in attempting to develop the interior of the colony. It was not assumed, he took it, that by constructing a railway through a freehold estate, for which they would have to pay compensation, they would get a greater amount of settlement on the land; it was simply contended that they would give the inhabitants easier access to the railway than they had at present, whereas by going on with the main lines they developed the country. These were times when they should not fritter away the public money in the way proposed by the Minister for Works. The hon. gentleman admitted that he did not know himself what accession of revenue would come to the colony by that deviation or branch. Probably the hon. gentleman knew there would be no accession of revenue, but an accession of taxation that would have to be borne by the whole of the taxpayers of the colony. That was to be done to benefit a few individuals, not to bring any new settlement on the soil. The land was freehold, and the increased value would not come to the State, but to private owners. The line was to be constructed simply with the idea of securing certain votes for the Minister for Works and others who sat on that side of the House. It was simply a political railway that would increase the responsibilities of every individual who lived on Darling Downs and outside it. He should certainly oppose it.

Mr. KATES said the hon. member complained that his constituents had not had justice done to them. The Warwick and St. George line would soon be surveyed, and he would remind the hon. member that his own constituents at Goondiwindi and St. George had declared themselves in favour of that railway.

Mr. MOREHEAD: It is not true.

Mr. KATES: Petitions had been sent down from there. However, they were not discussing the Warwick and St. George railway.

Mr. MOREHEAD: I say the statement is not true.

Mr. KATES said that if the hon. gentleman would communicate with the people of St. George he would find it was true. The people of Goondiwindi, in particular, wished to have it carried out.

Mr. MOREHEAD said that as he represented that district he supposed he ought to know what were the views of the people there. They were distinctly opposed to the railway in St. George. As for Goondiwindi, he would like to "chuck" it into Warwick.

Mr. KATES said the mayor of St. George had intimated his wish and desire that the line should go in that direction. It appeared to him that members on both sides of the Committee were very little acquainted with the locality about Beauaraba. Darling Downs members had been accused of being partial; but he would refer hon. gentlemen to what was said by an impartial person, the hon. member for Warrego, who had visited the district and had pronounced himself in favour of it. He had witnessed the progress of the district, and said he would vote for the railway.

Mr. MOREHEAD: How often was he there?

Mr. KATES said he did not know. But the hon. gentleman had seen what was going on, and was so impressed with the desirability of having the line constructed that he said he would support it. In that case they had the testimony of an impartial member.

Mr. MOREHEAD said, although he had no land in Goondiwindi, he thought he knew a great deal more about it than the hon. member for Warrego did.

Mr. KATES said he was talking about the Beauaraba district, not Goondiwindi.

Mr. MOREHEAD said he had been in the locality of Beauaraba, and he did not think that the hon. member for Warrego, because he had been there once, could be assumed to know all about it, although he must say that that hon. member knew all about anything once he had spoken on it.

Mr. MACFARLANE said that his position was, that if sufficient evidence were given when a motion was introduced for the construction of a railway that it would pay, or even that it would pay in future, he had always gone in for it. The Committee had cause to complain that sufficient evidence had not been given to enable members who were not acquainted with the locality to come to a decision. The Minister for Works had certainly given very little information, but the hon. member for Darling Downs (Mr. Kates) had given a great deal of information. That hon. gentleman said there was a large population in the district, and it would be a great benefit to the farmers to have that line. That statement had been met by the hon. members for Northern Downs, who said the district was not settled, and the township was nil. There was no national school, but only a provisional school with sixteen scholars. Therefore a person who did not know the true position of affairs in the district would be likely to wonder what

it all meant. One or the other must be stating what was not true, or was misled by insufficient information. He should like to have a little more information himself. If the Minister for Works could show that the line would be beneficial and would ultimately pay, he should vote for it; but unless he had some more information he did not see how he could do so. The hon. member for Toowoomba had said that the settlers in the district were simply small graziers.

Mr. GROOM: Graziers and farmers.

Mr. MACFARLANE said that if those graziers raised food for their own cattle, and had only fat cattle to bring into market, the line was not likely to pay. If they were actually farmers bringing produce to market it would be a different thing. Before he voted for it he would want a little more information. He would vote for any line in the colony if it could be shown that it would pay.

Mr. NORTON said he hoped the hon. member for Darling Downs (Mr. Kates) did not labour under the impression that he had never seen anything of that country. He certainly had not been at Beauaraba, but he had ridden over the Downs from Warwick, and Drayton, and Toowoomba, and had a general idea of the land there. He did not hesitate to say that it was most excellent land, and he believed that the land at Beauaraba was rich also; so that he hoped, when the hon. gentleman saw him smiling, he did not think he smiled because he did not think the land was good: He was smiling because the hon. gentleman was blowing his penny whistle, and he knew he was talking to his constituents. The evidence before the Committee was sufficient to show that the land was good and that the roads were bad, because they were black soil. He did not think that was any particular reason for making a railway, but it was an indication that the land was good. In dry weather there was no better road than black soil. The hon. member for South Brisbane (Mr. Jordan) had been talking about 600 prosperous farmers. Where were they? Did the hon. gentleman ever look at the names on the petition? Dozens of them were labourers, and he had not the slightest doubt that every man who could be got to sign it was asked to do so. That was the usual way in which those petitions had been got up. Were they all farmers in the vicinity of that line? No one would dare say "Yes." There would be thousands of tons of produce from the district if all those men made good use of the land. Then there was a statement that the hon. member for Fassifern would be interested in. One of the reasons assigned for carrying the railway in that way was that along the line there were about 130 sheep-owners, many of whom were large station holders, and included Yandilla, Condamine Plains, Kurrawah, Western Creek, Balgownie, Pine Creek, Felton, etc. The hon. member for Fassifern, who objected to taking a railway through large freeholds, had a pretty good reason in that for opposing the proposed line. The first signature to the petition was Gore and Co., and the next signature was that of a member of the firm—G. R. Gore. Those were two signatures for the one place. Then there was Francis West, of Westbrook, another large estate; and then came William Hogarth, of Balgownie, another large estate; then came about half-a-dozen labourers and a little further on there were the signatures of about half-a-dozen more labourers. In fact, half of some of the sheets were signed by labourers. Instead of there being 600 prosperous farmers there were not half that number. The hon. member for South Brisbane had been too hasty in arriving at his decision if he was guided by the alleged fact that there were 600 farmers there. Some of the signatures were those of women, who, of course, were entitled to sign the petition if they were selectors. But 600 farmers implied an enormous amount of agriculture. A great deal of the cultivated land along the line was used for grazing. The large station holders cultivated lucerne to a large extent to fatten their sheep, and they need not have this railway in order to get them to market, as they could very well travel their sheep sixteen miles to a railway. The hon. member for Northern Downs had stated—and it had not been contradicted—that a great portion of the produce derived from the lands cultivated by the farmers proper was taken out west for sale, and he could quite believe it was. It was not likely they would take it into Toowoomba, which was absolutely surrounded by farmers, when they could get a better market out west. Everything pointed to the one fact that the advantages of the railway had been enormously magnified. The fact that it was the finest land that could be found and equal to any land on the Downs was no reason why they should take the railway there any more than to any other place up there. If a railway was to be taken to each of the black-soil deposits on the Darling Downs, removed from the main line, where was it to end? The fact of the matter was that the railway was proposed because it was in the district represented by the Minister for Works. That was the long and short of it. It was the penny whistle which the hon. member, Mr. Kates, and the Minister for Works were blowing for their electorate. He presumed it was the intention of the Government to carry out the line from Toowoomba through Drayton, and it would go to the very point where the proposed line met the main line. He might argue from that, as there was a sum of money asked to be voted by the House for the Drayton deviation, if that line were constructed the line between Gowrie Junction and Toowoomba would be of no use at all. The chief argument used in support of the line was that it would go through good agricultural land; at the same time, not one who advocated the construction of the line had been able to say that there was any land there which the Government could throw open for selection. The Minister for Works had told the House plainly on more than one occasion that he objected to carry lines through private property for the benefit of the owners. He could mention one instance where the hon. gentleman had absolutely declined to construct a line because it would go through freehold land. That was the line to Marburg. Why should he not construct a line to Marburg as well as the proposed line? There was much larger settlement on the Marburg line, and the men there had taken up the land in small areas, and were absolutely farming the land now—not talking about farming it at some future time. The Minister for Works had absolutely refused to make a line to help those men, and said they might make it themselves if they wanted it; and yet he was quite prepared to carry out the line before them. The most preposterous arguments had been brought forward in favour of that line. When the money for the line was voted by the House he had been opposed to it, and he was glad to see that hon. members who were prepared to support the Ministry at that time were not prepared to do so to the same extent now. He would suggest to the hon. member for South Brisbane the advisability of looking over the petition; and as he had not heard the remarks of the hon. member for Aubigny he should get from that hon. member the statement he had made to the Committee.

The hon. member had referred to what the Speaker had said, but though he (Mr. Norton) had listened also to what the Speaker had said he believed the hon. member for Aubigny knew probably more than the Speaker did about that district. His business took him continually through that portion of the district, and it was very unlikely that he should be unacquainted with it. For all the reasons he had stated the Committee should very seriously consider what they were doing before they agreed to the proposal now before them. He supposed a line would be carried through that district, but it could be taken by another way and be of much more benefit to the smaller settlers who were really farming the land, and the large estates could be avoided by making a small detour and adding very little to the cost of the line. For his own part he thought it would cost very much more than the Minister for Works had led the Committee to understand it would. He did not mean to say that the hon. gentleman had attempted to deceive the Committee; but at the same time he thought, as had already been shown, the cost was likely to be very much more. If that was so and the contract was once let for the work, it meant that the expenditure would be very much larger than that which had been authorised by Parliament, and that an additional sum would have to be raised subsequently to complete the line. They knew that a similar state of affairs existed in regard to railways that had already been passed by the Committee. They knew that in the case of the Isis branch, even the estimate given by the Minister for Works showed that the line would cost about double the sum voted for it.

The MINISTER FOR WORKS: How do you make that out?

Mr. NORTON: He made that out by the statements made to the Committee. There was also another line—he forgot which it was—where the estimate was much above the amount voted. Now, if that was the case with the smaller lines brought before them at the present time, what would become of those left to the end? They would not be constructed at all; if they were all to be completed they would want another very large loan, even without taking into consideration other lines that ought to receive attention. He thought hon. members ought to give that matter the most serious consideration, because, if the lines which had already received the sanction of Parliament were to be constructed, and if they were to go on spending money on that and other comparatively unimportant lines, those which were of real importance to the colony would have to be postponed, simply because the Government would not have the funds to complete them unless they raised another loan.

The PREMIER said he quite agreed that the Committee should give consideration to that line as to other lines, but he hoped the Committee would also remember that there was a great deal of work to be got through by Parliament, and that if they gave so much consideration to every small matter the session was likely to be protracted to an inordinate length. The arguments used against that line were the most extraordinary and contradictory he had ever heard. Sometimes they were asked, "What was the use of making a line when there is no settlement?" Then, when a line went through thick settlement, they were asked, "What is the use of making a line there when there are no Crown lands to sell?"

Mr. NORTON: There is neither one nor the other in this case.

The PREMIER: The argument used by the hon. member for Port Curtis was that the land through which the proposed line would pass was all occupied, and it was no use making the railway there. It struck him (Mr. Griffith) that, on the principle adopted by that House for many years, that was about the best reason for making a railway. That all the land was not occupied by small farmers was true; but the land was occupied and was fit for agricultural settlement, but the distance from market prevented it being put to that use. Any person acquainted with Beauaraba by reputation must know that it was one of the most thickly settled portions of the Darling Downs. He did not mean to say that all the land at the terminal station was occupied—there might be some vacant land about Beauaraba; but the country which the railway passed through was one of the most thickly populated and most fertile. If they were to make railways, then that was the kind of place to make them to.

The Hon. J. M. MACROSSAN: Why not make it somewhere else?

The PREMIER: The hon. member for Townsville said "Why not make it somewhere else?" He thought the hon. gentleman had made rather a bad selection in one or two instances in the lines that he had fathered. Some of them did not pay very well. He (the Premier) believed the line before the Committee was an extremely good selection, so far as the information available went. They could not, of course, transport hon. members suddenly to the spot and show them all the settlement around the proposed line; and surely they ought to take the evidence of people who were acquainted with the locality. The argument he had heard from the hon. member for Northern Downs, who did not profess to know the country very well, was that another route might have been adopted. Another argument, which was used by the hon. member for Aubigny, was that he was afraid that if this line were adopted all the persons now served by the line between Gowrie Junction and the place from which the Beauaraba branch was to start would eventually be deprived of railway communication. The hon. member for Townsville tried to confirm that view, but he (the Premier) ventured to assert that when once a population was settled along any railway line in the colony, and the settlers actually used that railway, the traffic would not be stopped; there was no possibility of that. He thought it was quite certain that a direct line would be made through Drayton, but the other line from the junction would not be pulled up; it would be used. As to the Drayton line being made, it was absolutely certain that it would be constructed. He could not say the exact time when it would be made, but anyone who knew the country knew that it was absolutely certain that that corner would be cut off, and until that was cut off allowance must be made for the extra length of line to travel. What did it matter to the people of Beauaraba if their produce had to be carried ten or fifteen miles, or even thirty, forty, or fifty miles, so long as they got it to market and only had to pay for the shorter distance.

Mr. NORTON: It matters to the taxpayers.

The PREMIER: He was answering the argument of the hon. member for Darling Downs. He (the Premier) said it did matter to the taxpayers whether produce was carried a long or short distance, and that was the reason the Government proposed to take the line the shorter distance. The arguments used in favour of that line were certainly as strong as any that had been advanced in favour of any other agricultural line that was passed by the House. The Government did not intend to confine their attention to making trunk lines, but proposed also to construct agricultural lines where they could be made to advantage. He believed that

the line under discussion would pass through thickly settled country and foster agriculture, and that it would pay handsomely for the small expenditure that would be incurred in making the line.

Mr. KELLETT said he had much pleasure in supporting the line. He had always been in favour of branch railways, and he thought that line was about as justifiable a one as any that had come before that Committee for consideration. It had been mentioned by speakers on the other side of the Committee that the land through which it would pass had all been purchased. Well, he thought that was about the best thing they could say in favour of it.

Mr. MIDGLEY: That is not the objection; it is that the land is held by a few owners.

Mr. KELLETT: Some hon. member behind him said the land was held by a few persons. He could tell that hon. gentleman that there was a large number of owners around the district of Beauaraba. There were one or two large holders, certainly, but the greatest number were small proprietors. He happened to be in communication and do business with a good many of them, and he knew a little about the district. He was satisfied the land was valuable, and that there was no better land about the range for growing produce. As a rule, in seasons like the present, perhaps it paid farmers to cart their produce some distance; but in plentiful seasons, when prices were low, it did not pay to cart it very far. He was rather astonished at members on the other side who a short time ago wished to show how much consideration they had for the small man. They were coming out in quite a different light now, and it seemed to him that like the chameleon they were always changing their colour. It was impossible to fix them to anything. He had been very pleased to see them advocating the interests of the small selector, and had hoped that they saw the evil of their ways, but some of them had now evidently gone off in the other direction. He was satisfied that anyone who knew the district would believe with him that it was advisable to construct the line to Beauaraba, and he was sure there would be as much produce carried on that line as on any other that had been built. He thought it was a very good sign that all the land had been taken up; and the larger holders would soon find that it would not pay them to run sheep and cattle on their land, but would cut it up and sell it to those who would use it more profitably. It was far better to put railways into such places as Beauaraba, where there was settlement, than to run them into districts where there was no settlement. He did not mean to allude to the western districts where the districts had to be opened up, but in constructing branch lines they had to take into consideration the population of the district. He was satisfied the Beauaraba line was an advisable one to construct, and he should support it with much more pleasure than the line they had discussed last night. The Government had considered the matter wisely, and he thought the Minister for Works, like a great many other people, should be good to his friends first. If the Government could possibly assist their friends, they ought to do that first and give their enemies a turn afterwards. He did not want to be too severe on his enemies, but he believed in doing a good turn to his friends first. He thought the farmers on the Downs required a little more attention than they had had hitherto, and he should be glad to see that railway carried out.

Mr. NELSON said, referring to the petition which had been made so much of, he would like to draw attention to the assertion that there were 600 farmers who had all good farms and were going to make use of the line. Nothing would convince the Committee more than an examination of the petition that the whole thing had been got up in order to get an expenditure of public money, and nothing else. They found hundreds of people signing the petition who were not in the locality at all, and who were never likely to use the railway. There was Mr. Hogarth himself. He would not send his wool by the Beauaraba line, because his woolshed was so much nearer Cambooya. Then, again, a large number of labourers had signed the petition; then there were people living miles away from the place—30, 40, and 100 miles away, some of them.

The PREMIER: Tell us one 100 miles away.

Mr. NELSON said the originators of the petition might have got the independents of Cooktown to sign it, and then it could not carry much less weight than it did now. Then a whole lot of people who resided in Toowoomba had signed it. Of course it would suit the Toowoomba people to have the line built, because the money would be filtered through the storekeepers. Then they found that a number of residents of Cambooya had signed. Cambooya, it must be remembered, was a railway station on the main line. Then followed pages of people who resided on the back blocks of Clifton. Why, the thing was perfectly monstrous. Then the whole of Drayton signed, of course. He did not believe there were any persons in Drayton who had not signed it, although he did not see what interest the people of Drayton had in the line. If the petition had included the Drayton deviation then he could understand it. The same thing was notable right through, and it was clearly to be seen that nearly every person in the electorate had signed the petition. Out of the whole of that large petition the percentage of people who had signed it, and who were interested in the line, was very small indeed. He was not satisfied with the Premier's argument about the distance to carry produce. What was the use of building a line to carry produce at a loss? It would be infinitely better to distribute the money proposed to be expended on the railway amongst the people, and it would be a great saving to the colony if each man was simply handed his cheque, and the line was not constructed at all.

The HON. J. M. MACROSSAN said the hon. member for Stanley had accused members of the Opposition with being chameleons, because a very short time ago they advocated the cause of the homestead selector, and now they were opposing the Beauaraba railway. If the hon. member had been present during the whole of the debate he would have known that they were not opposing the line because there were homestead selectors upon it, but because there were no homestead selectors on it—because the line went through one large freehold for a distance of 8¾ miles; so that the argument of the hon. member about the Opposition having changed their minds was no argument at all. The hon. member came into the House fresh after attending to his business outside, and he got up and spoke upon a question when he had not heard half of what had been going on. Why, the chief argument against the line was that it would not benefit selectors—that it would not benefit anybody—except so far as the expending of money would benefit people. Of course, an expenditure of money in any district always benefited somebody, but that was the only benefit likely to accrue from expending money on that line. What the Opposition had been contending for was that the railway should be made through another portion of the district where there were a great many small selectors.

That was the suggestion of the hon. member for Aubigny, which he (Hon. Mr. Macrossan) thought a very reasonable suggestion. They did not want to stop the expenditure of the money, but to apply it to a more useful purpose. Perhaps the hon. member for Stanley was not present when the hon. member for Aubigny made his suggestion. The suggestion was that the line should start within two or three miles of Gowrie Junction, run through portions Nos. 1 and 2 of Westbrook, benefiting selectors there, and then run on to Beauaraba, benefiting an equally large number of selectors as would be benefited by the present line. The line by that means would only be made one and a-half miles longer, and he thought that for the purpose of benefiting a great number of people they would be justified in making the line that much longer; so that the hon. member's charge of members on the Opposition side having changed their minds was not true; in fact, it was utterly untrue—they had not changed their minds. Their object was to benefit the greatest number of selectors, and if the hon. member for Aubigny's suggestion was adopted that would be done. According to the present plan, the line would not benefit anyone except, perhaps, some man through whose property half of it went.

The HON. SIR T. MCILWRAITH said that the Premier had reflected on the system that was now adopted in the approval of the plans and sections of proposed railways in the Committee of the whole House. The conclusion that the hon. gentleman had come to was unjust; and he did not think it was reasonable at all to say that the new system had failed to attain its end simply because it took a longer time to approve of the plans and sections than when they were brought before the House. That was a result that was perfectly inevitable. The reason for referring matters of that kind to a Committee of the Whole was that free and fair discussion could be had on the proposals of the Government by those means only. When a matter of that kind was referred to the House alone, the Minister for Works, having spoken, had the right of reply, while others had only the right of speaking once. Now, it was quite evident that under the old system no information was given to lead hon. members to come to a right conclusion as to what they were to do on a question in which they were to give their votes; and he was glad to see the new system adopted. Of course it would lead to delay in passing those votes through the House; but the question was whether the object to be attained was simply that the route proposed should obtain the sanction of the House. He thought the object to be attained was the full and fair discussion of the proposals of the Government, and indeed it was only in that way that justice could be done. The Premier had unreasonably complained that so much time had been spent over a matter of this sort, when proposals comprising the expenditure of a much larger amount of money had passed the House without one-tenth part of the discussion. The Premier called that a wrong system, but he was wrong in saying that was a small matter. It was a very important matter. Those sixteen miles would cost something like £80,000. According to the estimates of the Engineer-in-Chief it would cost £45,000 for construction alone; but no estimate had been given of the cost of the land through which the line was to go, nor of the rolling-stock. The Engineer's estimate was invariably under the actual amount the line would cost when completed: so that hon. members would agree with him that they did not over-estimate the cost if they put it down at £80,000. It had been shown quite clearly during the discussion that the wrong route had been adopted; but he thought that as the House had sanctioned a line to Beauaraba they must—unless some very strong reasons were given—make that line. As a matter of fact, the money had been borrowed for the construction of the line. The question before the House was as to whether that was the proper line to construct. The point where it would deviate from the main line had not been shown when the money was voted; but the line that had been proposed by the Government was to leave the main line at a point where it would go for half the distance through one large estate. It continued right on to Beauaraba, through lands which were not under agriculture at the present time; and the agriculture that existed, if it did exist, was beyond that point. It had been shown that there was no population at Beauaraba itself to justify the construction of the line; but being committed to the construction of a line they ought to get the best line, which would serve the greatest number of people. What would be the result of departing from the main line at the point proposed, at 120 miles on the Warwick line? That was the place where a direct line from Toowoomba, *viâ* Drayton, would strike the Warwick line, and there would be a portion of the line between Gowrie Junction and the 120-mile point which would be relieved from the through traffic; so that the only reason for running a train along that portion would be to accommodate the local traffic. But as a matter of fact there was no local traffic except what would be got in a secondary way from the Westbrook homestead selectors; and he would state the position the people would be in if the proposed line were made. Suppose the traffic on the main line were stopped, as it would be when the direct line was constructed, the homestead selectors on the portion of the main line which would become a branch line would be in a far worse position with regard to railway accommodation than ever. At present they had the accommodation of the main line with two stations, but after the proposed line was constructed that line would become a branch line and would only carry traffic suitable to a branch line. The line proposed by the hon. member for Aubigny at once struck one as the natural line to give the best accommodation to the greatest number of people. A line leaving the main line three or four miles south of Gowrie would run through the Westbrook homestead selections, and would go through a large amount of farming settlement. To all those people a direct line to Beauaraba in that direction would give railway accommodation. The line itself would not be much longer, for anyone could see by the plans that the hon. member for Aubigny did not exaggerate when he said it would be one and a-half miles longer. Anyone who had travelled on the main line would see, from the character of the country, that it would not be worse to construct than the line proposed by the Minister for Works, and that in order to accommodate the greatest amount of settlement the line should leave the main line four miles south of Gowrie and run through the Westbrook Homestead Area in as direct a line as possible to Beauaraba. With a view, therefore, of giving hon. members an opportunity of choosing the better route—the route that must be adopted if the construction of a line in the district were at all justifiable—he had framed an amendment; and he now moved that all the words after the word "That" be omitted, with a view of inserting the following:—

The plan, section, and book of reference of the proposed Beauaraba branch railway be referred to the hon. the Minister for Works, with a view of getting

submitted to the House the plans and sections of a line giving the benefit of railway accommodation to the homestead selectors of Westbrook.

That would serve two purposes; it would be keeping faith with the country, to whom they were pledged to make a railway to Beauaraba by the Estimates passed last year, and it would give accommodation to the greatest number of residents on the line.

The PREMIER said that of course what the motion of the hon. member meant was that the matter should be postponed indefinitely — at all events until a fresh survey was made, or possibly more surveys than one. Perhaps it was as convenient a way as any other to reject the line proposed by the Government. That was no doubt what the hon. member wanted—to reject the line without taking the responsibility of rejecting it. He did not know that much more could be added as to the merits of the proposed line. According to the hon. member the question raised by the amendment was simply a question as to the route which a railway line should take to Beauaraba. But for two hours and a-half hon. members on the Opposition side had been contending that the line should not be made at all, and now the hon. member came forward and said that after all it was only a question of route, and he wanted the matter postponed until the right route was discovered. The Minister for Works had given reasons for the adoption of the route as proposed, and he had nothing to add to them.

Mr. ARCHER said they could not decide upon a new route without getting a fresh survey made. The hon. gentleman would remember that when the Loan Estimate was before the Committee the Opposition opposed the construction of a railway to Beauaraba, but, being defeated, they bowed to the decision of the Committee, and accepted the fact that a railway was to be made to Beauaraba. The question now was as to the best route to that place, the route which would add most to the prosperity of the colony. They had reason to doubt—not only the Opposition, but members sitting behind the Premier—whether the proposed route was the best; and it had been distinctly stated by the gentleman who probably knew the country better than anyone else, that it was not the best route. There was no desire on the part of the Opposition to hinder the construction of a railway that had been decided upon, but they wished to see the line carried along the route which would be of the greatest benefit to the settlers, and which would not cost the colony an excessive sum.

Mr. CAMPBELL said he did not know whether the effect of the amendment would be to block the proposed line; but whether that was so or not he intended to support it. He could not sit there and see the gross injustice that would be done to 200 or 300 people by constructing the line as surveyed without raising his voice against it. It was all very well for the Minister for Works to say that that line would not be taken up. Possibly, it might not be during his term of office; he might adhere to the promise he had made. But the hon. gentleman's successor in office would not run a special train there for farmers' produce, and passengers would certainly object to going eleven miles round when they could reach Toowoomba in a much shorter way providing the Drayton line was made. Some time ago it was said that hon. members on the other side were posing as the poor man's friends; they were certainly doing so on that occasion—they were advocating the poor man's rights. The majority of the homestead selectors at Westbrook were eighty-acre men, who had had a long struggle against hard times; and now, in the face of that, it was proposed to do away with their railway communication. To do so would be a crying and a grievous shame, and he hoped the Committee would not assent to it.

The HON. J. M. MACROSSAN said the effect of the amendment would certainly not be to postpone the line indefinitely, as the Premier seemed to think. It could, at the outside, only postpone it till next session. Not quite nine months had elapsed since the money for the line was voted, and he did not suppose the Minister for Works had his surveyors engaged on the work before the money was voted. Half the present line could be utilised—the half next Beauaraba. He had no doubt that a better route for the remaining portion could be easily found, and the postponement would be for only a few months at the outside. Besides, they would avoid going through that large area of land belonging to one firm, and at the same time would confer a greater benefit on the settlers. Another question cropped up in his mind as well as that of the benefiting of the selectors on the Westbrook Area, and that was the question of making the line pay as much as possible. That portion of the line which ran through the big estate could not be expected to pay at all; not a single penny would be earned on that portion of the line. Many hon. members were perhaps not aware that the branch lines that had been made up to the present time had been worked at a loss. If they continued to make branch lines at a loss the colony would be very soon pulled up in the way of borrowing money. That happy time which the hon. member for Rosewood hoped soon to see would arrive much sooner than the majority of hon. members could wish.

Mr. ISAMBERT: The sooner the better.

The HON. J. M. MACROSSAN said it would come very soon if they were to make branch railways and work them on the conditions mentioned by the Commissioner for Railways in his report for last year. It did not matter who were the authors of those lines, but they had a prospect of paying equally as good as the line now proposed—in fact, the prospect on several of them was better, as none of them ran for one-half their length through one large run from which no traffic would be got. Speaking of the working of branch lines last year, the Commissioner for Railways said :—

"On the South Brisbane branch, the loss in working amounted to £223.

"On the Fassifern branch, the loss was £812.

"On the Highfields branch, the loss was £1,521.

"On the Burrum branch, the loss amounted to £119.

"The credit balances on the Brisbane Valley, Killarney, and Ravenswood branches are due to the fact that on the first and last no maintenance of permanent way was charged to working expenses during the year; and on the second, maintenance for only thirty-nine days was charged. The reason for this being that on all new lines the first six months' maintenance has hitherto been performed by the contractors, and charged to construction account. It is therefore evident that if the regular maintenance charges had been debited there would have been a loss on the working of these branches also."

Now, all those lines were, he thought, proposed by the late Government and constructed by them. They had all a prospect of paying, or they would not have been adopted. According to the Minister for Works, the line before them had a prospect of paying; but it behoved the Committee to improve that prospect, if possible, and that he thought they were able to do by adopting the suggestion of the hon. member for Aubigny. It was not the suggestion of the hon. member for Mulgrave, but of a gentleman who knew the country well—better than any member on that side of the House and as well as any

member on the other. That was the question before them: whether they should benefit a greater number of people and increase the prospect of the payable nature of the line by adopting the amendment; or whether they should adopt the proposition of the Minister for Works.

The HON. SIR T. McILWRAITH said he could not allow the remarks of the hon. the Premier to pass without saying a few words. The hon. member said the object of the amendment was to postpone the construction of the line indefinitely. The hon. member might say what he liked as to the effect of the amendment, because that lay entirely with the Minister; but he had no right to say it was the object of the amendment. The object of his amendment was to make a better and cheaper line to Beauaraba, and one which would serve a greater number of people; and he did not think that, without some reason being shown, the hon. member had any right to question his motives. The effect of the amendment, if carried, would be that the Minister for Works would cause a survey to be taken on the line indicated by the amendment, starting somewhere south of the Gowrie Junction, and passing through Westbrook Homestead Area; and when the survey was completed, submit the plans and sections to the House for approval. Whether that was to be an indefinite process or not rested entirely with the Minister. He did not look upon the question from the same standpoint as the Premier did. The hon. member considered that the sooner the question was decided the better for all parties, but that was not the point of view hon. members ought to take. Hon. members had to say what was the best way to spend that £80,000, and if they would look at the map he thought they would see good grounds why they should have further information put before them in the shape of the result of a survey of the route indicated in the amendment, which, he was sure, would be approved in preference to the one submitted by the hon. the Minister for Works. With reference to the hon. member for Warrego, who approved of the line, and said that he had visited the district and found a large amount of settlement there, he thought the hon. gentleman referred to the settlement on the Westbrook Area, which would not derive any benefit at all from the proposed line. In fact, if the line were constructed, those settlers would be in a worse position for railway accommodation than they were now, because instead of being near a main line with frequent trains travelling—which stopped somewhere between the Gowrie Junction and 120 miles—they would be simply close to a branch line with very infrequent trains. As to trying to shirk the responsibility of voting against the line, he did not shirk it, for if it came to a vote on the resolution submitted by the Government he would have the courage of his opinions and vote against it, because he did not believe in it. He would record his vote against the Government resolution in addition to voting for the amendment he had proposed.

The PREMIER said he did not think he had done the hon. member any injustice in giving him credit for this—that when he made a proposition that would necessarily have a certain result he intended that that result should be brought about. He gave the hon. member credit for so much ability, and he assumed that his object in making the proposition was to bring about that result. The hon. member had left no room for doubt now that his object was to stop the line. He did not object to the hon. member having that desire, but hon. members ought to distinctly understand that the question was whether the line should be made or not. Just a word with respect to the idea of starting the line two or three miles to the northward: The result would be that when the direct line was made through Drayton—as it was bound to be made in time, and before very long either—the junction would be off the main line altogether, and it would be extremely inconvenient, to say the least of it, to go back off the main line to get there.

Mr. KATES said the hon. leader of the Opposition altogether over-estimated the value of the Westbrook Homestead Area. At the general elections in 1879 there were only two voters there; there were only two in 1883, and it was decided to abolish the Westbrook polling place altogether. That showed that the hon. member had not the slightest idea of the population of the place. The hon. member for Northern Downs, who knew more about the district, had told them that they had great difficulty in getting sixteen children to attend the Beauaraba school. He found, from the report of the Secretary for Public Instruction, that there were 34 children attending the school. A few miles north of Beauaraba they found the Southbrook school with 48 children; four miles to the south there was a branch school with 40 children and the Yandilla school with 27; altogether 149. It was to be hoped the hon. member's other statements were more correct.

Mr. NELSON said his statement was perfectly correct. He took the number from the report. He saw the average attendance at that school, as given in the report of the Department of Public Instruction, was put down at sixteen. He did not say anything about the total number on the roll.

The PREMIER: They eat just as much whether they go to school or not.

Mr. NELSON said he was talking about Beauaraba township. He said nothing about the district for twenty miles around; and if that was all the hon. gentleman had to find fault with in his figures he maintained that he was absolutely right.

Mr. KATES: The hon. gentleman said there was only one man in the Beauaraba township. If so, that man must have had rather a large family.

Mr. NELSON said the hon. member for Darling Downs said he only had two votes on the Westbrook Homestead Area. The Westbrook Homestead Area was not in his electorate. It was in the electorate of Aubigny.

Mr. KATES: Westbrook belongs to Darling Downs.

HONOURABLE MEMBERS: No, no!

The HON. SIR T. McILWRAITH said the hon. gentleman knew it very well. No wonder he did not get more than two votes there.

Mr. KATES: Part of the Westbrook Homestead Area does belong to the Darling Downs.

Mr. CAMPBELL said he could not allow the statement of the hon. member for Darling Downs to go unchallenged. There were 360 selectors on the Westbrook Homestead Area; and he said unhesitatingly that there were more voters in four square miles there than there were on the twenty square miles at Beauaraba beyond the proposed terminus.

Mr. DONALDSON said that at an earlier hour in the evening he expressed his intention of supporting the motion then before the Committee, as to whether it was desirable that the line should be constructed or not. Since then matters had become delightfully complicated, and they had heard all kinds of arguments as to the settlement there and the size of the estates. He fell into an error when he said that with the exception of the Westbrook Estate the whole of the

country on that route was held in moderate-sized estates. He meant Eton Vale, not Westbrook; he was under the impression that the first few miles belonged to Westbrook at the time he travelled over it. No doubt there was a great deal of settlement at Westbrook also, but its wants were served by the present line. The chief objection of the hon. member for Aubigny was that he was afraid that after the line through Drayton had been constructed there would be no necessity for the line from Gowrie Junction, and that therefore a large number of people would be deprived of railway communication. That hon. gentleman said that, provided the present line were kept in working order and worked, he would have no objection whatever to the proposed line being constructed. As a resident in that district the hon. gentleman had a greater knowledge as to which would be the better line than anyone else. Very few hon. members were able, of their own knowledge, to express an opinion on the subject. If the question had arisen earlier in the evening as to whether they should adopt the amendment of the leader of the Opposition or the line before the Committee he would not have had the slightest hesitation, from the appearance of the settlement there, in adopting the amendment. But he had already expressed his intention of voting for the line, believing that if it were desirable to construct branch lines the one proposed was one of the best he knew of, and one that there was every possibility of being payable in the future, because it would develope a higher state of settlement than there was at present. He took that opportunity of explaining his reason for voting as he should, and regretted that the amendment was not proposed earlier.

Question—That the words proposed to be omitted stand part of the resolution—put, and the Committee divided:—

AYES, 25.

Messrs. Griffith, Rutledge, Dickson, Dutton, Moreton, Miles, Sheridan, Foote, Beattie, Kates, Wakefield, White, Annear, McMaster, Buckland, Jordan, Mellor, Brookes, Aland, Groom, Donaldson, Macfarlane, Salkeld, Grimes, and Isambert.

NOES, 14.

Sir T. McIlwraith, Messrs. Archer, Norton, Macrossan, Chubb, Black, Nelson, Lalor, Campbell, Bailey, Govett, Lissner, Palmer, and Hamilton.

Question resolved in the affirmative.

Original question put and passed.

On the motion of the MINISTER FOR WORKS, the CHAIRMAN left the chair and reported the resolutions to the House.

The report was adopted.

WESTERN RAILWAY EXTENSION.

The SPEAKER announced the receipt of a message from the Legislative Council intimating that the Council approved of the plan, section, and book of reference of the proposed extension of the Western Railway from 299 miles 37 chains (from Dalby) to Charleville, as received by message from the Legislative Assembly on the 26th August.

MACKAY RAILWAY EXTENSION.

The SPEAKER announced the receipt of a message from the Legislative Council, intimating that the Council had approved of the plan, section, and book of reference of the proposed extension of the Mackay Railway to Eton, as received by message from the Legislative Assembly on the 26th August.

ELECTIONS BILL—RESUMPTION OF COMMITTEE.

On this Order of the Day being read, the House went into Committee of the Whole to further consider this Bill in detail.

Question—That sections 15 to 34, both inclusive, of the Legislative Assembly Act of 1867 are hereby repealed—put.

Mr. MOREHEAD said the amendment placed in the hands of hon. members was that a certain new clause should follow clause 86, but the motion now before the Committee was "that sections 15 to 34, inclusive, of the Legislative Assembly Act of 1867, are hereby repealed." That was not a new clause.

The CHAIRMAN said he had put the question as it had been proposed by the hon member for Bowen.

The HON. SIR T. McILWRAITH: That motion might have been proposed by the hon. member for Bowen, but it was not the clause moved.

The PREMIER: Yes, it is.

The CHAIRMAN said he put the clause as it was moved by the hon. member for Bowen the previous evening, who moved it as a new clause to follow clause 86.

Mr. CHUBB said the Chairman was quite correct. He (Mr. Chubb) had moved the amendment in that form. At the same time, he suggested that if the principle were adopted it would be better perhaps for that amendment to appear in the schedule along with the other repealing parts of the Bill. But he made the motion, as he had stated, in order to draw the attention of the Committee at once to the object of the amendment. If, however, there was any possibility of their being able to carry the amendments, perhaps it might be better now to move that new clause 87 stand part of the Bill.

The PREMIER: This is a convenient way.

Mr. CHUBB: It seemed to him a convenient way, but if there was any objection to it he would move it the other way.

The HON. J. M. MACROSSAN asked, if that was a new clause to follow clause 86, how would it appear in the schedule of the Bill?

The PREMIER: By recommitting the Bill.

The HON. J. M. MACROSSAN: That was rather a roundabout way of doing business.

Mr. MOREHEAD said he would ask the Chairman how he proposed to put that amendment?

The PREMIER: A new clause has been moved.

Mr. MOREHEAD: He supposed even the Premier would allow him to read what had been handed round to hon. members, and which, he took it, was an official document. At any rate, the paper had been served out to them as containing amendments with which the Committee had to deal, and in that it was proposed that a certain new clause should follow clause 86 of the Bill. It read as follows:—

"Election petitions and trial thereof—Sections 15 to 34, both inclusive, of the Legislative Assembly Act of 1867 are hereby repealed, and the following provisions substituted in lieu thereof."

And what followed that, was the new clause 87. Surely there was something wrong somewhere! He would like to have the Chairman's ruling on the matter.

The CHAIRMAN said he put the clause exactly as it was moved by the hon. member for Bowen the previous evening. He would read it again as it was moved, that—

"Sections 15 to 34, both inclusive, of the Legislative Assembly Act of 1867 are hereby repealed."

The HON. SIR T. McILWRAITH said he thought the hon. member for Bowen had made a mistake, and that the Premier had cleverly taken advantage of it.

The PREMIER: I think he has adopted the most convenient way.

The HON. SIR T. McILWRAITH: No doubt it was the most convenient way for the hon. gentleman attaining his object and shelving the whole question. That, however, was not the object of the Opposition. When they were debating a matter of that sort they ought to be consistent. If hon. members would look at clause 4 they would see that that provision was made specially repealing certain Acts and certain portions of Acts; and on referring to the schedule they would find that it was there recounted what Acts were thereby repealed. And in the face of that the Premier said it was a most convenient course to propose another clause to repeal some other section. Possibly it was the most convenient way for him, but the hon. gentleman admitted himself that if the Committee passed that clause it would necessitate a recommittal of the Bill in order to put out the clause.

The PREMIER said the Government did not care what way the amendment was moved. All they wanted to do was to get on with the Bill. The hon. member for Bowen had moved an amendment which distinctly raised the question that the Committee of Elections and Qualifications ought to be abolished. That was the motion before the Committee. The hon. member for Bowen thought that was the most convenient way of dealing with the matter, and he (the Premier) entirely agreed with him. It raised the distinct question that the Elections and Qualifications Committee should be abolished absolutely. He (the Premier) thought that was the most convenient way to deal with the subject. Of course it was very seldom that a Bill of that magnitude went through committee without there being some things discovered which would necessitate a recommittal. He had found some already.

Mr. CHUBB said there seemed to be some misunderstanding on the Opposition side of the Committee as to the proper place for those sections to appear. He would, therefore, ask permission to withdraw his motion, with a view of moving that new clause 87 stand part of the Bill.

The PREMIER: Withdraw the whole lot.

Mr. MOREHEAD: I wish to goodness you would withdraw.

Amendment, by leave, withdrawn.

Mr. CHUBB moved that the following new clause follow clause 86:—

> Every petition complaining of an undue return or undue election of a member to serve in Parliament for an electorate shall be presented to the Supreme Court of Queensland, at Brisbane, by any one or more of the following persons:—
>
> Some person who voted or who had a right to vote at the election to which the petition relates; or,
>
> Some person claiming to have had a right to be returned or elected at such election; or,
>
> Some person alleging himself to have been a candidate at such election.
>
> And such petition is hereinafter referred to as an election petition.

The PREMIER said the amendment that the hon. gentleman wished now to propose simplified the question, because the motion moved last night raised the proposition that the present committee was an undesirable tribunal and it was left to the Government to devise a substitute for it. Now, the hon. member did not confine himself to that general proposition, but proposed that they should go straight to the Supreme Court. Whatever opinions hon. members might have had as to the possibility of improving the Committee of Elections and Qualifications or substituting a mixed commission, that was now entirely removed from the discussion. The hon. gentleman wished to hand the whole matter over to the Supreme Court, and perhaps it was just as well that the discussion should take that form. He gave last night the reasons why that was not desirable, and he did not propose to add anything to what he had said.

The HON. J. M. MACROSSAN said the hon. gentleman said that in withdrawing the motion which the hon. member for Bowen had withdrawn the Committee had deprived itself of the opportunity of improving the Elections and Qualifications Committee, by substituting a mixed commission of some kind. He (Hon. Mr. Macrossan) did not think it was possible to improve the Elections Committee unless it was by improving it off the statute. That was the only improvement that he could suggest. Now, the hon. gentleman stated last night that the Elections and Qualifications Committee had worked very well up to the beginning of the present Parliament, and no complaints had been made against it; but the hon. gentleman's memory was not quite so defective as he would desire hon. members to believe it to be, because he must have heard him (Hon. Mr. Macrossan) more than once or twice say that he had actually told the Speaker that if he put his name on that committee again he would refuse to act. He had told the Speaker that, and the reply he received was that he would use his position as Speaker to punish him. He (Hon. Mr. Macrossan) had told the Speaker that he could do so, and that that would bring matters to a crisis. The hon. the Premier must have heard him repeat that several times. He must have heard several other members object to the Elections and Qualifications Committee, and, unless he (Hon. Mr. Macrossan) was very much mistaken, he had heard the hon. gentleman himself object to the constitution of the committee, and doubted its ability to decide impartially.

The PREMIER: I do not think so.

The HON. J. M. MACROSSAN: Perhaps the hon. gentleman did not remember it, but he had heard him and other members had heard him. It was in *Hansard*.

The PREMIER: I should like to see it.

The HON. J. M. MACROSSAN said the hon. gentleman would see it by-and-by. The hon. gentleman who sat alongside the Premier, the Minister for Works, raised some objection to the impartiality of the Supreme Court judges. He (Hon. Mr. Macrossan) had heard him speak against the judges as he had heard his colleague speak against the Committee of Elections and Qualifications. Now, his (Hon. Mr. Macrossan's experience of the Committee began ten years ago, and it began in a way similar to that which used to exist in the House of Commons. In the middle of the last century the members of the House of Commons voted in a body as to whether an election had been properly carried out or not, and decided who should be the sitting member. Well, his first experience of deciding the validity of an election was in a case that occurred in their time when the whole body of members voted and placed a man in a seat for which he had never been returned by the returning officer. He dared say the hon. gentleman would remember that, so that they here had actually tried the two methods that existed in the House of Commons. The gentlemen composing the House of Commons were quite as competent to judge in matters of that kind as the members of Parliament here were, and they were less liable from their great numbers, and their very superior education generally, to be

influenced by the little petty political motives that sometimes influenced members of Parliament here. They could not possibly escape being biased, because their numbers were so few and they lived and moved and had their being in an atmosphere of politics. It could not be otherwise among a body numbering only fifty-five members, and it was as impossible for an Elections and Qualifications Committee not to be biased by the opinion of the side of the House on which they sat as it was for a member to live without breathing. He did not blame one side more than the other; he took no more objection to one side than the other, because he found exactly the same thing existed when those on the Government benches were sitting on the Opposition side; so that his objection was not against the Government having the balance of power, or because they had the preponderance of numbers in the committee. His objection was now, and always had been, to the principle; and he believed the principle was utterly wrong and that now was the time to alter it. They were now introducing a comparatively new system of penal clauses into the Bill, and after that, when they were increasing the penalties which gentlemen who offered themselves as candidates were liable to suffer, they should establish a tribunal in which every member and every individual in the country should have full confidence. The hon. gentleman at the head of the Government said last night that the judges of the land were more or less biased in politics.

The PREMIER: Might be.

The HON. J. M. MACROSSAN: Possibly they might be, but whatever possibility there was of a judge being biased there could be no doubt of the other tribunal being biased. He was sure the hon. gentleman himself had no doubt about that in his own mind, because when he changed his side he would be equally prepared to change the committee.

The PREMIER: I have always taken the same view.

The HON. J. M. MACROSSAN said the hon. gentleman had made the assertion last night, more than once or twice, and made it most emphatically, that he was not prepared to make the change at present.

The PREMIER: I have said the same thing on the other side of the House.

The HON. J. M. MACROSSAN said he did not remember that, but he did remember the hon. gentleman saying that he had no confidence in the Committee of Elections and Qualifications deciding upon a certain matter.

The PREMIER: I do not think you can find that.

The HON. J. M. MACROSSAN said he would find it. There were many things to be found in *Hansard* which the hon. gentleman had forgotten, carefully as he corrected his speeches—and he knew that he corrected them very carefully. Of course it was understood that he wished to be handed down to posterity as a finished orator, although they on that side had no ambition in that direction. The hon. gentleman took as much care, or more, in correcting and finishing his speeches day after day, at the table of the House, than he did in speaking them.

The PREMIER: That is imagination.

The HON. J. M. MACROSSAN: In spite of that there were many things to be found in *Hansard* which the hon. gentleman would far rather could not be found there.

The PREMIER: No.

The HON. J. M. MACROSSAN said he believed truly and sincerely that the sooner they did away with that Committee of Elections and Qualifications the better. They were now putting it in the power of the Committee to deprive any man of the right of either being elected or offering himself for election for seven years.

The PREMIER: Reduce the time if it is too long.

The HON. J. M. MACROSSAN said he had no desire to propose a reduction in the time.

Mr. MOREHEAD: Why not go in for flogging?

The PREMIER: Propose it.

Mr. MOREHEAD: If it applied to you, I would.

The HON. J. M. MACROSSAN: That would be quite as unfair as the suggestion made by the Premier the other night, when he talked of having him executed.

The PREMIER: I said quite the opposite.

The HON. J. M. MACROSSAN: The hon. gentleman was reported to have said he would spare him for execution; he had not corrected that.

The PREMIER: I did not get the chance.

The HON. J. M. MACROSSAN said they were about to impose the penalties the House of Commons sought to impose a couple of years ago. But the House of Commons had previously a good many years' experience of the tribunal of the judges for trying election petitions, and very little objection was raised to the increased penalties to prevent corrupt practices. He felt confident from the debates he had read that had the same penalties been proposed before the system of trying such cases by the judges was in force they would never have been adopted in England, because they had no confidence whatever in the decisions of the committee. In 1868 the Government in Great Britain introduced a Bill establishing a commission of three barristers specially to try election petitions and to do nothing else. The House objected to that on account of the expense. It would have cost £8,000 or £10,000 a year, and the gentlemen composing the commission could have retired on pensions after fifteen or sixteen years' service. Of course the work would not have occupied on the average more than two or three months in the year. The House objected to that, and the Bill had to be withdrawn and another introduced which referred election petitions to the judges of the Supreme Court; but of course the number of judges was increased so as to prevent their being overworked. That was nearly twenty years ago; and having all the experience of that time to guide them, that Committee could not do better than adopt the same principle. The only member opposite who condemned the amendment of the hon. member for Bowen was the Premier himself; and he was surprised that a lawyer should have imagined such hard things as the hon. gentleman said and imagined against the judges. He had far more confidence in the impartiality of the Supreme Court bench than the hon. gentleman seemed to have; at any rate, he was certain that they were far more likely to act impartially than the tribunal at present in existence. The Premier said it was probable that the judges would not be physically able to go to the different districts to try election petitions, but if they were not able to do that they were not physically able to go on circuit, and substitutes must be found to do the work. As to the expense, he believed the expense of trying disputed elections would be less by the system proposed than under the present system, because, instead of bringing witnesses from the north, west, or any other part of the country, the judge

could go to the spot and try the case. Many hon. members who had not seen election petitions tried might think the trials were conducted without barristers, but such was not the case. Each member had counsel, and they had to pay those men just the same as under the system proposed; so that the expense, under the system proposed by the hon. member for Bowen, would be a mere bagatelle—not one bit more than it was at present. He thought the hon. member for Bowen had made a mistake in demanding a deposit of £500. The £100 demanded by the present Act was quite sufficient, and if the trial of an election petition cost more than that, the judge should have the power to saddle the country with the expense, unless there was a gross case of illegality, when the member guilty should be held responsible. He hoped the Committee would adopt the resolution of the hon. member for Bowen, because he was certain the Bill would be very much improved if they did so. He admitted there were improvements in it over the present Acts, but he believed that the amendment and the subsidiary amendments, of which the hon. member had given notice, would make the Bill very much better than it was so far as the trial of disputed elections was concerned; but without the amendment before the Committee the Bill would be inferior, because the tribunal would be still the same and the penalties imposed would be greater than any penalties imposed anywhere else. He did not think that in America they were so severe—he was not aware of the nature of the penalties in France and other Continental countries—and he thought that England was the only place where the penalties were so severe, and there they had a tribunal in which every man in the country had full confidence.

Mr. ISAMBERT said the question at issue was what tribunal was the best to decide disputed elections? The amendments introduced last night were so ably and eloquently advocated by the hon. member for Bowen, that he was nearly won over to that hon. gentleman's method of thinking, but unfortunately for his amendment he used some arguments which destroyed all chance of ever winning him over. He mentioned that in the 15th or 16th century disputed elections were tried by the judges of the Supreme Court, but he had yet to learn that the judges in the past, as well as in the present, were so immaculate as the Opposition tried to make the Committee believe, or that they were superior in any respect to any Elections and Qualifications Committee which that or any future Parliament was capable of appointing. The hon. gentleman mentioned the 15th or 16th century—the dark ages, the ages in which judges burned witches, in their sense of justice and equity. He had yet to learn that the judges of the present day were any better. There was a motion standing on the paper, in the name of the hon. member for Darling Downs, having a very similar question at issue as that they were now contemplating of the judges in the fifteenth century when they burnt the witches. They dared not burn any more witches, but they could reverse a verdict that had been given by a judge and jury. They could sit *in banco* and reverse it. He held in his hand a pamphlet issued by a person named Hansen, in whose favour, in a case brought by him against the New South Wales Bank, a unanimous verdict was given by a jury, and yet the judges, in their supreme wisdom and with the same amount of justice that they had in those ancient times when they burnt witches, had reversed the verdict and ruined the man. The question was really a serious one, and he only wished he could deal with the question and castigate the amendment now before the Committee. Rather would he see Magna Charta done away with than see trial before the Elections and Qualifications Committee—which was equivalent to trial by jury—relegated to a judge of the Supreme Court. In the petition of Ransome *versus* Brydon, Jones, and Company, and Hansen *versus* the Bank of New South Wales, there were allegations which, if the judges were so immaculate, they would never allow to be made.

The CHAIRMAN: I must remind the hon. member that he is a little out of order in referring to a question——

Mr. ISAMBERT said it was a question who could be more trusted, the judges of the Supreme Court or the Elections and Qualifications Committee of that House. He had a perfect right to canvass the characters of the judges, and would not be stopped.

The CHAIRMAN: The hon. member would not let me state the point to which I take exception. It is out of order to discuss any question of which notice of motion has been given; and notice of motion has been given with reference to the case of Ransome *versus* Brydon, Jones, and Company.

Mr. ISAMBERT said he only instanced those cases as an argument to draw attention to the character of the judges, and having done so he would give way to the ruling of the Chairman. Even the very latest judgment of the Supreme Court had been called in question in the House, no later than last night, by the hon. member for Wide Bay (Mr. Bailey). Their wisdom had been called in question already as far as their application of the law was concerned. A judge when he delivered a judgment ought to be thoroughly cognisant of the effect of his judgment. The question involved far more serious principles than hon. members might at first glance imagine. Should that House—the highest tribunal in the land—a body which was almost outside the law, because it made the law—which, through the Government, appointed the judges—should that House be subject to its servants? Should the greater be subject to the less? The thing was preposterous; and, as he had said, he would rather see Magna Charta abolished than trial by jury, or, in other words, trial before the Elections and Qualifications Committee. He considered that any hon. member who could vote for the amendment either gave it in ignorance of what he was doing or he committed wilful treason to the Constitution under which he lived.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said he was rather sorry to hear the hon. member who had just sat down endeavour to draw a parallel between the Supreme Court judges of the present day—whether in that or any other colony—and the corrupt judges to whom reference was made last night by the hon. and learned member for Bowen, in the extract which he read from "May." It was well known that there were causes of complaint in those old times as to the decisions which were given by judges. They were removable at the will of the Crown, and consequently had a strong inducement to give decisions that were often contrary to truth and justice. But causes of that kind could not and did not operate now, from the fact that judges did not hold their offices during pleasure, and that they now lived in a different state of society. It might be safely said that there was now no corruption on the bench. Mistakes had been made, and always would be made so long as man remained the fallible being he was; but to say that there could be anything in these days like a repetition of what used to prevail in the times to which the hon. member referred last night was to say what was contrary to the experience and the knowledge of every

member of the Committee. He did not think there was any attempt made by the Premier last night to disparage in any way the judges as a tribunal for deciding questions such as those proposed by the Bill now before the Committee to be referred to the Elections and Qualifications Committee. The hon. gentleman only referred to possibilities, and not to things that were matters of actual fact or experience. The Elections and Qualifications Committee was a tribunal for deciding questions of fact. Did they not know very well that according to the law of the land, in matters affecting the liberty of the subject and affecting a man's life, the question of fact was decided by a jury of his fellow-countrymen? And he made bold to say that if the Committee of Elections and Qualifications only thought their decision—which was equivalent to the verdict of a jury—was such as to impose severe penalties upon the members petitioned against, they would pause a very long while indeed before they allowed any party bias to come between them and the recording of a just decision upon the facts. They all knew that juries went into the box impressed with the conviction that very grave consequences depended upon their decision; and though it was possible that a Committee of Elections and Qualifications might not give the same profound consideration to questions of fact when the consequences were comparatively slight, was it to be supposed that seven men could be found in the House who, from mere party feeling, would consign a man to the infamy of being considered unworthy of a seat in the House?

Mr. NORTON: It is four to three.

The ATTORNEY-GENERAL: When the question was simply whether a man should sit or not, it was of comparatively small moment; it might not affect his character, or his position in the eyes of his fellow-men; but when it came to finding him guilty of bribery and corruption, stamping him with such a brand that he was not worthy to take part in the councils of his country for a period of years, no seven men in the House would give such a decision as that against an innocent man. Where was the horror about proposing that a committee of the House should determine questions of fact, when there was no horror expressed at the idea of a jury of men chosen at random deciding whether a man accused of some crime should live or die, or be imprisoned for a period of years? He thought the argument of the hon. member for Rosewood was erroneous when he said that because on questions of law the judges had sometimes to reverse the finding of juries in cases where perhaps they had been wrongly directed, or to reverse the judgments entered on such findings, therefore the decisions of judges were not to be relied upon. The hon. member was quite wrong in supposing that in the cases he referred to the judges sat as a tribunal to settle questions of fact, or to reverse the findings of juries on the same facts. Judges did not sit to review the findings of juries on certain facts, though reference had sometimes to be made to the judge's notes taken at the trial to assist them in coming to a conclusion. If the jury were to say that the evidence showed that a certain man had sustained certain damage, and there were not a word in the evidence to support a finding of that kind, it would be a gross miscarriage of justice for the judges to allow the jury to say that such damage had been sustained. The feeling with all men who were charged with an offence was to allow themselves to be dealt with by a jury, and in matters exclusively of fact he thought the Elections and Qualifications Committee was the tribunal especially fitted for deciding them. The hon. member for Townsville had ridiculed the idea of the system proposed in the amendments proving costly. It would be very costly to the country in the first place to transport the judges and all the machinery of the courts—the associates and officers of the court—from the metropolis to some distant part of the country; then the cost of proceedings — witnesses taken from one part of the country to another and maintained during the whole of the trial — would be very great indeed. It was a very bad thing to make justice so costly that men preferred to submit to injustice rather than attempt to obtain redress; and if a man were told at the very outset that he must find security to the amount of £500, and then run the risk of having to pay all the costs if he failed to prove his case, it would deter a great many men from attempting to obtain their rights in these matters. As a matter of fact courts of law did not require security to be given for costs before actions were tried. Even if a man bringing an action were a pauper, and there were every reason to think that he would fail, yet so anxious were the courts that every man should have the opportunity of getting justice, that the pauper would not be required to find security for the costs before commencing the action. However, the proposition of the hon. member for Bowen was, that before a man could commence an action to recover a seat to which he believed himself to be entitled —even though he were a poor man who had probably had as much as he could do to pay the expenses of his election — he must find security for £500. That was quite apart from what the Premier had pointed out—that the judges would be bound by the strictest rules of evidence, which of itself would operate to prevent substantial justice being done; not because the judges would do any injustice, but because much of the evidence which the committee would take would not be strictly admissible in a court of law. He would say again that the sense of fairness possessed by every man in the House would cause the committee, when they knew that their finding carried such serious consequences, to act as men and not as contemptible creatures. If the allegations that had been falsely made against the members of the Elections and Qualifications Committee could be substantiated, the Assembly against which such an accusation could be fairly levelled would be a company of degraded individuals without character or principle, whom no respectable man outside would associate with. He was sure that was not the character they would in their serious moments attribute to any member of the House. He hoped they had more respect for each other, even though they might be biassed politically in regard to many matters, than to brand a man in the way he had indicated or subject him to the consequences to which he would be subject if the committee were to make a finding adverse to him. Holding as he did that the fears expressed by some were imaginary and without foundation, and that the statements of those opposed to the Bill were not warranted by experience, he thought they could not do better than pass the Bill, or at all events reject the amendments of the hon. member for Bowen.

Mr. MOREHEAD said that at last—oh! at last—they had heard the Attorney-General. He could hardly believe the hon. member was sincere in saying that that was one of his serious moments. If it were so, then, unless the hon. member was a jocular man, which he had not the reputation of being, he (Mr. Morehead) was sorry for him. If the speech he made just now was a serious one, it was one of the most absurd that ever was made in that Committee by any gentleman. His law was wrong; even he (Mr. Morehead), a neophyte in the law, could tell him that his law was wrong. He saw

the Premier was watching him—therefore he should be very careful. The hon. gentleman told them at the commencement of his speech—of which he (Mr. Morehead) made some notes, which he hoped would be interesting to him and also to the public—that an appeal had been made to centuries back, to the 14th or 15th or 16th century—that the hon. member for Bowen had to go so many years back.

The ATTORNEY-GENERAL: I beg the hon. gentleman's pardon. I condemned the speech of the hon. member for Rosewood, in instituting a comparison between the cases referred to by the hon. member for Bowen last night and the cases of the Supreme Court judges of the present day.

Mr. MOREHEAD said that was exactly what the hon. gentleman did say. The hon. gentleman himself said that in those days the church and the law were combined, and they seemed to be combined in the present day. The hon. gentleman must remember that Chancellors of England were very often churchmen. He thought the hon. gentleman would admit that the comparison that he had drawn was, at any rate, one which might fit himself; he would not say it did not. If there was anything in the comparison, the hon. gentleman must admit that it could only come back upon himself. He had also told the Committee that it was better that the cases of disputed elections should be relegated to a committee appointed by the House than relegated to a judge. That was the real point they were discussing. He held that the hon. Attorney-General was wrong again there, when he talked about an appeal to a jury of their fellow-countrymen, and about that privilege being the one palladium and so forth—he did not use that word; but he would if he had thought of it. They had to remember that when a case was relegated to a jury of the House, there was no power of challenge, but when a case was tried before a court there was that power. When a case was relegated to a judge it was relegated to one who was clearly out of the arena of politics, and he was sure that every justice would be done. He was equally certain that if the matter were relegated to a committee of the House a possible injustice might be done, because, as had been pointed out over and over again, the committee was the committee of the majority, and no matter how much those men might wish to do justice, they were biased. He had been a member of an Elections and Qualifications Committee — Chairman — for a year or more, and he knew perfectly well that, although he had no difficult cases to deal with, if he analysed his feeling at that time it would be one of leaning towards his party, and that was the feeling held by hon. members in that Committee. If hon. gentlemen would vote as they ought, they would get out of a very disagreeable position by imposing it upon a tribunal that certainly would be clear of all bias and leaning. He wondered why the Government did not willingly adopt the amendments moved by the hon. member for Bowen. Certainly, he agreed that the £500 was too much security to ask; but that might be easily altered. He held that not only were they perpetuating, if they passed that Bill, a thing that was a blot upon their legislation, but they were doing even more. The opinion of the Committee was very much divided as to the propriety or impropriety of their present mode of dealing with election petitions. It was perfectly competent for the Government to take up a position and say, "We will allow things to remain as they are in this Bill, but if the House choose to make a fresh departure, and relegate the duty of deciding disputed elections to the judges of the Supreme Court we are willing to yield or to accept the decision of the House." It was not really a party question: it was a question for the House to decide, irrespective of politics altogether. But the Government had gone a good deal further. If they had only let matters stay as they were it would have been bad enough; but they had gone further, and had given the Elections and Qualifications Committee a punitive power that did not exist in any House in the colonies, or in any English-speaking community, and the Premier knew it as well as he did.

The PREMIER: I know otherwise.

Mr. MOREHEAD said they had put in a punishing clause that did not exist in any other Act in the colonies. While they on that side of the globe were boasting about their Liberalism and the power they gave to electors and to every individual in the colony, what had happened on the other side, in what might be called in some respects the Conservative portion of the Anglo-Saxon race—Great Britain? Even in that great representative body—the House of Commons—which was the greatest representative body probably in the world—they found that even there, with 654 members, the power of adjudicating in cases of disputed elections had to be taken away, and relegated to the courts of law. The Government here, on the other hand, declined to give that power to the judges. They not only said that the Legislative Assembly should have the power of deciding whether a man was properly or improperly elected; but they went further, and said, "We not only shall decide as to whether a man is properly elected or not; but we shall decide also as to what punishment shall follow upon a man who happens to fall under the displeasure of the prejudiced tribunal." The phrase was old, but he would repeat it—"Show me," it was said, "the Elections Committee, and I will tell you the verdict."

The PREMIER: I have heard that of juries, too.

Mr. MOREHEAD said the hon. gentleman's knowledge of juries was greater than his, and he had not the least doubt that, with the advantage of the challenge, the hon. gentleman had been able to secure a jury in many of his cases to secure his success. He had no doubt it was more on account of his jury than of any exertions on his own part that he had got many a client through. It was the knowledge of men possessed by a clever counsellor, such as the hon. gentleman was, that enabled him to secure such a jury as would ensure the acquittal of his client or get a verdict in his favour. So it was now with a cleverly devised Committee of Elections and Qualifications, the result was just as assured as the clever picking out of the jury by the Premier secured the verdict for him as counsel for the defendant. He could not see for the life of him why the Government could object to the amendments. They had commended themselves to the English Parliament, who had given up the Elections and Qualifications Committee seventeen years ago. It had been abandoned in other English-speaking communities, and why should they object to its abandonment? Surely, if they wanted justice, why could they not go to the Supreme Court? No member of the Committee, he thought, would object to the constitution of the present Supreme Court, or would doubt, that had they to deal with a matter of that kind they would give even-handed justice. He was aware there was a single member of the Government who thought the judges had a down upon him; but that only showed the evil conscience of that hon.

gentleman. He was perfectly certain there was not one judge upon the Supremé Court bench of the colony — and they could congratulate themselves upon its being so — who, when he put on the ermine, did not put off politics. He maintained it was a very much superior and more just way of dealing with a disputed election to refer it to a judge of the Supreme Court, than to refer it to a biased and politically appointed committee. Hardly a year passed in which they did not have to complain of the decisions of the Elections and Qualifications Committee; and he was certain that every member of the Committee would wish to be relieved of the responsibility and inconvenience of sitting upon that committee. Now, when they had an opportunity of putting the power into the hands of a tribunal that would be perfectly unbiassed, he wondered that any hon. member should oppose it. He hoped the Premier would see his way to accept the amendments. He did not for the life of him see what the hon. gentleman was fighting for. He could not see what benefit was to be derived by the House or the country by the Premier refusing to accept the amendments. He could not see why it should prevent the passing of the Bill which had many good points in it. What they wanted was to let the people of the colony see that when an election was disputed it would be settled by a tribunal from which they could have no doubt as to their getting substantial justice. Those were the only reasons which actuated the hon. member for Bowen in bringing in the amendments, and they were certainly the only reasons which actuated himself and the members sitting on his side of the Committee in wishing and desiring that they should become law. If they did not have cases of disputed elections dealt with in the way indicated their being dealt with by the Committee of Elections and Qualifications would always be an open wound—a running sore—and the people of the colony could have no faith in the purity of elections being maintained.

The PREMIER said he had given last week the reasons which had led the Government to consider that it was neither practicable nor expedient, at the present time, to devolve the trial of election petitions upon the judges of the Supreme Court. He had given the reasons which had led the Government to come to that conclusion, and he should only be repeating did he give them again now. There were two things referred to by the hon. member who had last spoken to which he would refer. The hon. member said it was quite right and within the province of any member of the Committee to propose amendments in a Bill of that sort, which was in no sense a party measure. That was true, but if the amendment involved an entirely new subject or an entirely new branch of a subject, of itself requiring very careful consideration and very careful elaboration too, before it could be adopted, the Government had a right to say that they were not prepared to accept a scheme at the present time entirely crude and unsuitable, and which, even if the majority of the Committee thought it desirable, they had not the necessary time during the present session to put into effect. That was a perfectly proper position for the Government to take up, and one which, indeed, they were bound to take up. The other matter he wished to refer to was this: The hon. gentleman appeared to be under a delusion with respect to the powers of the present Elections and Qualifications Committee. He seemed to think that they could not impose penalties for corrupt practices; but they had such power, and the hon. gentleman appeared to be under a misapprehension in that respect. At the present time, if the Elections and Qualifications Committee found a man guilty of bribery—one kind being holding a meeting in a public-house—they had the power to disqualify him from sitting in the Assembly during the whole of the time that might intervene between the time the report was made and the next general election. He might further state that the commission of the offence by an agent was equivalent to an offence by the candidate himself. That was the existing law, and the change proposed in the Bill now before the Committee simply extended the period. It was entirely a matter of detail, but the principle was in no way altered.

The HON. J. M. MACROSSAN said that the hon. gentleman had just told them that the present Act contained clauses which gave the Elections and Qualifications Committee power to deprive a man, guilty of bribery by holding a meeting in a public-house, of being elected during that Parliament. It was a most extraordinary thing that he had himself been a member of a Committee of Elections and Qualifications who had tried that very point. The very point they had to try was whether the meeting was held in a public-house or not with the knowledge of the candidate, if not of his agent, and it was proved as plainly as Mr. Fraser sat in that chair that the meeting was held in the public-house and that the candidate knew it. Well, that gentleman took his seat in that House. Instead of being subjected to the penalty of not being allowed to sit during the whole of that Parliament he actually took his seat in that House.

The PREMIER: What view did you take of it?

The HON. J. M. MACROSSAN said he was not going to tell the hon. gentleman what view he took of it.

The PREMIER: I do not think it was a meeting in a public-house within the meaning of the Act.

The HON. J. M. MACROSSAN said he was perfectly certain that it was a meeting in a public-house. The gentleman's committee was there, he was there himself, and his agent was there, and there was some brandy and ale there, too, and yet the Elections and Qualifications Committee permitted that man to take his seat in the House, and that showed how much dependence could be placed upon them in a matter of that kind. But the committee had no such power as was proposed in the Bill. Under the Bill, if a candidate was found guilty of a corrupt practice he was rendered incapable of ever being elected or sitting for that electorate during the whole period of his natural life. During the whole period of his natural life he could never be elected for that electorate again; that was in the Bill before the Committee. In addition to that, he was also held to be subject to the same incapacities as if at the date of the report he had been convicted of an illegal practice. Now, what was an illegal practice? It was a misdemeanour, and the candidate guilty of that was liable to be imprisoned, with or without hard labour, for a term not exceeding one year. He would also be held subject to the same incapacities as if he had been convicted of a corrupt practice. Then, again, if by his agent he was guilty of an illegal practice, he was liable to similar consequences, and the Committee would bear in mind that there was no way of determining what was an agent by the Bill. The Premier had professed to take that measure from the English Statute, but he had not done so; he had taken what suited himself, left out what did not suit him, and altered what he did take to suit himself.

The PREMIER: To suit the colony.

The HON. J. M. MACROSSAN: He did not believe it was to suit the colony. Under the English Act a candidate nominated his own agents, and he was held responsible for their actions, and for their actions only; but under the Bill before the Committee any man might claim to be the agent of a candidate, and by so doing could involve the candidate in the pains and penalties imposed by the Bill.

The PREMIER: No.

The HON. J. M. MACROSSAN: Yes; there was nothing said about what constituted an agent.

The PREMIER: That is all provided for.

The HON. J. M. MACROSSAN: An agent might do a corrupt or illegal thing and then the candidate was held liable.

The PREMIER: It is expressly provided to the contrary in the Bill.

Mr. MOREHEAD: An agent is not provided for.

The PREMIER: Yes; in section 106.

The HON. J. M. MACROSSAN: Section 106 did not define or determine what was an agent. It simply gave the Committee of Elections and Qualifications the power to exonerate a candidate, in certain cases, from responsibility for the corrupt and illegal actions by his agents, if they chose to do so; but if they did not choose to do so the candidate was liable. He (Hon. Mr. Macrossan) contended that when the hon. gentleman wished to make an alteration in the Elections Act, such as was proposed in that measure, and took the English Act—of 1883, he believed—as the groundwork of the Bill he was framing, he should also have taken the tribunal which that statute was intended to be operated by and included it in that Bill, in the way the hon. member for Bowen desired to do by his amendment. The hon. gentleman stated the previous night that it was a difficult matter to deal with those amendments—that they required very careful consideration, and therefore they should not adopt them at all. That was what he meant—in fact, what he said. That the amendments required consideration and elaboration, he (Hon. Mr. Macrossan) admitted; but, as the hon. member for Mulgrave had told them, the Premier could do it all in one night. They knew the hon. gentleman's capacity for drafting clauses and amendments in Bills, and they knew that he could do all that was required—all that was necessary—in connection with the matter in one night if he chose. If the hon. gentleman would only say that he would accept the principle that would be quite enough, but he did not even go as far as that. He would not admit that he even thought of the principle at all; therefore the excuse that the amendments required elaboration was simply an excuse. He believed himself that if the hon. gentleman did not think fit to establish a better tribunal than the one which existed now, the best thing he could do would be to withdraw the Bill.

Mr. MACFARLANE said he did not rise for the purpose of prolonging the discussion on those amendments, as he did not believe in them. He simply wanted to state a fact to the Committee which took place while he was a member of an Elections and Qualifications Committee. The hon. member for Balonne was chairman of that committee, and the report they sent in to the House unseated the present Minister for Works by a majority of 5 to 2. He mentioned that fact to show that 5 to 2 could not be a biased report, as one must have gone from one side of the House to the other to make that majority. If it had been a biased report, the voting would have been 4 to 3 and not 5 to 2. He thought that showed that the Elections and Qualifications Committee was, after all, perhaps the best tribunal that the Committee could find to decide as to the merits of disputed elections. He had never been in favour of substituting the Supreme Court, as he believed that was about the worst tribunal they could choose. It was not any better than the one they had. Perhaps, instead of appointing four members from one side of the House and three from the other on the Elections and Qualifications Committee, it might be better to appoint three from each side and elect an independent chairman, or it might be arranged that the members of the committee should be elected by ballot.

Mr. ARCHER: They would certainly all be of one opinion in that case.

Mr. MACFARLANE: He did not think they could improve upon the present arrangement, and to his mind the illustration he had given was quite sufficient to show that the Elections and Qualifications Committee was not always biased.

Mr. BROOKES said that a good deal of speaking that evening had been apart from the question. The question was, whether they should change their present system and have disputed elections decided by themselves or by the Supreme Court. That was the proposal before the Committee. Now, he might say that when the hon. member for Bowen was speaking last night he carried him (Mr. Brookes) with him to a considerable extent, and he would do the hon. member the credit of saying that he put his case very well. This was not a party question. He did not regard it as a party question. It applied to both sides, so that they really ought to be able to discuss it impartially. He would admit that when the hon. member for Bowen went so very far back he began to think his case was not very good. His (Mr. Brookes's) reading of history, as far as regarded the liberties of the people, was not in favour of entrusting them to any judge. There had been no greater tamperers with the liberties of the people than the judges; he thought that was a verdict which must be given by any one who read history. He would go so far as to say that there was no present improvement which was enjoyed in connection with the liberties of the people which had not been bitterly opposed by the judges; and he might remind the hon. member for Bowen of that greatest of obstructionists, Lord Eldon. At all events, the impression on his (Mr. Brookes's) mind was, that having got the present system, they should be, at all events, very cautious how they changed it in favour of handing over any privileges they had to any Supreme Court whatever; and he said this—and the last speaker, the senior member for Ipswich, bore him out in what he was going to say—that he was not aware that any charge had ever been made against the Elections and Qualifications Committee. He knew that the Committee had turned him out once or twice so that he had had a little personal experience, but really, although he might feel sore for a day or two, he could never call into question the equity of the decisions. But if they turned the question over to the Supreme Court what did they get? Something had been said about law. Now, he had a great esteem for law. Someone had said that law was the embodiment and essence of common sense. He believed it was, but still he did not think it was the essence of common sense as represented by the Supreme Court, and he would tell hon. members why. It might seem a hazardous statement, but this was why he said so. The Supreme Court was guided by law and it might well be that the case of a disputed election, on being referred to a judge,

might be decided on law as against common sense and equity. Now, he knew that that would draw some remarks from the member for Bowen or other legal gentlemen in the House, but he could not help saying that although he had suffered from the action of the Elections Committee, yet there was a certain security in that committee, and it was right that cases of disputed elections should not be bound up by any hard-and-fast rules such as prevailed in the Supreme Court. It had been well pointed out by the Attorney-General that the duties of the Elections and Qualifications Committee were simply to determine facts, and he (Mr. Brookes) was not prepared to give up his faith in the honesty and gentlemanliness of the Elections and Qualifications Committee as composed of members of that House. It would be an exceedingly dangerous thing if they were to change their present mode of dealing with those matters and hand it over to a judge. There was another great danger to which he would advert, as certainly comprised in the amendments proposed by the hon. member for Bowen. The amendments would shut out the poor man from the House. A candidate who had strained his resources and got in might be petitioned against frivolously by a rich man, and what would be the position of that candidate? He would rather retire than run into debt or embarrass himself by testing the question in a court of law. The balance of argument was in favour, he thought, of the rich man. Now, he must confess that he was afraid of rich men, as a rule. He thought that they were not remarkable for their love of equity and justice. If they could get what they wanted through the brute power of their money they tried to do so, and the object of the legislation of Parliament should be to offer every inducement to all classes of the community, apart from their opinions, to become members of Parliament. There was still another matter. It very often happened that a person who was really elected by the common sense of the electors was liable to have his seat challenged on technical grounds. Now, this was an argument that applied all round, and prevented the question from being one of a party character. The present Elections and Qualifications Committee did not care about technicalities. They looked into all the surrounding circumstances, and he considered such a committee was perfectly justified in deciding that a member should retain his seat if it appeared to them, looking at the surrounding circumstances, that he represented in a sound political sense the constituents whom he professed to represent. But that man might be turned out in the Supreme Court because of some flaw. There might be some little informality—and really, although he called it a little informality, it might be one of such a nature that a judge would not be able to overlook it. He could not blind his eyes to it, and yet it might not be an informality of such a nature as to warrant the losing of the seat by the member. Those were all matters which they, as business men, could understand; and he thought hon. members did not wish that the Elections Committee should proceed by any such cast-iron rules as must be followed in the Supreme Court. Consequently he had no difficulty in giving his vote against the amendment. He saw no necessity for the change. He was not aware that any charge had been made against the Elections and Qualifications Committee, though it had been said that such a charge had been made; and they should be very slow to change what had worked very well for the last twenty-five years. He maintained that all the decisions of Election Committees for the last twenty-five years were borne out by common sense, and did not show that party animus it had been said they did show. Because he believed the change was uncalled for and would be dangerous, and seeing that it implied passing a valuable portion of their privileges into the hands of persons in whom they might or might not have full confidence, he thought they had better let things remain as they were.

Mr. HAMILTON said the hon. member for North Brisbane gave as a reason for the retention of the present system that it had worked well for the last twenty-five years; but the records of the House showed that such was not the case, because when the present party were last in power a member brought forward a resolution proposing to abolish the Elections Committee, which was carried by a majority of three. The Attorney-General gave as an argument in support of allowing committees to decide disputed elections that it was perfectly right to do so when they took a random jury from the street to try a man for his life; but he (Mr. Hamilton) would far sooner be tried for his vital existence by a random jury from the street than for his political existence by an Elections and Qualifications Committee. In being tried by that committee he would not have the right accorded to a criminal, who was allowed to challenge any of the jury supposed to be interested. The Premier stated in support of the fairness of the decisions of the Elections Committee that during the present Parliament the fairness of only one had been challenged; but seeing that only three petitions had been tried that meant that one-third of the decisions given were unfair. That, however, was not correct, because many members believed that two-thirds of the decisions were unfair; and, moreover, more cases would have come before the committee had the persons interested believed they would have received unbiased decisions. Some years ago a member lost his seat because he sat on a commission and accepted pay; but it was considered useless to bring the case of the hon. member for Bulimba, which was a similar one, before the Elections Committee on account of the composition of that committee. The Premier asserted that the attack on the Elections Committee was an attack on hon. members, and was equivalent to saying that they themselves were corrupt; but no such imputations had been made. He did not believe they decided any case corruptly. He, himself, might have been equally biased if placed in the same position; but it was impossible, biased as they all were, to decide fairly. Taking the committee as they sat now, if a petition was brought against the Premier, and the Opposition were in a majority, he was certain that the hon. gentleman would not have a ghost of a show; and, on the other hand, if a petition were brought against the seat of the leader of the Opposition whilst the present Government were in power, he would be unseated. Each member of the committee would think he was acting according to his conscience, and the opponents of each member would imagine that the accusation was clearly proved. Did they not see the same thing every day in divisions? Each member conscientiously believed that what members on his own side said was correct, while hon. members on the other side believed it was not. Frequently, his first impulse had been to believe that members on the other side could not be speaking according to their consciences; then he remembered that if he wished his convictions to be respected, he must respect the convictions of others. One argument used by the Premier in favour of the retention of the present system was that the one proposed to be substituted would cost more—in other words, that injustice was better than justice if they had to pay more for it. That might be a rogue's maxim, but it was not the maxim of an honest

man. Nor was it true that it would cost more. The same procedure was followed before the committee as would be followed before the judges, and one had to pay more for counsel before the committee on account of the frequent adjournments for which one had to pay. Frequently there was no sitting for want of a quorum; frequently there was an intermission of several days between the sittings, which seldom lasted more than two or three hours; whereas a judge would sit day after day, and the case would be concluded much more quickly. The only difference was that at present the committee had the discretion of paying witnesses' expenses from the coffers of the State; but a judge could easily be invested with that discretion also, for one whose life had been spent in analysing evidence could surely be invested with the power now held by the committee. And if he were invested with that power, how could the cost of a trial before a judge exceed that before a committee? He thought he had shown that it would actually be less instead of more. Then the Premier stated last night that frequently the Elections Committee were very lenient, and that he did not remember a case in which they had awarded the unsuccessful party to pay costs, but that no judge would ever have awarded costs to the other party.

The PREMIER: Do not misquote me.

Mr. HAMILTON: But no judge would ever have let him off.

The PREMIER: Don't leave out any more "nots."

Mr. HAMILTON: I am reading exactly your words.

The PREMIER: No; those words are not in *Hansard*.

Mr. HAMILTON said he would quote the words from *Hansard*, and the hon. gentleman would find that his memory was a blank, as had often been proved before. Here were the exact words as they appeared in *Hansard*:—

"For instance, they were extremely lenient—he did not remember a case in which they had awarded the unsuccessful party to pay costs; but no judge would ever have let off the unsuccessful party in that way."

The PREMIER: Hear, hear! That is the very opposite to what you said.

Mr. HAMILTON said they were the very words he used. He had proved, in spite of the denial of the Premier, that what he had stated was correct. It was not the first time by dozens that hon. members on that side had proved that statements made by the hon. gentleman were utterly incorrect. It was not the first time he had been challenged with inaccuracy, and he had always refused to take up the challenge. The hon. member for Mackay challenged him in that way on one occasion, and the hon. gentleman refused to take it up. The quotation he had just made was actually an argument against the committee having the discretionary power of awarding costs to witnesses, because he considered that the costs should be paid by the losing party. Under the present system the winning party was saddled with the costs. He would take his own case as a case in point. His election was petitioned against on the ground that in two places more votes were recorded in his favour than there were persons residing in the district, and that if those votes were taken away from his majority the petitioner would be seated. The result of the inquiry showed that if not only those were taken off, but that if every case of personation had been in his favour, and had also been taken off him and given to the opposing candidate, he would still be in a majority; and consequently the committee unanimously decided that it was not necessary for him to call any evidence in defence. But even although he won the case he had to pay his own costs. No judge would have allowed that to be done. It was also stated by the Premier, that if the last Cook election had been tried by oral evidence it would have cost from £2,000 to £3,000. That was another statement with not one scintilla of truth in it. Mr. Cooper and himself were the two members petitioned against. Mr. Cooper did not defend the case and he (Mr. Hamilton) did not bring one single witness. All he had with him were two or three affidavits which he did not produce, because they were simply for the purpose of proving that bribery and corruption had been carried on on the other side. One affidavit, for instance, showed that at Port Douglas the committee booth of his opponents did not contain one single paper; it merely contained barrels of ale and bottles of whisky, to which every man was treated who went to vote for them. He showed those affidavits to some experienced members of Parliament, and they told him not to present them. They said, "You are perfectly safe; even if the statements of your opponents are true, you cannot be ousted; the committee will be satisfied to let Campbell in; but if you produce those affidavits, the whole election will probably be burst up on account of irregularities, and you will have to go up for re-election." That advice might be wrong, but he thought it was worth taking, and he did not produce them. The reasons given against the appointment of a Supreme Court judge were the strongest argument that could be urged against the retention of the present tribunal. If it would be a great calamity to have the cases tried before a judge because he might be a political judge, how much greater a calamity was it to have them tried before the Elections and Qualifications Committee, who were not only political judges, but political judges having a strong personal interest in the result of the election! The Premier gave a suppositious case; he said an instance might occur where it would be to the interest of a political judge to decide in favour of a particular side. He would give a case which was much more likely to occur. Say that after a general election the two sides were equally balanced, and there were four election petitions to be decided. The result of the inquiry, if all went the same way, would be to give a majority of eight to one particular side. Would not that be a strong temptation to the majority of the committee to decide so that the particular side to which they belonged should be put into power? Instead of considering theoretical objections, let them face facts. The last appointed judge was Mr. Justice Mein, who was a strong supporter of the present Government; but he (Mr. Hamilton) and every other member of the House had sufficient trust in his honour and ability to be perfectly satisfied to allow him to try any election case in which they were interested. The same remark would apply to the Chief Justice and to Mr. Justice Harding. The reasons why the Elections and Qualifications Committee should be abolished were stronger than ever, now that its powers were proposed to be so enormously increased. Persons whose cases came before them were not to be allowed the right to appeal. A political tribunal under the Bill had the power to hunt any man from political life if they chose. He should therefore resist the passing of those clauses. He hoped it would not be made a political question, and that hon. members on both sides would support the amendment moved by the hon. member for Bowen.

Mr. ARCHER said the debate must now, of course, to some extent repeat itself, and he should probably have something to say that might already have been listened to by the Committee. But the question was one of such vital

importance that he did not wish to give a silent vote upon it. Not during the whole session had they discussed any matter that more affected the honour and dignity of the House. He believed that if the amendments were rejected a state of things would continue that reflected discredit on the whole colony; while, on the contrary, if they were accepted in such a modified form that they could be incorporated into the Bill, they would in future have no question as to the justice of any decision on an election petition, but would have perfect confidence, not only in the law of it, but in its equity. It had been said that it would give the rich man an advantage over the poor man, but he would like to know in what matter of law the rich man had not an advantage over the poor man? He knew that if a rich man owed him a debt and expressed his intention of defending it to the uttermost, he would let the man stick to the money rather than prosecute him. They could not hope to reconstruct human nature on a different basis: they could only hope that by degrees they would become slightly better, and that a time would come when justice would be served out alike to all men. He believed that in criminal cases justice was equally meted out, but in civil cases the power of the purse always had, and would have for a long time to come, an enormous effect. The hon. the Premier had objected to the amendments as not being the legitimate consequences of the Bill laid before the House. He (Mr. Archer) thought they were. The Bill was introduced to make better provision for preventing corrupt practices at elections, and of course the best provision was to show people who used corrupt practices that they were liable to heavy punishment, and that they would be tried before a court which would not be influenced by political feelings, but would decide on the evidence. That was the way to put a stop to corrupt practices. During the time the Elections and Qualifications Committee held power in England, did it do anything to remove the scandal of corrupt elections? A few seats were changed, but, as had been pointed out by an hon. member, a great authority in the House of Commons said, "Show me the committee and I will show you the member." Since the judges had to deal with the matter, not only agents had been punished but also the principals; and in some cases the principals had been sent to gaol. Not only that, but whole towns that formerly were represented in Parliament had been disqualified. Those measures were likely to stop impure elections at home, an effect that the Elections and Qualifications Committee would never have brought about. If the hon. the Premier was really serious in his desire to stop corruption at elections, and see that the proper candidates were returned to the House, he would take advantage of the experience of England in the matter. The judges had done more during the few years they had had power to decide matters, by punishing not only the authors but the recipients of favours, than had been done by all the Elections and Qualifications Committees that ever sat in England. The amendments fully came within the scope of the Bill. The Premier, so far as he knew, had done nothing in the Bill to prevent corrupt practices. He had certainly increased the power of the committee; but if any hon. gentleman would take the trouble to look up all the records of petitions since the very commencement of the Parliament he would find that, with one exception, the member that was the friend of the majority was invariably returned. That was a most extraordinary coincidence.

The PREMIER: It would be if the facts were so.

Mr. ARCHER: The facts are so.

The PREMIER: No; they are not.

Mr. ARCHER: Well, probably that point would be enlarged upon by-and-by. If they passed those amendments they would confer an immense benefit on the committee itself. He could not imagine a more disagreeable duty than those gentleman had to perform. See how a judge would look on it. A man was recently brought before Judge Paul on a charge of having robbed the Union Club of a £10 cheque. Judge Paul refused to try him because he was a member of the club. What comparison did the interest that Judge Paul had in the question whether the fellow had stolen £10 from his club bear to the interest a member of the House had in the question whether his party should be strengthened or weakened by a member being returned for one side or the other? There was no comparison at all. Then the man was brought before the Chief Justice, who would not try him because he, too, was a member of the Union Club. He would not try the man because of the infinitesimal interest he had in that £10 cheque. That showed how strong was the sense of honour of the judges in those matters. It would be very nice indeed if all members of that committee had such a keen sense of honour as to refuse to act in cases in which they were interested—far more interested than the judge in the paltry matter he had referred to. If the Bill became law as it was, with all the penalties attached to it, he should never present a petition even though he was defeated by a man whom he could prove to be corrupt in every way, unless he was on the side of the majority, when he would get justice, and when, even if he were the malefactor, he would get more than justice. After the experience they had had in previous years, what chance would a poor wretch have if he came out for the minority? Any man of sense would scout the idea of going to the trouble and expense of sending in a petition, when he knew that he had not the slightest chance of getting a seat in the House unless his own side were in the majority. Of course if his party were in the majority he would only have to deposit his £100, and he would walk in with flying colours. The fact of the Elections and Qualifications Committee not being bound by any hard-and-fast rules was, perhaps, the worst part of the whole thing. If they were bound by hard-and-fast rules they would not have the "cheek" to give wrong decisions. But so long as they had latitude they would say "That was our opinion; we are not bound by any hard-and-fast rules." No rules could be too hard and fast in a matter of justice; it was a matter of evidence, and to say the Elections and Qualifications Committee were a better tribunal than that of a judge in matters of that kind, because they were not bound by hard-and-fast rules, was simply to say that they were better, simply because they could give a judgment in the way their opinions went, and not, perhaps, as the evidence would otherwise induce them to go. The fact was the rules ought to be as hard and fast as possible, so that there could be no loophole for anyone to do anything but mete out justice according to the evidence given, and not take into consideration whether they thought it was the opinion of the electorate to return either man, and give the benefit of that opinion, and put a man in although he was not duly elected. That was the very fault of the committee. They did not want things to be done in that loose way; they wished everything to be done justly and in order, and did not want the majority of the committee to call in a sentimental reason for returning a man who was not elected. Seeing the results that had been arrived at by the Elections and Qualification Committees, all the

world over, hitherto, and seeing the admirable effect that had ensued in England by taking the power from them, he should do everything in his power to have the principle introduced into the Bill. He should do all he could when they came to those penal clauses to take away from that committee its power of punishing a man, as it would depend, not upon his guilt or innocence, but upon his opinions, whether he was returned or not.

Mr. BLACK said he did not wish to detain the Committee very long, as it was getting rather late. It could not be said that he had occupied the time of the Committee during the debate; but he thought that, as the action that he and the hon. member for Rockhampton—Mr. Ferguson—who was absent, took in connection with the last petition brought before the Elections and Qualifications Committee at the commencement of the present Parliament had, to a very great extent, led to the very strong feeling that had been shown by members of the Committee as to the necessity of having the constitution of that tribunal altered, he must be considered competent to express what he thought on the matter. Hon. members very well knew the extraordinary decisions that were arrived at by that committee. When he said extraordinary decisions, he meant that not only the members of that Committee considered them extraordinary, but that the people of the colony generally thought them of a most extraordinary nature. And if ever it was necessary to show the very strong bias with which they acted, they could not have a better example than was afforded by that committee. He went on that committee feeling anxious to do justice to both parties, but he found that the committee—composed as it was of four members of the Government side of the House, and three on the Opposition—were bound to bring in any decision that suited them, according to the politics held by the candidates whose cases they were trying. Of course, hon. gentlemen did not think that party bias acted in such cases; but what had they seen in the House? They had seen over and over again cases where members, on the Government side especially, had actually denounced the proposals made by the Government, and yet, notwithstanding that they had stated that they were opposed to the principle involved, they had quietly turned round and said, "But we intend to vote with the Government." What was that except strong political bias? And if they had seen that done by members in the House merely to keep their party together, or keep them in power, how much more likely were they to do so in cases which came before the Elections and Qualifications Committee, where it might perhaps happen that the balance of power was very close, and where that committee, by deciding in favour of their party, might perhaps give that party a very much longer term of office than it would otherwise possibly have had? The junior member for North Brisbane (Mr. Brookes) stated that those committees decided the questions brought before them on the real merits of the case, entirely apart from all legal technicalities. He granted that they did sometimes; but then, again, if it suited them, they took the very strictest legal technicalities into consideration, and in no case was that more clearly exemplified than in two of the elections petitions which came before the last committee. He referred to the Burnett and Aubigny petitions. In one case the committee seated the Government supporter—who was most certainly not entitled to the seat in the opinion of the constituency—by going strictly upon the legal technicalities of the Act. In the other case—the case of the Aubigny petition—they acted upon the legal technicalities of the Act to unseat the sitting member. In fact, those two decisions were given upon such opposite principles that the hon. member for Rockhampton and himself decided not to be made tools of nor fools of by the committee any longer, and the consequence was they resigned. They considered that the decisions come to by the committee in those cases were so unjust that they decided the House must get someone to take their places upon the committee. He should refer to the decision arrived at also in the case of the third petition—the Cook petition. He was at a loss to know upon what grounds the new committee appointed arrived at the decision they did in that case. They unseated the Opposition candidate and put in a Ministerial supporter. If they looked through all the annals of decisions come to by the various Elections and Qualifications Committees since they had had responsible government, he did not think they would find more glaring cases of their injustice than the decisions arrived at in the three cases he had mentioned. The Premier had stated that it was inexpedient to introduce that new principle at the present time. If that were the case it would be far better that they should adhere to the Act they had at present than to pass an Act which would give the Elections and Qualifications Committee far more power than they had before. The Bill gave that committee the power of inflicting penalties which, he maintained, they should never possess. If the Bill in its present shape became law they would have the power to disqualify a man for seven years, besides inflicting upon him most serious penalties. They might make him responsible for the acts of any man who might choose to call himself his agent. If the old Act had not required any amendment, what was the necessity of bringing in a new one? He said the new Bill, in its present shape, should not be placed on the Statute-book of the colony. He did not know whether the Premier intended to try and force the Bill through the House, but he could tell him it would take a very long time to pass it.

The PREMIER: I thought we would be threatened with that.

Mr. BLACK said he did not know what the hon. gentleman meant. Although he had got a majority at his back they on the Opposition side of the Committee were quite as anxious to see good laws passed as the hon. gentleman himself, and it was their duty, although they were a minority, to see that a bad law introduced by the Premier, should not be placed upon the Statute-book. He would like to know what they were there for? No doubt the hon. gentleman would like to see them walk out and let him pass the Bill clause by clause by himself. But they would not be doing their duty if they allowed him to do that. It could be no object of his to sit there night after night—with the result probably of the last two sessions—sitting on nearly up to Christmas. It was no advantage to Northern members to pursue such a course. It was their duty, when it was found necessary to amend the law relating to elections, to see that the amendment was going to be an improvement, and they were justified in saying that an Act should not pass that House which would be the means of doing an injustice to men who might in future be inclined to enter that House. He would point to one clause in the Bill to show the peculiar powers which were to be given to the Committee of Elections and Qualifications—a clause, from what he knew of the bias which actuated those committees, which would inevitably lead to the member whose case they favoured being returned. It was clause 106, subsection (*c*). It said that if the Elections Committeee should be of opinion that the offences mentioned in the report were

of a trivial, unimportant, or limited character, then they should decide that the election of the candidate should not, by reason of the offences mentioned in the report, be void, nor should the candidate be subject to any incapacity under the Act. If that clause were passed it would give that committee power to seat any man they liked. He did not wish to detain the Committee longer. He supposed they would come to a division upon the clause before them. When they got through that clause, clauses 87 to 114 would bring them back to the original Bill.

The HON. SIR T. McILWRAITH said he had been trying for the last hour and a-half to have an opportunity of addressing the Committee, and he had failed. He had two or three points to remark with reference to some of the speeches that had been made. The hon. member for Ipswich used an argument which ought to be followed up. He said that in one case where he was a member of the committee, the voting for unseating a member had been five to two, and he reasoned that if the committee had voted in the usual way—by party—as had been said — the voting would have been four to three. It was a strange argument to use, but at the same time it had led him to examine the conclusions the different committees had come to. The hon. junior member for North Brisbane used much the same argument. He said that during the last twenty-five years the decisions of the Elections Committee had given satisfaction, and were an epitome of common sense. He (Sir. T. McIlwraith) could not go back twenty-five years ago, but he could go back fifteen years ago, and he asserted this: That there had not been one — there was one case before the period of ten years ago —but from 1870 there had not been one single decision given by the committee that was not given to unseat the member opposed to the governing majority.

The PREMIER: Yes; there was. The Attorney-General was the petitioner in one case and the decision was against him.

The HON. SIR T. McILWRAITH: He would commence with one case and then go back to the case referred to by the Premier. The hon. gentleman interrupted his friend Mr. Archer when he was making the same assertion, and said there was not only that one case but others. He (Sir T. McIlwraith) said there was none, and to prove it he would take the cases one by one as they had occurred during his experience of fifteen years in the House. Hon. members would see, when they were taken that way, what extraordinary decisions the committee had come to. The first one he would take was in 1871, when Mr. Hemmant petitioned against the return of Mr. Pring. Mr. Pring had accepted £1,000 from the Palmer Government to visit certain goldfields and report thereon, and Mr. Hemmant petitioned against his election on the ground that, at the time of his return, he held and enjoyed a contract or agreement on account of the Public Service of Queensland, and this was the verdict of the committee:—

"That, in the opinion of the committee, the office of Royal Commissioner to inquire into the management of the goldfields and to take evidence with a view to future legislation, was not, according to the practice and precedents of the House of Commons, such an offence as would disqualify the holder from sitting in the House of Assembly, and that therefore the Hon. Ratcliffe Pring was duly elected.

"That the petition was not frivolous, or vexatious.

"That the Committee make no award as to costs."

There in the face of what was to most people at that time a clear case of a man having violated the law, the dominant party seated the person who was petitioned against. That was case No. 1. The next case was the—

"Petition of certain electors of the electoral district of Warwick against the election and return of Charles Clark on the ground that the roll used was not a legal roll, and that the election was therefore illegal and void."

In that case again, the committee decided in favour of the party then in power, who had a majority on the Elections and Qualifications Committee. He hoped hon. members would not run away with the idea that he was impugning any particular conclusion come to by the Elections and Qualifications Committee. What he was proving was the fact that the dominant party for the time being had unseated their opponent when petitioned against, or seated the member favourable to them in every case. He did not impugn the justice of any particular verdict; all he wished to show was the remarkable fact that the dominant party always seated their own man or unseated their opponent, as the case might be. That was case No. 2. He then came to 1874, when the present member for South Brisbane, Mr. Henry Jordan, then of Tygum, petitioned against the election and return of Philip Henry Nind for the electoral district of Logan. Mr. Jordan was a Great Liberal at the time. Mr. Nind was then, as always, a half-and-half sort of person, and was opposed to the Government of the day. Mr. Nind was thrown out, his election being declared void. Another case occurred in the same session in which Mr. Jacob Low petitioned against the return of Mr. Adam Walker for the Balonne. Mr. Low was at that time a friend of the party in power; Mr. Walker was a very lukewarm supporter, a man who as soon as his purpose was served would go over to the other side, and he was put out by the dominant party. Then he came to 1875 to the—

"Petition of Adam Black, of Noyea, praying that he may be declared to have been elected for the electoral district of Logan, the returning officer having failed to endorse any return upon the writ."

Parliament, however, was so extraordinarily active at that time that it could not wait until Mr. Black had gone through the ordeal of a trial by the Elections and Qualifications Committee, but took the extraordinary course of unseating him without any writ having been returned at all. Then came the next case in 1877, a—

"Petition from Edward Maitland Long against the election and return of Henry Rogers Beor, and praying that it might be declared invalid upon the ground of bribery and corruption."

There again the verdict was that the allegations of the petitioner were not proved, and the committee made no award as to the costs. In that case again the dominant party, in the face of the most direct evidence that he had ever seen produced before a committee, on a technical point seated their own member. That case was a remarkable illustration of the operation of a clause which he Premier praised the previous day as one of the finest institutions connected with the Elections and Qualifications Committee, and which contained in itself a power that it was safe to grant to the Elections and Qualifications Committee, but which it was not safe to grant to one judge. The clause was as follows:—

"The said committee shall have power to inquire into and determine upon all election petitions and upon all questions which may be referred to them by the Assembly respecting the validity of any election or return of any member to serve in the Assembly, whether the dispute relating to such election or return arise out of an error in the return of the returning officer or out of the allegation of bribery or corruption against any person concerned in any election, or out of any other allegation calculated to affect the validity of such election or return, and also upon all questions concerning the qualification or disqualification of any person who shall have been returned as a member of the Assembly."

In other words, the committee took sound justice and common sense as their guides, and avoided, as much as they could, technicalities. The point to be tried in the case he was now discussing was whether Mr. Beor had held his meetings in a public-house. According to the Elections Act—

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

And among those acts was—

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

It was proved incontestably that there was not the slightest question that Mr. Beor's committee had met about a dozen times in an hotel. It was admitted, in fact, by Mr. Beor himself that he had been there often, but the lawyers decided that it was not a violation of the statute if he held the committee meetings in a public-house unless the candidate himself had called that committee meeting and the committee-men were electors. Possibly the section might bear that construction, but he was sure that no man of common sense, reading what he had read, could put any other construction upon it than that the committee, having a meeting in a public-house at which the ordinary business of the election was transacted, had violated the law and that it was an act of bribery. But not only did the committee come to the conclusion that there was no bribery, but a very strong party-man—a very strong teetotaller, who hated public-houses—Mr. Peter McLean —notwithstanding the power given him by the Legislative Assembly Act to leave aside all legal quibbles and act on the dictates of common sense as a guide for his judgment, went entirely from his temperance principles, and, sticking to his party, actually voted — although Mr. Beor admitted being present at the committee meetings— that it was not a violation of the Act. That case brought him down to 1874. Then, in the session of 1879, Mr. William Graham petitioned against the return of Messrs. Kates and Miles, the then members for the Darling Downs, and in that case again the dominant party unseated the two members.

Mr. MILES: And very rightly so, I think.

The HON. SIR T. MCILWRAITH said he did not question the rightness of the verdict at all. He was proving a certain fact—that the Elections and Qualifications Committee had always given a decision in favour of the dominant party. They either unseated their opponent or put in their own man in every case. Then in 1883-4 there was the petition of Richard Wingfield Stuart against the return of the Hon. Berkeley Basil Moreton. In that case the decision was that the sitting member was duly elected, and that again was a case in which the dominant party went for their own man. The next petition was from the electors of Aubigny against the return of Patrick Perkins, and in that case the committee unseated their opponent. The next petition was from Thomas Campbell and Charles Lumley Hill against the return of Frederick Augustus Cooper and John Hamilton, and the verdict was that Frederick Augustus Cooper was not duly elected and that Thomas Campbell was elected. In that case the opponent of the Government was unseated and their supporter seated. Now he would come to the exception, and it was the first case that occurred while he was a member of the House. In 1870 John Bramston petitioned against the return of Mr. Handy on the ground that he was at the time of his election an ecclesiastic according to the Church of Rome; and he might say that never was a petition presented on such mean and frivolous grounds. Everyone inside the House and out of it considered that that was a case in which no Elections and Qualifications Committee, or any other committee, could possibly come to any but one conclusion, according to the rights of justice and common sense. The thing fell through before ever it went to the committee. The idea of questioning a man's right to sit, because at some time or other he had been a priest, while at the same time there were persons sitting in the House who had ministered in churches throughout the colony, was taxing the common sense of the Elections Committee a little too much. He had now established the fact that throughout the whole of the experience he had had in the House the dominant party had always seated their own member or unseated their opponent. That had been the result invariably, with the exception of Mr. Bramston's petition, and when they found such a curious coincidence, as the hon. member for Blackall called it, they could come to no other conclusion than that there was something radically wrong with the Elections and Qualifications Committee. The hon. gentleman knew that well. He (Sir T. McIlwraith) did not bring a charge against any particular party of any particular verdict of any committee, but he pointed to the remarkable fact that the dominant party always went straight for their own man. Now, when the Premier told them that the present system had always given satisfaction, did he really believe that it had given satisfaction? How could they tell whether it had or not except by noticing the ebullitions of wrath that had been witnessed from time to time against the committee. In 1872, when the Elections Bill was introduced by Mr. Ramsay, it was obstructed by the Opposition of the time—it was obstructed by Mr. Hemmant, who opposed the passage of the Bill; and among the reasons given was that no provision had been made for doing away with the Committee for Elections and Qualifications and substituting the tribunal of a judge. That was a remarkable fact—that the party in power at the present time obstructed the passage of the Bill of 1872 for that reason. Now members actually agreed that the system should be abolished, and that view was taken up by a number of the members belonging to the dominant party of the time. A great number of them consistently supported the system of appeal to the judge, but they resented the action of the Opposition at that time, and insisted that the principle should not be inserted in that particular Bill. That was something like the action taken by the Premier now. The hon. gentleman said that this subject had no right to be foisted into the present Bill. There was some sort of justification for the action of the Government in 1872, because they, in bringing in the new Elections Bill did not propose to give additional power to the Committee of Elections and Qualifications, and therefore they might well say, "This is a big subject—let well alone for the present—we will not give the committee any additional powers." But now the case was very different. The Government brought in an Elections Bill, which proposed as one of its fundamental principles largely to increase the powers of the Committee of Elections and Qualifications, and therefore they could not well say that this was not the proper time for questioning the advisability of continuing that tribunal any longer. Now, that was one period in which the advisability of continuing the system was questioned. He was showing now, in opposition to the Premier, that Parliament had not rested satisfied with the Elections Committee; that they had

resented it from time to time and endeavoured to get a better system. In 1875 a distinguished member of the House brought the matter to an issue, after the result of the seating of Mr. Beor for Bowen. He tested the feelings of the House very well, and the result was that a pretty large majority of the House agreed that the Elections and Qualifications Committee should be abolished, and that they should revert to the system of appeal to the judge in the case of a disputed election. That was carried by a large majority in the House, and it was carried by a majority which consisted to some extent of members of the other side of the House. The Premier, he would say, voted against it, but at the same time he spoke just as coolly in favour of the system of Elections and Qualifications as he did now. He (Sir T. McIlwraith) believed that at the present time the hon. gentleman had spoken very coolly, and advisedly coolly, because he saw the time was not far distant when the committee, as at present constituted, must go. He read that speech to-day to see how the hon. gentleman had changed his opinions; and the hon. gentleman must have been reading it lately himself, because there was scarcely an idea in the one that was not contained in the other, though there was a little difference in the phraseology. He said then that the time would come when it would be advisable to make a change, but it was not advisable at the present time. Did he believe that the Premier believed in the Elections and Qualifications Committee? He had his word for it that he believed in nothing of the sort. The hon. gentleman questioned the fairness on principle of such a committee when in opposition, and why should not he have a right to question its impartiality when sitting in opposition? When the case of Miles *v.* McIlwraith came on the usual way in such cases was to refer them to an Elections and Qualifications Committee; but they remembered the lofty scorn with which the hon. member asked how they were to expect justice from such a committee, saying that the thing was absurd. He went to the law court—it was not a matter of expense then, for he knew where the money would come from. He could quite understand the hon. gentleman questioning the impartiality of the Elections Committee. The Premier had no logical position in replying to him by saying that was a bad committee because it was appointed by a majority of whom he was the head. It showed that a majority could appoint a bad committee, and the hon. member might use that argument if he liked; but he had his testimony that a bad committee could be appointed by a majority, and that that bad committee was unworthy to try a case where justice was expected. He did not believe in the words of the hon. member, but in his actions. He had questioned the impartiality of the committee, and let his hon. friend in for £6,000 or £7,000.

The MINISTER FOR WORKS: Not so much as that.

The HON. SIR T. McILWRAITH said he should like to know how much it was.

The MINISTER FOR WORKS: You are not likely to know.

The HON. SIR T. McILWRAITH said he would know some day, because the hon. member could not keep a secret like that locked in his bosom for all the gold in California. The Premier said his answer to the amendment was, shortly, that it was neither practicable nor expedient; but the whole of the arguments were addressed to prove that possibly judges might be a partial tribunal; and then he went further with an argument, on which he might be an authority, to show that it would be expensive. With regard to the expediency the Premier and he held different opinions. The Premier considered it expedient to get the Bill through without any alteration, but he (Sir T. McIlwraith), and those who acted with him, considered it expedient to pass it if it would be an improvement on the law of the land; if not, they considered it neither right nor expedient. There was not the slightest question as to the amendment being practicable, because, if the hon. gentleman advised some of his followers to vote for the amendment, he would see that they would be able, even without his valuable assistance, to lick the Bill into shape, and substitute one tribunal for the other. There was nothing more calculated to bring on obstruction—though he denied that they had reached that point yet—than the course taken by the Premier, who, when the members on his own side sat silent, and one or two speeches were made by members of the Opposition, mumbled across the Chamber, "This is obstruction!" Nothing was more likely than petulance on the part of the Premier to have that effect on members on his own side, let alone members on the Opposition side. They had been reasoning the subject thoroughly, and the debate had been thoroughly to the point as far as it had gone. There had not been the slightest idea of obstruction on his side of the House, but he had intimated clearly that if the Government were determined to keep silent and doggedly stick to the present system, while giving an increase of power to the Elections and Qualifications Committee, putting in all those bribery clauses, then the Opposition would take the best means they could to prevent the Bill becoming law. Very likely the Premier would have to complain of obstruction yet, but he hoped better counsels would prevail and the hon. gentleman would see that they were trying to help him through with the good parts of his Bill, but that they could not allow their judgment to be overborne by getting a little good together with a great deal of harm. Now was the time to reform the elections tribunal, and by electing not to take the present time they would damage their cause considerably. Once pass an Elections Bill and it would be hopeless to expect another Elections Bill until another Government came into power. They had the opportunity now, and he did not see why they should not avail themselves of it. He was sorry, in looking back at the history of the question, that it had been impeded in its progress towards a right conclusion by party feeling. The question had always been an aggravating one; it had always been brought on in the House when some injustice had been assumed by one party as having been committed by the Elections and Qualifications Committee. It was always fresh in the minds of hon. members, in debating the matter, that passions were aroused by the actions of that committee. At the present time the other side thought the Opposition were actuated to a great extent by the action taken by the present committee in seating some and unseating others. Possibly it might have that effect; but he claimed for himself and for the gentlemen who were assisting him in trying to make that reform that they had been consistent all through against the committee and trying to get a judge substituted; and he thought he might with justice ask the assistance of members on the other side who believed with him that the reform should be effected. He could not believe that a party, acting as a party, who in 1870 called for that reform, would act as one united body and say they did not want the reform because their leader said it was not the proper time to make the change. He was acting consistently and for the good of the country, and he had a right to

claim the assistance of men who, in a similar position, called upon the Government to act justly and make the reform called for at the present time.

The PREMIER said he had no complaint to make against the hon. gentleman for thinking the judges would be a better tribunal than the Committee, or for his putting forward that view, but he did complain of any hon. member or members taking up the position that if they could not get the particular improvement in the law they wanted they would have no improvements in the law at all. That was an illogical, unreasonable, and unfair position to assume.

The HON. SIR T. McILWRAITH: That is not our position.

The PREMIER said one hon. member opposite said that if the amendment were negatived forty other new clauses would be proposed before the Committee got on with the Bill. That, he thought, was an unreasonable position. What was proposed to be done with the later clauses of the Bill had nothing whatever to do with that. It was true that the clauses as proposed would, if carried in that form, extend the power of the Elections Committee, but if it was not considered desirable to extend that power, do not extend it. What they had to consider now was, were they going to abolish the committee and take a judge instead. While the hon. member thought he was proving something else from an argument derived from the doctrine of chances, he was really proving what he (the Premier) said last night. Hon. members on the other side were victims of hasty generalisation. The hon. gentleman spoke of the decisions of the committee being given in favour of the dominant party. That argument, to be of any value, should have shown that decisions about which there was any question had always been in favour of the dominant party.

The HON. SIR T. McILWRAITH: They were always in favour of the dominant party without that.

The PREMIER said the hon. gentleman was quite wrong in his facts, as he would show. If those decisions were right, it did not prove that the tribunal was incompetent. Of all the cases to which the hon. gentleman referred there were only four as to the decisions on which any doubt had ever been expressed.

The HON. SIR T. McILWRAITH: I did not question one of them.

The PREMIER: Then the argument proved nothing if the decisions were all admittedly right.

The HON. SIR T. McILWRAITH: I do not say they were admittedly all right.

The PREMIER said he would tell hon. members something about those decisions given by the Elections and Qualifications Committee. There were ten cases altogether that had come within his knowledge. The first was a petition from Mr. Bramston against the return of Mr. Handy. Mr. Bramston was the Attorney-General, and the committee, composed of a majority of his own side of the House, reported against him.

The HON. SIR T. McILWRAITH: That was the exception I pointed out.

The PREMIER said it was an exception from an imaginary rule. The next case was that of Mr. Hemmant against Mr. Pring. Mr. Pring was a member of the Opposition—a strong supporter of the leader of the Opposition—and took an active part in proceedings which were considered to amount to obstruction, while Mr. Hemmant was an entirely independent man, who wished to get into the House instead of Mr. Pring. The committee, following strict constitutional rules, found that Mr. Pring's seat was not vacated. That proved nothing one way or the other, excepting that it was not a decision in favour of the dominant party. The next case was that against Mr. Clark, who was a supporter—though not a particularly warm supporter—of the then Government.

Mr. MOREHEAD: Yes; he was a very strong supporter of the Government.

The PREMIER: That was the time that Mr. Clark had a row in the House which led to Mr. Pring's retirement.

Mr. MOREHEAD: That was long afterwards, and you know it.

The PREMIER said hon. members should not speak like that. The petition was presented in 1871-2, and it was at the conclusion of that session that Mr. Pring resigned in consequence of a quarrel with Mr. Clark in the House.

Mr. MOREHEAD: That had no more to do with the petition than you have to do with the Bible.

The HON. SIR T. McILWRAITH: It was in the previous year that Mr. Pring's case was tried, and he was then sitting on the Government side.

The PREMIER: He was leader of the Opposition during the session of 1871, or at least during a part of the time.

The HON. SIR T. McILWRAITH: I was in the House at the time, and was present when he went over.

The PREMIER said the next case was the petition of Mr. Jordan against Mr. Nind. Mr. Nind was a supporter of the then Government, and the decision of the committee was given against him.

The HON. SIR T. McILWRAITH: Mr. Jordan was also a supporter of the then Government.

The PREMIER said the next case occurred in the same session—Mr. Low against Mr. Walker. The hon. member led the House to infer that the committee had unseated Mr. Walker. They did not. Mr. Walker admitted on the floor of the House that he was a Government contractor, and his seat was declared vacant. The only question remaining was whether Mr. Low was entitled to the seat or not, and it was admitted that he was properly seated. In that case both the member whose seat was challenged and the petitioner were supporters of the then Government. Then he came to the case of Mr. Long and Mr. Beor. The question to be decided in that case was as to the meaning of the 6th section of the 69th clause of the Elections Act, as to whether a meeting in a public-house meant an election meeting or a committee meeting; and the committee, in accordance with his judgment, rightly held that it meant a meeting of the electors. He thought that was a proper conclusion and so did Mr. Beor, who was afterwards Attorney-General in the hon. gentleman's Government. The next petition was that from Mr. Graham, against the return of Mr. Miles and Mr. Kates. They were members of the Opposition, and it was decided against them, but no one disputed the correctness of the decision. Where, then, was the series of cases where injustice had been done, and party decisions given? No such inference could be drawn from the actual facts of the cases. Those were the cases within his own knowledge, and they proved absolutely nothing against the Committee of Elections and Qualifications except that on two or three occasions they had not given general satisfaction to everybody. Then take the case last session, when the two members for Cook were petitioned

against, and only one was unseated. Anyone reading the evidence could not fail to see that the committee might fairly have decided that neither of the sitting members was duly elected. That was his opinion, though the committee came to a different conclusion. That was another instance where the committee did not unseat a member who was opposed to the then Government. There were really no cases from which any inference could be drawn. No attempts had been made to answer the arguments which he had used the previous night. The only arguments he had heard were as to the general superiority of judges over the Elections Committee. That was not the question. The question was whether the substitution of the one system for the other was at the present time practicable in the first place, and if practicable, whether it was expedient; or the points might be put in the opposite order if they liked. The question was not what system they would adopt if they were framing a constitution for Utopia, but whether here and at the present time it was desirable to make the change.

Mr. JORDAN said he wished to say a few words with reference to his own case, otherwise he thought an incorrect impression would be left by the remarks of the leader of the Opposition. In his own case he did not consider the decisions were in his favour, nor that it was what the evidence would have warranted. At the election there was a majority of one in favour of his opponent, and the circumstances of the election were very peculiar. He did not know that the case against his opponent or those who conducted the the election was so bad until he saw the evidence given before the committee, but then he considered an injustice was done him, because he was not given the seat. He did not ask for the seat, but he was told by members of the committee that he should have done so, and the evidence certainly justified him in expecting that the seat would be given to him. One man voted without his voter's right, and there were many cases of irregularity proved. That was why he said the decision was against him. It was against him to the extent that he had to go to the expense and trouble of a new election, whereas he should have had the seat. He was on the committee when the decision was given in favour of Mr. Pring. Mr. Pring was then the leader of the Opposition—leader of the Liberal party.

The HON. SIR T. MCILWRAITH: Never.

Mr. JORDAN said that at that time he took an active part in the debates, and he knew all the circumstances. He knew when Mr. Pring came over from the Conservative side. Soon after that, Mr. Macalister was made Speaker and Mr. Pring was asked to take the leadership of the Opposition. It was after that that the circumstance arose. Mr. Pring held a commission in connection with the goldfields, and received £1,000; and on that ground Mr. Hemmant petitioned against his return. The committee was satisfied with Mr. Pring's statement of the case, and held that his seat was not rendered void. It was a fact that Mr. Pring was a member on the Liberal side as well as Mr. Hemmant. Mr. Hemmant always felt sore on the subject afterwards, and had spoken to him (Mr. Jordan) about it. Mr. Hemmant thought the decision was very unfair to him, and he always afterwards held a decided opinion that they ought to have another tribunal; hence his opposition to that tribunal ever afterwards. He (Mr. Jordan) had listened attentively to the debate; he had listened to the opening speech of the hon. member for Bowen, and followed his arguments carefully; and to the able speech of the leader of the Opposition; but there had been no speech made comparable to that made by the hon. member for North Brisbane, which was most logical and convincing. It had not altered his opinion for a moment; he had never cherished for an instant the idea that seven gentlemen appointed to exercise such important functions could be capable of corruption; and he did not believe there was a single case in which they had given a decision contrary to the evidence. He believed that questions of fact should be determined by a jury according to to equity and good conscience, and not according to the technicalities of law. On those grounds he would prefer the present state of things to referring the matter to a judge.

Mr. MOREHEAD said he wished to put the Premier right on a matter of history. The hon. member stated that the case of Mr. Hemmant against Mr. Pring was connected with a quarrel which took place between Mr. Clark and Mr. Pring.

The PREMIER: No; I said they occurred in the same session.

Mr. MOREHEAD: That was in 1871.

The PREMIER: Yes; both in the session of 1871.

Mr. MOREHEAD said he was in the House when the quarrel took place. Mr. Clark was sitting where the hon. member for Stanley was sitting now. He (Mr. Morehead) did not come into the House till 1873.

The PREMIER: You were here before me; I was here in 1872.

Mr. MOREHEAD: Yes; it was in 1872. The petition was made in 1871, before he (Mr. Morehead) was a member of the House; and the quarrel took place long after, so that the hon. gentleman was perfectly wrong in his facts. His own memory was pretty good, and besides the case was so remarkable he was not likely to forget it. Mr. Pring was sitting very much where he was now, and Mr. Clark where the hon. member, Mr. White, was sitting. The hon. gentleman must admit he was wrong in his facts in that case.

The PREMIER said he had the record of the proceedings before him. It was on the 10th of January, 1872, and that was the session of 1871-2, the same session in which the petition was presented against the return of Mr. Clark —unless the records of the House were wrong.

Mr. MOREHEAD said he would point out that neither the hon. member nor himself were members of the House when that petition was dealt with; and certainly the other episode took place long after. Therefore the ill-feeling the hon. gentleman assumed as being the reason for the petition could have had nothing to do with it

The PREMIER said he could not understand the hon. member. The quarrel took place on the 10th of January, 1872.

Mr. MOREHEAD: And the petition was n 1871.

The PREMIER: The petition against the return of the member for Warwick was referred to the Elections and Qualifications Committee in December, 1871. I said the two things occurred in the same session. The disturbance took place six weeks afterwards—in 1872.

Mr. MOREHEAD: Therefore the ill-feeling arising from it could not have existed before the petition was presented.

Mr. CHUBB said the discussion was digressing. It appeared to him that the weight of argument during the debate had been on his side. Twice in the course of the debate, and once before, the hon. gentleman at the head of the Government

had accused hon. members of being victims of what he termed a hasty generalisation. He might fairly retort on the hon. member, and perhaps with greater reason, that his objection to judges as a tribunal was the result of a hasty generalisation, based upon the experience he had obtained in the Supreme Court. They knew very well what happened in the case that was referred to by the leader of the Opposition. The hon. Premier would not accept the tribunal that was offered to him here, and also, not later than last year, the hon. gentleman directed the prosecution of a newspaper for reflections it made upon the Committee of Elections and Qualifications. In the latter case the jury decided that the paper was not guilty. There again was an appeal to another tribunal and the verdict was against the views advocated by the hon. gentleman. He might, upon those facts, as fairly retort that the hon. gentleman's objections to a judge of the Supreme Court as a tribunal, was the result of a hasty generalisation. The hon. member for South Brisbane touched the keynote when he said he believed in trial by jury, but one of the greatest privileges a criminal had was that he might challenge his jurors, on account of partiality. A petitioner, or any person petitioned against in the House, had no right to challenge his jurors, who were selected, either by his political friends or his political foes. If the committee were chosen by his political foes, he was deprived of his right to challenge, and must accept the tribunal as it had been appointed, therefore the benefit of trial by jury was completely lost to him. No one on his side had accused the committee of corruption. All they had said was that their judgments were manifestly partial and prejudiced by the political views they held. They were inevitably biased, and could not possibly give a decision which would give satisfaction. The hon. gentleman said that whenever there was party feeling there was warm language about the decision of the committee. If what the leader of the Opposition had said were correct, the hon. the Premier had used warm language about that committee. Either those remarks had force, or they had not. If the decisions of the committee had always been correct, there would have been no reason for objecting to them. But it appeared that members on both sides of the House had, from time to time, objected to the decisions of the committee, and the question was whether the tribunal suggested by him was a better one than the one they had had hitherto. A judge was not so likely to be biased as the Elections and Qualifications Committee, and he said further that the professional *esprit de corps* he possessed would induce him to give as correct a judgment as was possible under the circumstances. The Committee of Elections and Qualifications would not care two straws about the criticism of their decisions; but a judge was not above criticism, and he would not like to see his decision challenged. The Premier and he did not agree upon the wisdom of that clause in the Legislative Assembly Act, which gave the Committee power to decide according to equity and good conscience, and not according to legal forms and technicalities. That was a great power to place in the hands of persons who did not understand what it meant. The Burnett election was a case in which the committee had not decided upon equity and good conscience, but upon a strictly technical objection which was adduced before them—that was, that although it was well known that those votes were intentionally and honestly given for the petitioning candidate, yet because there was a technical objection to them they were disallowed and the present Minister for Education got the seat. That case reminded him of a story told of an old French advocate, who was asked by a young one how he generally conducted his cases. The question was put to him, "Supposing the law of the case is against you, what do you do?" The reply was, "I stick to the facts." "Well, supposing the facts are against you, and you have the law?" "Then I stick to the law." "But supposing both the facts and the law are against you?" "In that case—*tant pis pour les faits* — you must make your facts suit your arguments." That was what the Elections and Qualifications Committee appeared to have done. They judged one case according to equity and good conscience, and another according to the technicalities of the case, as it suited. One word with regard to the Cook election, which the Premier stated was a remarkable illustration of the impartiality of the committee. It was generally rumoured outside that if the committee had acted as they wished they would have unseated both the candidates; but if they had, what would have been the result? There would have been another election for the two seats.

The PREMIER: No; there would not.

Mr. CHUBB said there ought to have been, otherwise the injustice would have been more glaring than it was. It was generally rumoured outside—in fact, it was made the subject of Press comments, and afterwards the subject of a criminal prosecution—that the committee would have adopted that course if they had not been doubtful about the result of another election, and, therefore they thought it safer to have one man in than run the risk of losing him on a subsequent election. Of course he did not say or insinuate that that rumour was true. There was nothing whatever in the point made with regard to the Cook election, whether it was a fair decision or otherwise, and the objections urged by the hon. gentleman at the head of the Government last night, and by most of the hon. gentlemen who had spoken on his side, were urged in the House of Commons on the second reading of a Bill introduced by Mr. Disraeli in 1868. Now, the Premier used exactly the same language as was used by one speaker in the Commons when he said that it would be very improper that a case should be sent to a newly appointed judge "hot from the political arena." Those words fell from the lips of Sir George Bowyer, who spoke in opposition to the Bill in 1868.

The PREMIER: I never read his speech.

Mr. CHUBB said he was not saying the hon. the Premier was guilty of plagiarism—it was a coincidence. Everyone of the objections urged by him, and also by the junior member for South Brisbane, were urged in the House of Commons, and although they received due consideration they were not held to be sufficient to justify that House in reverting to the old system. He did not believe that it even went to a division. At any rate it was carried without very much opposition, and it had proved a very great success ever since in its administration, as any hon. member would see who chose to look over the trials that had taken place since 1868. The objections urged by the hon. member for Ipswich wanted argument. He gave no reason for them. His objections were like that of the little girl to Dr. Fell:—

> "I do not like thee, Dr. Fell;
> The reason why I cannot tell;
> But this one thing I know full well—
> I do not like thee, Dr. Fell."

That was exactly the way the hon. member treated the question. He stated that he was not in favor of the change and therefore was not going to support it. The hon. Premier said the scheme he had introduced was crude. He denied that. He said he had introduced a perfect

scheme. He did not claim originality for it, because he had copied it entirely from the English Act, which was made part of the Act of 1883, and contained all those bribery and corruption clauses; and if any hon. gentleman took the trouble to look at the Act he had referred to and compared it with the penal clauses introduced into that Bill he would see that where the Premier had introduced the words "Committee of Elections and Qualifications," in the English Act there was the word "judge." Those sections were introduced to give the tribunal a more specific definition of the offences. He knew the Premier must have given considerable attention to the Bill and the preparation of it. There was no reason why, when the hon. gentleman went to the English Act to take out those parts, he should not have taken out the tribunal as well as he (Mr. Chubb) had done. All that he had done was to supply what the hon. gentleman had left out. He had altered it in one or two instances to make it apply to the colony, but he had made no change in the scheme. Therefore he said the scheme which he introduced was not crude, and he would be glad if the hon. gentleman could point out where it was crude. Some objection was taken to the amount of security he had put in—£500. In the English Act it was £1,000, but he was not wedded to the amount of £500—it was only an abstract sum put in to test the opinion of the Committee; and he would be quite willing to have it reduced to £100, the amount required from the petitioner under the existing system. It was so with other portions—the time within which the petition was to be presented, and so on; but those details were only put in to test the sense of the Committee. An objection was urged against the stand taken by the opposite side of the House to the effect that they had no right to oppose the passing of the Bill if they were not able to introduce those amendments. But the position they took up and what he said was this: That if the amendments were not accepted they objected to the provisions of the law being altered so as to give the Committee of Elections and Qualifications any increased power. What they contended was that if the House thought the Election law should be amended—and they did not dispute that—well and good; but, if it was proposed to give increased power or increased functions to the Elections Tribunal, they said they objected to that being done unless the tribunal they asked for was substituted for the present one. They said the Elections Committee had quite enough power already. He said that committee had too much power, and he was strongly opposed to giving them any more. He was opposed to giving any power of the kind at all, unless the trial of elections was transferred to a different tribunal. That was the ground they took up, and they said that if the Committee would not accept the amendments they were opposed to altering the law in so far as the Bill gave the Elections Committee increased powers to those they possessed at present.

The PREMIER said he did not intend to reply to the hon. gentleman's speech, but he rose to say that the hon. member had made use of an argument or suggestion at the commencement of his speech which he ought to withdraw. The hon. gentleman accused him of opposing his proposition to transfer the trial of disputed elections from the Elections Committee to the judges of the Supreme Court, because two cases lately before the Supreme Court were decided in a way he did not like. That accusation was unworthy of the hon member—quite unworthy of him. He could assert distinctly that the cases the hon. member had referred to had not crossed his mind during the whole course of the discussion. He had the same objections to the amendments that he had held years ago, as hon. members would see if they referred to his speeches. An accusation of the kind the hon. member had made was one that ought not to have come from him.

Mr. STEVENS said if the arguments on each side were boiled down, they would amount to this: One side said that a judge who had been a politician at some time, would be more likely to be biased than a committee of active politicians, and the other side said the reverse of that. Those were the two standpoints—whether the judge who had been a politician at some time in the past was likely to be more biased than a committee formed of active politicians. If they looked at the surroundings of the parliamentary committee they would see at once that it was impossible for it to be unbiased. In the first place election petitions were brought on immediately after an election, when every member of the House—in fact the whole of the country—was violently convulsed. The case was brought on, and tried by men, perhaps, whose worst passions were aroused by a hotly contested election. During the trial members of both sides of the House were constantly walking in and out of the committee room where the trial was being held, and asking how the case was going on, and inquiring as to the chances of the different candidates. Again, the trials themselves were held in the Legislative Assembly building. It was utterly impossible that the Elections and Qualifications Committee could be otherwise than biased in the decisions they came to. He objected to the Bill for that reason; and he objected to other things in the Bill also. The Government had not only introduced a new Act, but they had gone further, and given still further powers to the Elections Committee to punish those whom they considered wrong. Another objection he had to the Bill was, that under it still further power was given to the committee to enable them to bring in a verdict for the majority if there was a technical error committed by an opponent that could be utilised, and his election upset. But if the technical error was committed by a political supporter of the majority of the members of the committee, there was a clause in the Bill providing that the committee might overlook it. Another objection he had to the Bill was that it provided that a man might be put upon his trial at any time within twelve months after a contested election. That would allow a keen politician to watch his opportunity and wait until he knew that some material witnesses favourable to his opponent who held the seat were absent and could not be got, and then bring forward a case against the holder of the seat and have him unseated. Under the old Act the time within which such a proceeding could be commenced was limited to four months.

The PREMIER: This Bill does not deal with that subject at all.

Mr. STEVENS: It fixed the time at twelve months. Then again he did not believe in the clauses relating to illegal practices. By means of those provisions any man might easily be unseated at any time. In following his ordinary vocation a dozen or fifteen cases might be brought against him, and cause him to lose his seat. If he met an elector and both were thirsty and had a glass of beer together that would be sufficient to unseat him. If he had a quarrel with a man that might be construed into an attempt at intimidation; if he lent money to a person and the interest or principal became due about the time of an election, and he granted an extension of time for the payment of the interest, that might be construed into an illegal practice. And for either of those

things a candidate would be liable to lose his seat. Such charges might not be made, of course, but there was a possibility of their being made, and the Committee had to guard against them. He had been on an Elections and Qualifications Committee all through one session, and he might say that his experience was such that he felt bound to oppose that as a tribunal for trying petitions respecting disputed elections as far as he possibly could. He did not see how the position of a judge, who was appointed on account of his probity and knowledge, could be compared with that of a strong political committee. He did not intend to go through all the clauses of the Bill.

The PREMIER: The question is an amendment moved by the hon. member for Bowen.

Mr. STEVENS: Yes; and the clauses he had referred to bore on the subject. The question was a larger one than that of the simple proposition in the amendment, and ought to be argued out fully. There was not the slightest doubt that there was a strong feeling in the Committee, and also in the country generally on that subject. He had never heard a question brought up outside the House on which stronger opinions had been expressed than were expressed on the Elections and Qualifications Committee.

Mr. JORDAN said he wished to correct a statement made by the hon. member for Bowen when he said that in one case in which the Elections and Qalifications Committee decided on a legal technicality they had decided in the teeth of the statute. That was not the case. The facts were simply that the statute required that the ballot-papers should contain the names of the candidates and the initials of the returning officer and nothing else. In the case in question the ballot-papers contained also the initials of the scrutineers, and the committee, therefore, adhered to the letter of the statute and found that the returning officer should have rejected those ballot-papers. How could it be said then that the committee had acted in the teeth of the statute? Their decision was in strict accordance with the provisions of the statute. The initials of the scrutineers on those papers were entered in a very peculiar way; there was not one like the other, they were all different. That led to the conclusion that it was possible by that means to interfere with the secrecy of the ballot, which was a very important principle, and sacred in the estimation of many members of that House and members of the Committee. It was therefore absurd to say that they came to the decision they arrived at in the teeth of the statute.

Mr. MOREHEAD: Of course you did.

Mr. JORDAN: As he had said, the papers were initialed in a very peculiar way by the scrutineers, and the question arose whether the secrecy of the ballot might not be violated.

Mr. CHUBB said the hon. gentleman at the head of the Government stated that he (Mr. Chubb) had used an argument which was unworthy of him, and that he had made an accusation against the hon. gentleman which was not just. He (Mr. Chubb) did not intend to make any accusation against the hon. gentleman at all. What he did say was that when the hon. gentleman accused members on that side of the Committee of hasty generalisation, because they did not like the decisions of the Elections and Qualifications Committee, they might just as fairly accuse him of objecting to a judge because he had disagreed or expressed disagreement with the decision of the judge in two cases which had occurred in connection with Parliament. Last session the hon. member for Balonne asked the Premier a question in connection with the *Courier* prosecution, and the hon. gentleman said that the verdict of the jury was not to be wondered at considering that the law laid down by the judge was not what was generally considered to be the law on the subject. He (Mr. Chubb) had not been able to turn it up just then, and he was not quite sure whether the Premier stated that in answer to a question, or during a debate. That, however, was what the Premier had said, as far as he understood, and it was upon that that he based the argument that they might accuse the hon. gentleman of objecting on that score just as fairly as he had accused members on that side of hasty generalisation because they did not like the decisions of the Elections and Qualifications Committee. He had no desire or intention to impute improper motives.

The PREMIER: Only you do so.

Mr. NORTON said that the interest taken in the subject had been shown by the debate which had taken place that evening. He expected to have an opportunity of saying something upon the subject earlier in the afternoon, but they only commenced those proceedings immediately after tea, and ever since that time when a member rose to speak, one or two, sometimes three or four, rose. He thought that was an indication that members took great interest in the question. He believed it would be admitted on all sides that there was much interest taken in the matter. He would not like the question to come to a division without having the opportunity of expressing his opinion upon it; but he did not want to do so at 12 o'clock at night.

The PREMIER: It is early yet.

Mr. NORTON: Yes; it was early. It was quite early, but according to the usual practice it was somewhat late. From the experience he had in the House he knew that discussions that took place after 12 o'clock were not reported, and he thought it was desirable that anyone who had any serious objection to make to the Bill should have an opportunity of expressing his views. Under the circumstances it was only fair that the Committee should adjourn till to-morrow. He certainly did not intend to go into the matter now. In order to give the Government an opportunity of expressing an opinion on his suggestion, he would move that the debate be adjourned.

Mr. STEVENS said he wished to point out that what he had said a few minutes ago was correct. Clause 110 of the Bill read as follows:—

"A proceeding against a person in respect of the offence of a corrupt or illegal practice, or any other offence against this part of this Act, shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which a petition is tried by the Committee of Elections and Qualifications, shall be commenced within one year after the offence was committed, or within three months after the report of the committee is made, whichever period last expires, so that it be commenced within two years after the offence was committed, and the time so limited by this section shall, in the case of any proceeding before justices for any such offence, be substituted for any limitation of time contained in any other Acts."

Mr. HAMILTON said he did not think the remarks of the hon. member for South Brisbane should go unchallenged. The hon. member said that according to the statute the committee had no discretion; that the statute said that the returning officer alone must initial the voting-papers, but that was not what it said. It was distinctly enjoined, in the Act which was laid down for the guidance of the committee, not to act on technicalities, but by good conscience and the justice of the case. Now, where was the justice of the case in deciding that these votes should not be allowed Mr. Stuart because they were marked in a particular

way by the scrutineers, unless it were shown that Mr. Stuart was responsible for the act, and that had not been shown. It had been shown that the marking was due to the opponent of Mr. Stuart. Why should those voters be deprived of their votes simply because a scrutineer belonging to Mr. Stuart's opponent happened to mark the papers in a peculiar way? Let the scrutineers mark the ballot-papers in any way, how could that effect the votes that were polled for Mr. Stuart, and why should those votes not be recorded in his favour, simply because the person who did not wish Mr. Stuart to be elected did a wrong thing? He certainly did not consider that that was a justification, and it was not attempted to be shown that those votes were not *bonâ fide* votes.

Mr. MOREHEAD said, bringing the matter really to some definite issue, he would point out to the Premier that he, many years ago, was in favour of the transference of the power of the Elections Committee to the judges of the Supreme Court. The hon. gentleman knew that, and he (Mr. Morehead) thought he should give the Committee some reason or explanation for his new departure. He asked the Premier now, was he not in favour of that change some years ago?

Mr. HAMILTON: He is asleep.

Mr. MOREHEAD said if the Premier was really asleep it was time the Committee broke up. If he was so tired that he could not attend to a question that was a fatal one so far as the hon. gentleman's reputation was concerned—not that that went for much—he had better go home. But he (Mr. Morehead) would ask the Premier whether he really was not in favour of transferring the power of the Elections and Qualifications Committee to the judges on a former occasion? He (Mr. Morehead) need not expect an answer from the hon. gentleman, but he should stand there till he got one. He did not know whether he might be called a Standing Order or not, but he thought when a question was asked it should be answered. That courtesy had been extended by other Premiers, even those coming from the Opposition side of the House. Again he would ask was the Premier at any time in favour of transferring the power of the Elections Committee to the judges of the Supreme Court?

The PREMIER: Two people cannot speak at once.

Mr. MOREHEAD: Two people often do, and you, as a married man, ought to know that.

The PREMIER said he had no recollection of at any time being in favour of the principle proposed by the hon. member for Bowen.

Mr. MOREHEAD said he thought that the hon. gentleman's memory must be a little bit weak. Perhaps he was tired and did not remember, but he would like now to refresh the hon. gentleman's memory. He would do that, and he was certain that it would be as good as a shower bath to him. He would point out what happened in 1875. There was a gentleman in that House at that time called Mr. Pechey, and on page 53 of volume i., "Votes and Proceedings of 1875," Mr. Pechey asked a question. The hon. gentleman at that time was in a somewhat subordinate position, although he had since subordinated every one to himself. Well, Mr. Pechey asked this question, "Is it the intention of the Government to introduce a Bill to transfer the powers of the Elections and Qualifications Committee to the judges of the Supreme Court?" He presumed the present Premier, who was then Attorney-General, was consulted in the answer that was given, and it was as follows:—"There are some difficulties in the way of making an alteration in the present law; in the event, however, of the Government seeing their way to overcome these difficulties a Bill will be introduced." That was the answer.

The PREMIER: They never did see their way, I presume.

Mr. MOREHEAD: They do not seem to see their way now.

The PREMIER: No, they do not.

Mr. MOREHEAD said that the then Attorney-General did one of two things—he either deceived a supporter, or he intended to bring in a Bill to amend the law as then constituted. Those were the only two positions the Government could take up in the matter—an answer must either have been given intending to deceive, or the Government must have intended to have introduced a Bill. Now, the present Premier of this colony can accept either of those two positions. He (Mr. Morehead) did not care which he took up. Surely if that answer was calculated to deceive it did not reflect much credit upon the hon. gentleman, but he (Mr. Morehead) did not believe it was intended that way. He believed the Government, of which Mr. Macalister was the leader, intended to bring in a Bill to alter the existing law—that they saw the injustice and intended to remedy it. Why that was not done he would leave the present Premier to explain.

Mr. NORTON said when a member of the Committee proposed a motion to adjourn the debate some notice was generally taken of it. He proposed that the debate be adjourned, but if the Chairman ruled that the motion could not be put then he would put it in a different way. He was quite willing to propose the motion in another way, but he moved it in the way he did because the Premier might have taken some objection to a private member moving the Chairman out of the chair.

The CHAIRMAN said he had not an opportunity of putting the question at the time, and now the hon. gentleman had called his attention to the matter, he was bound to say that he could not put the motion.

Mr. BLACK said he was very much astonished at the line of argument adopted by the member for South Brisbane in reference to the reasons supposed to have caused the Elections and Qualifications Committee to have arrived at the result they did in connection with the Burnett election. The hon. gentleman had led the committee to understand that the objection to the seven ballot papers which were rejected was that they were initialed in such a manner so to lead the committee to believe that the secrecy of the ballot was violated. That was the first time he had heard that inference drawn and there was never any suggestion made to the committee that such was the case. He would like the hon. member to point out where such an inference was made. If he pointed out anything bearing that interpretation he would admit his mistake, otherwise the hon. gentleman had drawn a deduction at which the committee did not intend to arrive.

Mr. JORDAN said the matter was noticed by several members, and the hon. member must have forgotten the remarks he (Mr. Jordan) made when the report of the Committee was brought up. His speech was reported in full in *Hansard*, and the hon. gentleman would find that it corresponded exactly with the remarks he had made to-night.

Mr. BLACK said he was referring to the evidence, and he again said that no evidence came before the Committee to lead them to suppose that the initialing was done to violate the secrecy of the ballot.

Mr. NORTON said it had been pointed out by the Chairman that he had not an opportunity of taking notice of the motion he made on account of members getting up to speak, and that statement bore out what he (Mr. Norton) said before. There had been no instance where one member had ceased speaking and another was not ready to take his place, and he did not think that those who wished to address themselves seriously to the question should be charged with "stonewalling." He had some remarks to make bearing on the matter, but it was too late to make them now. He therefore moved that the Chairman leave the chair.

The PREMIER said that every member who desired to speak had spoken, with the exception, he thought, of the hon. member for Port Curtis. The matter was discussed last night; it had been discussed with unusual fulness to-night, and now they were asked to allow the matter to go over to another night. It was apparent that the Opposition wanted to "stonewall," not the provisions relating to the Elections and Qualifications Committee, but the clauses relating to corrupt practices. He had anticipated that, and had been of opinion that the obstruction on the part of members opposite during the last two or three weeks was directed against the Elections Bill, and not against the measures under consideration at different times. It was unprecedented for the only member who wished to speak to ask, after a debate had taken more than a night, that it should be adjourned so that he might have an opportunity of making a speech.

Mr. MOREHEAD said that was the most astonishing speech they had yet heard from the Premier. He had told the Committee that the Opposition simply wanted to "stonewall" the punitive clauses of the Bill; but he (Mr. Morehead) did not know that any member on the Opposition side was afraid of being brought under the operation of those clauses. As to the Bulcocks, Woolcocks, and all that variety of cocks which the hon. gentleman had about him —he did not think it could be said that the Opposition were surrounded by such electioneering machinery. The members on the Opposition side valued very much the honour of representing constituencies, but would not descend to the low tricks adopted by members opposite to obtain seats. Their record in that line at any rate was clear.

The PREMIER: Oh, oh!

Mr. MOREHEAD said that was the "loud laugh" that "proclaimed the vacant mind," but the fact remained the same. Could the hon. gentleman point out any member on his side who got into the House by improper means? He (Mr. Morehead) could point to a Minister of the Crown who was most improperly seated there. Then there was the newly elected member for Fortitude Valley. He (Mr. Morehead) represented nearly as many electors in that electorate as the hon. member did. As to the contention of the Premier that the debate should not be prolonged because he had so willed it, he thought the hon. gentleman had made a mistake. The member for Port Curtis certainly could not be accused of obstructive tactics, and he ought to be allowed to speak at a time when he could be properly reported. There were now only twenty-three members present out of a total of fifty-six, and they were asked to settle perhaps the most important question that would come before them that session, with such a small number of members present. Hon. members on that side had a right to hold and to express their opinions upon the subject, although those opinions might not agree with those of the Premier. But if the hon. gentleman determined to carry matters to an extreme, he hoped that, having regard to the national importance of the question at issue, with regard to the hon. members on the other side who had spoken in favor of the amendment, that the hon. gentleman would let them loose for that occasion only.

Mr. NORTON said his request was by no means unreasonable. A question of that sort was not to be decided off-hand. Had he been merely expressing his own opinions, he would have remained silent, but he felt that in condemning the Elections and Qualifications Committee he was expressing the feelings of the large majority of the population of the colony, who looked with contempt on the proceedings and decisions of that body. That feeling was never more strongly expressed than in the newspapers here a short time ago after the action against the *Courier*. The question was one deserving the fullest discussion.

The PREMIER: It has been fully discussed.

Mr. NORTON said it had not been fully discussed. Last night the amendment was proposed by the hon. member for Bowen, and was answered by the Premier. Then the leader of the Opposition spoke for a short time, and a few remarks were made by the hon. member for Cook. That could not be called discussion. To-day the discussion on that wretched Beaudesert railway lasted until after tea, and the Premier expected that important question to be decided between 8 o'clock and 12. On any ordinary occasion a matter of such importance would have been brought on before tea. If the Government were anxious to get on with the Bill why did they not bring it on earlier in the session? Some other matters might have been postponed. They had adjourned early every evening, and no doubt the House would have sat later if it had been desired. They were told at the beginning of the session that it would be a short one.

The PREMIER: So it would if the Opposition would let it be.

Mr. NORTON: Surely the hon. member did not mean to say they had obstructed before; he said they were obstructing now. They had not yet got to the Estimates.

The PREMIER: What have we done the last four weeks?

Mr. NORTON: What have we done?

The PREMIER: Listened to the Opposition talking.

Mr. MOREHEAD: I hope you liked it.

Mr. NORTON said they would often have been glad to hear the members on the Government side talking. The Government seemed to have some mysterious power over their supporters, by which they secured their votes without any discussion on important questions. Did the hon. member think the public would be satisfied with that?

The PREMIER said he must make some remark about the Government expressing a hope that the session would be a short one. During the last four weeks there had been remarkably little progress made.

Mr. NORTON: It is your own fault; you manage very badly.

The PREMIER said he was not possessed of the faculty of keeping the hon. member for Port Curtis and some of his friends quiet. The last four weeks had been consumed in floods of talk from the Opposition benches. He hoped the hon. the leader of the Opposition would assist in getting on with business, unless the session was to be an unusually long one.

Mr. NORTON said some evenings had been consumed by members on the Government side wiring into one another. The hon. member for Darling Downs and the hon. member for Bundanba were at it for hours one evening—for two evenings, he thought. Then the hon. member for Rosewood had a little go in. It certainly was amusing, and varied the monotony. He would like to ask, since the hon. member had mentioned him by name, how much time he had taken up this session?

Mr. JORDAN said that if they were to remain any longer he was sure the Committee would be glad to hear the opinion of the hon. member for Port Curtis.

Mr. MOREHEAD said he had to express his regret for any time he had occupied in addressing the House to the annoyance of the Premier. It would simplify matters if the hon. member would draw up a code like the Code Napoleon, so that they might know exactly what he would like them to do.

The HON. SIR T. MCILWRAITH said the Premier had asked him to try and bring the debate to a conclusion. He had already expressed his opinion; he thought the matter should be discussed fully, not only from the Opposition benches but from the Government side. He himself had waited to speak on the matter till about 10 o'clock, and spoke until nearly 11, and previously to that word had evidently been sent round that there was to be no talk on the Government side. The leader of the Government had doggedly stuck to the determination to close the debate that night. It was not fair to debar members who wished to speak on the main question from expressing their opinions fully; it was a question which could not be properly discussed in one or two, or even three, nights. He was determined to prevent being brought into law if he could help it the proposition laid down in the Bill. If, after a fair discussion, arguments had no weight with the Government, then the Opposition would have to consider what to do. He had told the Government plainly that he would consider how the Bill could be altered so as to prevent more power being given to the Committee of Elections and Qualifications. They had not had the slightest sign of concession from the Government.

The PREMIER: Yes.

The HON. SIR T. MCILWRAITH said they did not know what the concession would be. He would obstruct the Bill in every possible way as long as his followers would stand by him, if the Government insisted on giving more power to the Elections and Qualifications Committee or increasing the penalties which could be imposed on members whose seats were in jeopardy. It had been shown clearly—what was not very well understood before—that the committee had power not only to unseat a member, but to prevent his being elected during that Parliament. That, he thought, they should obstruct. So far from the Government proposing to limit that power, they wished to increase it. He intended to obstruct that, and in doing so he believed he was acting in accordance with the views of hon. members opposite; because in 1872 they took exactly the same course the Opposition were taking now. When Mr. Macalister, who was leading the party at present in power, brought in his Elections Bill, one ground of opposition was that no provision had been made for taking contested election petitions before a judge of the Supreme Court instead of before the Elections and Qualifications Committee. Afterwards a majority of the House agreed that that committee should be abolished and appeals should be made to the judges. After that occasion, the Government, when asked by one of their own supporters whether they intended to take action during the session, indicated as plainly as possible that they had it under consideration, and if they could get over some technical difficulties they would introduce a Bill. The Government were in favour of making appeals in cases of disputed elections to judges of the Supreme Court instead of the Elections Committee. The Government side of the present Committee had consistently supported the contention of the Opposition, and this being the time to remedy the matter the Government ought not to pass a Bill that would prevent the same question being brought forward again for a considerable time to come. If the present Bill were passed, the Government would never bring in a Bill to supersede it, and the matter would remain in abeyance, because the Government that succeeded them would have enough on their hands, for the first session or two, in looking out for the safety of the colony. This was the time to remedy the matter. He had never believed in obstruction; but he thought that desperate diseases required desperate remedies, and if it came to a matter of obstruction it would be bad for the country and for both sides of the Committee. The Government had offered to make no concessions, and the debate had shown that the Opposition were in the right. If members on the Government side voted according to their consciences, and not according to their principle of never opposing the Government, they would be voting with the Opposition upon the question. The Opposition had done everything to prevent its being made a party triumph if they succeeded in changing the decision from the Elections Committee to the Supreme Court. They had shown that hon. members would be perfectly consistent if they adopted the ideas they had contended for so long. It was unreasonable to force a conclusion upon a night like this. The first clause moved by the hon. gentleman would be negatived, and the second clause would be brought on to-morrow, and they did not consider the matter half debated. The only progress they could make was to come to an arrangement as to what should be done afterwards; because they must come to an arrangement before the Bill could pass through the Committee.

The PREMIER said he would place the matter before the hon. gentleman again. The Bill was brought in to effect a certain object, and the Opposition said that they should not effect that good object to which they agreed, unless the Government adopted certain other things which they (the minority) wished. That was that there should be no improvements in legislation until something that the majority considered bad had been adopted. If the amendment were carried he would lay the Bill aside, and would not be responsible for its passing with that amendment in it. The hon. member confused the question of what was to be the tribunal to decide contested elections with the details of the Bill. He for one did not attach any particular importance to those details, and did not care whether the disqualification was for seven years or for two years. He was anxious that the definitions of bribery and such things should be made so clear that no loopholes for escape would be possible. As to the severity of the punishment, the Government did not attach much importance to it. If it was desired to leave the questions of the Elections and Qualifications Committee open for the present he had not the slightest objection; but he was anxious to secure the benefits which would be secured by the Bill so far as possible. He could not agree to adopt a scheme that he was sure the majority of the House disapproved of. So far as the penal clauses went the Government

did not care if they were adopted in the present or some other form. If it was thought desirable to substitute some general definition, such as the "Elections Tribunal," for the term "Elections and Qualifications Committee," they could do so. He would not object to leave things *in statu quo* so far as that was concerned until a special Act was passed dealing with the constitution of the Elections Tribunal. The Government were not fighting to give the Elections and Qualifications Committee additional power. What he contended for was a distinction between what was essential and what was formal; the precise terms were not essential, but what they considered essential was the conduct of elections and the clearer definition of what were corrupt practices. He attached very little importance to the precise mode of punishment. The question as to the tribunal for trying election petitions could not be dealt with in that Bill.

The HON. SIR. T. McILWRAITH said that the hon. member assumed too much altogether if he assumed that the Opposition had conceded that the Bill was a good one. He himself had conceded—he did not know whether other hon. members had—that there was something good in the Bill, and so far as they had gone he liked it, and thought it was an improvement on the law as it at present stood. At the same time he would not sacrifice that opportunity of amending the law in a much more important respect. They would not be content to be left in the same position as they were in at present—of allowing the Elections and Qualifications Committee the power of debarring members from sitting during Parliament. That would be the case, for the reason that the proposed law gave the Elections and Qualifications Committee the power in two ways. In the first place, it gave them directly more power by increasing the rate of punishment; and in the next place, by increasing the number of offences. That was a point upon which they had not the slightest promise of a concession from the Government. He believed that if they left the powers of the Elections Committee as they were—the punishment for offences being increased as they were—it would be a very bad Bill and most objectionable. The great point was that they ought not to lose an opportunity of obtaining what they considered a great reform; and that it would be a great reform to take the trial of elections out of the hands of that Committee few hon. members would deny. It was quite possible another means might be suggested by further debate. No other means had been suggested by the Government, and the courts of law were the alternative most often advocated by both sides of the Committee. They knew the debate would not go on that night without wandering from the point, and that, in fact, they would be wasting a good deal of time. At the same time, it was the determination of the Committee to fully debate the matter, and the Goverment should permit it to be fully debated. The hon. member for Port Curtis might fairly ask that he should be allowed to debate the motion in a regular way. If they allowed the question to go to a division now, and the hon. member commenced to debate it to-morrow night, the Premier could, and no doubt would say that that would be obstruction. They were not going to put into the hon. member's hand that weapon to use against them. In a case of that kind the hon. member should wish to avoid obstruction; he was sure that he himself wished to avoid it; but it could only be done by conceding the fullest powers of debate to the Opposition. If they could not get what they asked for without obstruction, they would have to get it by obstruction.

The PREMIER said he did not understand the hon. gentlemen when he said there could be no discussion upon the question to-night. With the exception of the hon. member for Port Curtis, almost every member on the Opposition side had spoken on the subject; most of them twice, and some of them three times, and the hon. member for Bowen had formally replied upon the whole debate. Everybody supposed the question was going to a division at once; but it became as plain as possible that different tactics were adopted after that. Hon. members knew that the matter had been thrashed out; the hon. member in charge of the motion had formally replied, and then different tactics were taken. The hon. gentleman said in effect that he would not allow the subject of elections to be touched unless he got his own way. If that was the case they would know what to do. The hon. gentleman meant to say the Bill should not pass. He (the Premier) had been afraid of something of that kind for some weeks past, but he hoped it would not be so. The two parts of the Bill were entirely separable. So far as they had got might be a Bill complete in itself, and he hoped to see it passed. The Opposition, of course, could prevent anything becoming law, but they could not succeed in getting what they wanted to become law in this case. The hon. gentleman said the Government had made no concession. He said they offered very large concessions. He was willing to let the matter remain *in statu quo* so far as the Elections Committee was concerned with the exception of some alterations defining the offences. The hon. member said that hon. members on the Government side of the House did not follow the arguments used in 1872 by the same party. The time the hon. member referred to was in 1871, before he (the Premier) was a member of the House at all. The only member of the party now who was a member of the House at that time was the Minister for Works, and he did not think that he advocated the transference of the trial of disputed elections to a judge of the Supreme Court. It was therefore absurd to say that they should follow the arguments used by the party led by Mr. Lilley in 1871. The Government did not complain of fair debate at all, but what they did complain of was to have speeches made evidently for the purpose of occupying time. Some of that had taken place that night. Hon members had looked at the clock and appeared to have made up their minds to go on until half-past 10 o'clock. After that they appeared to decide to go on further. He had intimated the course which the Government must take in respect of the Bill. As he had said before it was desirable that the provisions of that part of the Bill up to which they had now got should become law; and the portion of the Bill they were now discussing might be suspended until a different elections tribunal was created. That had been done in England lately with respect to the Registration Bill. It was decided to suspend its operation until the Redistribution Bill had been passed. That was a matter to which the Government did not attach very great importance at the present time. The hon. gentleman said that no suggestion had been made during the debate as to any tribunal that could be substituted for the Elections and Qualifications Committee. He had had the matter under his consideration on many occasions before the present, and he had never been able to devise a satisfactory substitute for the Elections Committee. So far as he had got at the present time he did not think the judge would do, and he did not see his way to formulate anything else at the present time. If the majority of the House really desired a change he had no objection to the Bill being framed in such a way as to make it the

duty of the Government to bring forward some scheme to take the place of the Elections Committee when they could find time to do it, but to introduce such a scheme in the Bill before them was quite impossible.

The HON. SIR T. McILWRAITH said he did not quite understand the hon. member in regard to what he thought might be done in suspending the operation of Part VI. of the Bill.

The PREMIER said that what he had said was this: that if it was thought desirable that those powers should exist, but that they should not be conferred upon the Committee of Elections and Qualifications, the provision should be made to apply to the Elections Tribunal without declaring its constitution, and there could be a suspensory clause suspending the operation of that part of the Act until the Legislature dealt with the constitution of the Elections Tribunal. It was not a part of the scheme of the Government, to which they attached importance, to increase the power of the Elections Committee.

The HON. SIR T. McILWRAITH said he attributed great importance to what the Premier had said with regard to the suspension of the provisions of Part VI. of the Bill until the tribunal before which disputed elections should be tried was constituted. That was a matter worthy of their consideration, and they had now heard it for the first time. It dealt with the principal objection that had been urged by members of the Opposition. He put it to the Premier now in all fairness whether they should not adjourn and think over what the hon. gentleman had said. If they had heard that sooner they could have come to some conclusion. At all events he regarded the suggestion now made as one worthy of consideration. It was, however, unreasonable to ask the Committee to come to a division on the amendment proposed by the hon. member for Bowen, until they had thought out the proposition made by the Premier. As to there having been any intentional obstruction on the part of the Opposition, that was not the case. He understood the Premier to say that he had anticipated and heard that they intended to obstruct some weeks back.

The PREMIER: Yes.

The HON. SIR T. McILWRAITH: Well, he could assure the hon. gentleman that it was perfectly untrue. He (Sir T. McIlwraith) wanted to speak on that matter, but he could not do so before 10 o'clock. He twice gave way, after rising to speak, to other members of the Committee. He could not see the slightest attempt on the part of hon. members at speaking relevantly to the Bill until after 11 o'clock. The Premier then got out of temper and would insist that they were obstructing. The hon. gentleman knew perfectly well that if motives of that sort were imputed even by motions of the body or *sotto voce* remarks heard across the table, it would affect members on that side of the Committee. But he admitted that the position of the matter was now changed by what the Premier had stated with regard to Part VI. of the Bill, and he asked the hon. gentleman now, in the interest of the House and in order to get on with the work, to move the Chairman out of the chair and allow the debate on that subject to come on to-morrow. In the meantime, they would consider the proposal he had made, and he would ask the hon. gentleman to consider it too. As far as the Bill had gone he approved of it, and would like to see it become law. He thought that the suggestion of the Premier, with regard to Part VI., would be a good compromise, but it required some little consideration. In the meantime, the hon. gentleman could not fairly ask them to bind themselves on the matter, and go to a division on the amendment proposed by the hon. member for Bowen.

The PREMIER said he did not ask the leader and members of the Opposition to bind themselves in any way. It would be absurd to ask them to do so. They had the whole of the remainder of the Bill to discuss. He did not ask hon. members to bind themselves in any way, but he did ask that the motion proposed by the hon. member for Bowen should be disposed of; that was all. The question could be raised again by the hon. gentleman. If he wished to raise it again, there was nothing to prevent him doing so.

The HON. SIR T. McILWRAITH said he knew quite well that there was some anxiety on the part of a large number of members on the other side of the Committee to see their names in the division list. He could say this—speaking for members on his side of the Committee—that obstruction was not intended, and that the compromise in Part VI. suggested by the Premier, would receive their most favourable consideration, but they wanted to discuss the matter, and would take a division as soon as the debate was over. They wanted a fair debate, and nothing more.

Mr. LISSNER said the Premier stated that all the members on that side of the Committee had spoken. He had not addressed the Committee. He was generally a silent member and was not an obstructionist. He intended to speak on the subject, but he thought it was rather late to do so at 1 o'clock in the morning. He did not care for the Elections and Qualifications Committee. He did not like the aspect of the House that night; there was too much of the Balaclava charge about it. He thought it would come with good grace from the Premier if he made a concession to hon. members and allowed them to go home at that hour, for they had had quite enough debate for that night.

The PREMIER said he hoped the hon. gentleman would not think that he intended any discourtesy in saying that all the members on the Opposition side of the Committee had spoken. What he said was that he understood all hon. members on that side who desired to speak had spoken.

Question—That the Chairman leave the chair, report progress, and ask leave to sit again—put, and the Committee divided:—

AYES, 9.

Sir T. McIlwraith, Messrs. Norton, Stevens, Chubb, Govett, Black, Lissner, Morehead, and Hamilton.

NOES, 20.

Messrs. Dickson, Miles, Moreton, Rutledge, Griffith, McMaster, Sheridan, Dutton, Brookes, Jordan, White, Isambert, Bailey, Wakefield, Mellor, Buckland, Grimes, Campbell, Macfarlane, and Aland.

Question resolved in the negative.

Mr. NORTON said it seemed the position they had arrived at was that the Government intended to stop the proper discussion of that important subject by hon. members of the Opposition. They intended to prevent the expressions of opinion of hon. members being recorded in *Hansard* in the usual way. They not only intended to do that, but no time was to be allowed to consider the alternative proposals which the Premier had made. Now, was it fair that neither one of those things should be acceded? He thought the conduct of the debate had been as creditable as any debate he had ever heard, and there had been no disposition on the part of hon. members to obstruct the measure. He, for one, did not intend to enter upon any discussion to-night.

He had asked fairly, as one who was prepared to speak seriously upon the subject, and who wished to bring forward subject-matter that had not been introduced, that the debate might be postponed, but the Premier refused that. The fact was the Premier wanted to get out of any further discussion on the subject. He knew that what he (Mr. Norton) said was true: that the actions of the House were held in contempt by the people outside when they were applied to the position of any member of the House; but it would redound to the credit of the Premier if he were to allow the Committee to adjourn and go home. The position they had got into was not likely to improve matters or improve the tempers of hon. members, and no useful discussion could be proceeded with that night. The Premier knew that what he (Mr. Norton) said was true, and yet he insisted upon them remaining there. The one proposal made by the hon. gentleman, he said, they must accept that night or not at all.

The PREMIER: I did not say anything of the kind.

Mr. NORTON: Those were the facts of the case.

The PREMIER: Not at all.

Mr. NORTON: He gave the hon. gentleman as point-blank a denial as he had received. He did not wish to be rude, but if the Premier set the example he would follow. Members of the Opposition side had expressed their willingness to give the proposal grave consideration, and all they asked for was that sufficient time should be given for consideration. Was that unreasonable? The fact of the matter was that if they were to be treated in that way the Government were not likely to get on very fast with their business. He did not wish to offer any obstruction to the Bill, but the subject brought forward by the hon. member for Bowen ought to have full discussion, and he claimed the right to discuss it as well as any other hon. member.

The PREMIER said he had already stated that the hon. gentleman should have the fullest opportunity for discussion. He would give him a whole day to himself. There was no intention of preventing him from speaking on the subject. That was not the question at all. It had been pointed out that if the amendment of the hon. member for Bowen were carried the Bill would come to an end. They all knew that, and he thought the amendment had been fully and fairly discussed. The hon. member for Bowen had himself spoken in reply, summing up the whole debate, and everyone expected a division would take place. Then suddenly an attempt was made to obstruct the Bill. He said that was an unreasonable position to take up. The subject having been debated fully, it was fair that the Government should ask that it should be disposed of. The hon. member for Port Curtis could make another speech on the subject to-morrow if he pleased, but he (the Premier) simply wished to state that the Government were prepared to go on with the Bill, if the amendment of the hon. member for Bowen were disposed of and negatived. If the amendment were carried the Bill came to an end. The Opposition were committed to nothing; they were perfectly free to discuss every clause of the Bill to the very end, and he did not ask them to commit themselves to anything. He had intimated that evening, being anxious to get the Bill through, that he should be prepared to grant any reasonable concession, but if the amendment of the hon. member for Bowen were carried that would defeat the Bill, because the Government were not prepared to accept the amendments in their present shape. What he had been trying to do was to assist hon. members, and at the same time not suicidally throw up the position of the Government.

Mr. MOREHEAD said the Premier forgot that he made a proposition which would alter the position of affairs with regard to the Bill, and that the leader of the Opposition had very properly asked time for its consideration. There could not be a better answer to the charge of obstruction than that made by the leader of the Opposition, who asked whether it was likely the Opposition benches would be in such a state if organised obstruction existed. The hon. gentleman knew there had been no attempt to obstruct. The question was a most important one, and had been met half-way by the leader of the Opposition; and it was unfair, ungenerous, and untrue on the part of the Premier to say that there had been any attempt on the part of the Opposition to organise obstruction to the passage of the measure. He had discussed a good many clauses in the Bill, but never with any intention of offering any factious opposition. He believed it was the intention of the Government to do what they could to purify elections, and he believed every member of the Committee was desirous of helping in that object. The question of sitting up all night affected the Executive of the colony more than it affected him, because they had the business of the country to attend to in the morning, and no one wished to affect their capability for carrying out that business. The Committee was in a fairly good temper—he had never seen hon. members in so good a temper at that hour—and he thought the Premier might fairly move the Chairman out of the chair and let them adjourn till a later hour. He was sure the Premier would see the expediency of adopting that course. He took it that the Government did not intend to obstruct their own measure, and they might accept the position indicated by the Premier—that there had been a new departure—and move the Chairman out of the chair.

Mr. BROOKES said he was in a very good humour, and he congratulated the hon. member for Balonne on his temper, but he did not agree with the hon. member's statement regarding a new departure. He had listened to the kind of duel between the Premier and the leader of the Opposition but he had seen no new departure. And if the hon. member for Port Curtis would allow him, he would say that his conduct was utterly ridiculous. The leader of the Opposition wanted to have the matter thoroughly thrashed out; but he (Mr. Brookes) regarded the debate on the hon. member for Bowen's amendment as being already thoroughly exhausted; and no one knew that better than the hon. member for Port Curtis, who stood up after the debate had lasted four or five hours and claimed the right to make a speech to-morrow on the subject. The hon. gentleman asked an unreasonable thing, because his speech could just as well be made when the tribunal business was disposed of. He, for one, would be quite willing to listen to him, though he knew the amount of fatigue that implied. And what was the new departure? All the Premier said was that when they got over the tribunal question he would arrange the other parts of the Bill so as to provide for that question being reopened at some future time. It seemed to be of no use for the Premier to tell hon. gentlemen opposite, over and over again, that he did not attach any importance to the punitive clauses—they seemed as if they did not hear him. The supporters of the Government had been jibed with acting under orders, and hon. members opposite plumed themselves with not acting under orders;

but let them have fair play. He did not charge hon. members opposite with acting under the orders of the leader of the Opposition. It seemed to be supposed by the Opposition that there were members on that side who would vote for the amendment if they were free to vote as they pleased. He did not believe that, and was quite prepared to put the question to the test by a division.

Mr. NORTON said the hon. member had not thrown a ray of fresh light on the subject. As to the fresh departure—the fresh departure was that the hon. member was in his seat. The hon. member was generally absent except when a division was expected, and then he was generally seen emerging from the back premises to take his part in it. He hoped the Premier would reconsider his decision and let the discussion be continued and finished to-morrow. He (Mr. Norton) could talk for hours if he chose, but he hoped it would not be necessary to keep hon. members and officers of the House out of their beds. The Premier seemed somewhat sleepy, so he would now move the Chairman out of the chair.

The PREMIER said they knew what one member of the Committee could do if he chose to be unwise, and he had no wish to persuade the hon. member to be less unwise than he seemed to be. He rose to point out that the action of the Government had been perfectly fair. The debate was formally closed at half-past 11 by the speech in reply from the hon. member in charge of the amendment. If the motion were carried the Bill would be at an end; if negatived, the Bill would be gone on with. The hands of the Opposition were absolutely free; he asked for no assurance of any kind from them. But if they were to debate at that length every question that might be raised they would never get through the Bill. Considering the nature of the business, the Government had shown every desire to facilitate the wishes of hon. members. After the debate was closed, it could not be expected to be reopened in order to allow an hon. member, who had not previously made up his mind to take part in the debate, to reopen it. The hon. member told him he had not made up his mind to speak on the subject. The Government did not wish to prevent the hon. member for Port Curtis from airing his eloquence, but there were a dozen other clauses in the Bill on which it would be perfectly appropriate. There could be only one verdict given on the conduct of the Opposition, and that was that they were guilty of extremely wanton obstruction.

Mr. NORTON said he was sorry the hon. member should have done what he had often condemned in others, in repeating a private conversation which had taken place outside. He (Mr. Norton) was outside listening to the debate when the Premier asked him if he intended to speak; and he said he was not sure that he would. It was not customary for hon. members on one side to tell hon. members on the other what they intended to do; and when he was asked he very seldom gave a direct answer. It might not be convenient for him to give it, and it might be convenient for the other side to get it. He had been waiting all the evening to speak without getting an opportunity, and other members also wished to speak. He did not understand from the hon. member for Bowen that he intended his speech to be a speech in reply; and certainly it was never understood that the debate had formally closed. He had known the Premier himself on more than one occasion speak after the opener had replied; that kind of thing was done repeatedly; it was done only the other day.

Mr. CHUBB said that when he spoke in reply he thought no other hon. member wished to speak. During the evening two hon. members on that side, and one on the other side, had told him they were anxious to speak in favour of his amendments; but they left the House under the impression that it would not go to a division that night. Other members who had spoken had also left, though they wished to record their votes on the subject.

Mr. MOREHEAD drew attention to the state of the Committee.

Quorum formed.

Mr. CHUBB said that, as some members who were anxious to speak and others who wished to record their votes had left the House, he would suggest that they should adjourn.

Mr. MOREHEAD proposed that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put, and the Committee divided:—

AYES, 5.

Messrs. Hamilton, Morehead, Norton, Lissner, and Govett.

NOES, 17.

Messrs. Griffith, Moreton, Rutledge, Dutton, Dickson, Sheridan, McMaster, Bailey, Mellor, Buckland, Aland, White, Isambert, Jordan, Brookes, Grimes, and Macfarlane.

Question resolved in the negative.

The CHAIRMAN said he would resume the chair in a quarter of an hour.

On the Committee resuming,

The PREMIER said he did not like to give unnecessary information, but the last motion made was of a most unusual character. It was that the Chairman leave the chair, report progress, and ask leave to sit again. That motion was negatived, and the consequence was that the Chairman would have to sit until something was done, as a similar motion could not be put until something was done. In all his experience such a case had not occurred before. How many alternatives were there left? One was that the motion of the hon. member for Bowen could be negatived; or it could be withdrawn; or the House could be counted out.

Mr. MOREHEAD said that as the Chairman was probably clearer upon the point than the hon. Premier, he would be glad if he would inform the Committee what his exact position was.

The HON. SIR T. McILWRAITH said if the Chairman had power to say that he would resume the chair in a quarter of an hour and left it, he had equal power to leave it for thirteen hours.

Mr. MOREHEAD said it was really a most important point which had been raised by the leader of the Opposition. If the Chairman could on his own motion say he would resume the chair in a quarter of an hour he might also say he would resume it seven years hence.

The HON. SIR T. McILWRAITH said that such a procedure was not provided for in their Standing Orders. The only thing that might justify it was precedent. The Premier had suggested that the hon. member for Bowen should withdraw his motion, and stated that the Chairman might then leave the chair. If the amendment were withdrawn on the understanding that the hon. member could move it again at a later hour of the day, there could be no objection.

The PREMIER: There is nothing to prevent his moving it again if he wants to do so.

The HON. SIR T. McILWRAITH: Then they would be exactly where they would have been if the Premier had moved the Chairman out of the chair at 11 o'clock.

The PREMIER said the leader of the Opposition wanted to know what would be the consequence if the hon. member for Bowen withdrew his motion? The consequence would be that it would be withdrawn, and they would be very much where they were at 7 o'clock that evening. There had been a great deal of debate on the subject, and perhaps if the subject were approached at a later hour of the day some work could be done. Whether the hon. member for Bowen would desire to renew his motion at a later hour was a matter for his own consideration.

The HON. SIR T. McILWRAITH said in order that the Chairman might explain his position he would move that he now leave the chair.

The PREMIER said such a motion could not be put, because it had already been put and negatived. The hon. member did not move the right motion, and the Chairman could not move until progress had been made.

Mr. MOREHEAD said as far as he could understand the Chairman was fixed in the chair for ever.

The PREMIER: Until progress is reported.

Mr. MOREHEAD asked how the hon. gentleman proposed to make progress? Perhaps the Chairman would explain how he stood in the matter.

The CHAIRMAN: I have no question to put except the motion of the hon. member for Bowen.

The HON. SIR T. McILWRAITH: I have moved that the Chairman leave the chair.

The PREMIER: I object to the motion being put, because it involves the last motion which has been negatived.

Mr. MOREHEAD said that was what he wanted to get at. What was the position of the Chairman? The leader of the Opposition had proposed that the Chairman leave the chair and the Premier said he could not do so. He really did not know what would happen, and he should like the Chairman's ruling as to whether he could move out of the chair or not.

The CHAIRMAN said that according to "May" a motion to report progress, having been negatived, could not be repeated during the pendency of the same question, but could be alternated with the motion "That the Chairman do now leave the chair." He was of opinion that the motion could be put.

The PREMIER said that, as it was a nice point to decide, he moved that the Chairman leave the chair and report the point of order to the Speaker.

Question put and passed, and the House resumed.

Mr. FRASER said: Mr. Speaker,—A motion was made in committee a short time ago that I do now leave the chair; and that was negatived. Subsequent to that another motion was moved that I do now now leave the chair, report progress, and ask leave to sit again: and that was negatived also. I adjourned the Committee for a short time, and, on resuming, it became a question what position I occupied—whether I could be moved out of the chair. The hon. member for Mulgrave moved that I do now leave the chair. It was objected that the motion could not be put, and I gave it as my opinion that it could be put, but that has been objected to also. I was requested then to report this point of order to you—whether it is competent to put the question that I do now leave the chair? The following opinion on the point is from "May":—

"A motion 'That the Chairman do now leave the chair,' when carried, supersedes the business of a committee."

But that motion was negatived; consequently it did not supersede the proceedings of the Committee. The subsequent motion, that I do now leave the chair, report progress, and ask leave to sit again, was also negatived; consequently the proceedings of the Committee were not superseded by that motion. "May" goes on to say:—

"A motion to report progress having been negatived cannot be repeated during the pendency of the same question, being subject to the same rule as that observed in the House itself, which will not admit of a motion for the adjournment of the debate to be repeated without some intermediate proceeding. It has, therefore, been customary to alternate the motion for reporting progress with the motion 'That the chairman do now leave the chair.'"

Upon that I gave it as my opinion that it was competent, notwithstanding the fact that the motion that I do now leave the chair, report progress, and ask leave to sit again, had been negatived, to put the question that I do now leave the chair.

The PREMIER: Mr. Speaker,—I raised the question because it is a nice point, which in my experience has not occurred before. The motion "That the Chairman do now leave the chair, report progress, and ask leave to sit again," involves all the separate motions, and the question is whether the motion "That the Chairman do now leave the chair" can be immediately repeated.

The HON. SIR T. McILWRAITH said: The decision come to by the Committee before the point was raised was "That the Chairman should not leave the chair, report progress, and ask leave to sit again"—that these three things together should not be done; and I hold that there is no reason why an alternative motion should not be moved—either "That the Chairman leave the chair," or "That progress be reported," or "That leave be asked to sit again." I think that the motion was collective, and that after we decided that the three things together should not be done, there is no reason why the first should not be moved afterwards.

The SPEAKER: The first motion, "That the Chairman do now leave the chair, report progress, and ask leave to sit again," even though negatived, does not dispose in any way of the main question then before the Committee; and I do not think the effect of negativing that motion was to prevent another motion being put—"That the Chairman do now leave the chair." In order to enable a motion of this kind to be put, it must be a variation on the preceding motion. The motion "That the Chairman do now leave the chair, report progress, and ask leave to sit again," is a distinct motion of itself, and asks the Committee to do three things; whereas a variation is made by a simple motion that "The Chairman do now leave the chair." Therefore in my opinion the motion put—"That the Chairman leave the chair"—is different from the motion negatived by the Committee on a previous occasion, and consequently can be put.

The Committee resumed.

Question—That the Chairman do now leave the chair—put.

The Committee divided:—

AYES, 10.

Sir T. McIlwraith, Messrs. Chubb, Norton, Hamilton, Lissner, Morehead, Govett, Palmer, Black, and Stevens.

NOES, 20.

Messrs. Griffith, Miles, Rutledge, Moreton, Sheridan, Dutton, Dickson, Aland, Grimes, McMaster, Macfarlane, Mellor, Wakefield, Bailey, White, Isambert, Campbell, Foxton, Jordan, and Brookes.

Question resolved in the negative.

Mr. MOREHEAD said that as the Chairman seemed very tired he would, in order to relieve him, move that he do now leave the chair and report progress.

The PREMIER said that if hon. members were determined to exhibit themselves to an admiring country nothing could stop them. Two members were quite sufficient to obstruct.

Mr. MOREHEAD: That is exactly what we thought.

The PREMIER said he had seen obstruction a great many times, but he have never seen any instance like that before—it was utterly objectless. The Government had made very fair and reasonable propositions; they had offered the Opposition everything that any reasonable man could ask. They had in no way endeavoured to stop discussion; in fact they had offered concessions to the Opposition of a very liberal character. And yet the Opposition were deliberately obstructing the business of the country in a way he had never seen equalled. He could not imagine what object they had in view. They were supposed to meet there as reasonable men, and not as children disporting themselves. The only reason as yet given for all the obstruction that had been made was that the hon. member for Port Curtis wished to make a speech of considerable length, and that he thought half-past 11 too late an hour to make it. The Government were willing to give that hon. member the whole of to-morrow evening to make a speech, if he chose; they had no wish to restrict his eloquence, but were willing to give every facility for future discussion; and yet hon. members sat there—he confessed he did not know what for.

The HON. SIR T. McILWRAITH said he was going to make an amendment on the motion of the hon. member for Balonne, by proposing the addition of the words, "and ask leave to sit again." The hon. member had blamed them for obstruction. He would like some spectators to have been in the gallery for the last half-hour without knowing what was going on, and to be asked which side they thought was obstructing the business of the country. It was the hon. member himself who was obstructing business by frittering away time in having points referred to the Speaker, and so forth; and now he was trying to get out of the absurd position he had put the Committee in. The Opposition debated fairly and thoroughly up till 11, and previously to that the Government side got word that nothing was to be said, and that a division was to be forced. Several members on the Opposition side who desired to speak and vote went away, on an undertaking being given by him (Sir T. McIlwraith) that no division would be taken. They expected that the debate would be adjourned at 11 o'clock; surely that was late enough when the Government had three days a week. The hon. member suggested that they should go to a division on the motion of the hon. member for Bowen, and said that the hon. member for Port Curtis might speak as much as he liked on the same motion to-morrow. Was not that a disgraceful proposition? Who could possibly resist a charge of obstruction if such a course were pursued? They were determined not to pursue such a course, but to keep the matter open; and then the hon. member for Port Curtis would be perfectly in order in speaking to-morrow. It was degrading for the hon. member to propose such a scheme. They were prepared to debate the matter, but not to carry on a debate which the hon. member might say at any time was irregular.

The PREMIER said it was a most remarkable thing that they should be told at 3 in the morning that hon. members had gone away on the undertaking of the leader of the Opposition that a division would not be taken that night. It was very singular that, if it were intended to adjourn the debate, not a word was said about it up till a quarter to 12. When a debate went on after 11, it was generally understood that it was the intention of both sides to conclude it; and that was the understanding the night before. If the hon. member had told them that hon. members had gone away on his assurance that the debate would not finish, the way would have been plain; but they were not told it till 3 in the morning, after three hours of the most aimless obstruction he had ever seen. The Government had not asked that the matter should be concluded that evening; but they were determined not to give way to mere purposeless, objectless obstruction. The reason why a Government was bound to make a stand in a matter of that kind, even if they did not gain any immediate object, was that the only thing which could tell in such a matter was public opinion; and the people who deliberately prevented public business from being transacted should be exhibited to the public in their proper light. The hon. member had told them over and over again that he did not believe in obstruction, but certainly the hon. member had never seen an instance of the leader of a party countenancing obstruction under such circumstances as that evening. Judging from the hon. member's actions, his aim was to prevent any further progress being made with the Bill during the present week. He believed that for some weeks past the obstruction of that measure had been one of the principal objects aimed at by hon. members on the other side. Two or three hours ago he certainly thought the hon. gentleman was disposed to allow some progress to be made, but now it was hard to escape the belief that the Opposition was determined to prevent any progress being made with the Bill.

The HON. SIR T. McILWRAITH said he was surprised to hear what had fallen from the hon. member after he had distinctly told him across the table that several members had gone home on his assurance that no division was expected.

The PREMIER: I never heard of it till this moment.

The HON. SIR T. McILWRAITH said the hon. member was in his place when he (Sir Thomas McIlwraith) rose and gave it as a reason why the Government should be reasonable and adjourn.

The PREMIER: No one on this side heard it

The HON. SIR T. McILWRAITH said he rose for the special purpose of informing the hon. member. The hon. member said members on that side had not heard him make any such speech, but hon. members themselves did not say anything of the sort.

HONOURABLE MEMBERS: I did not hear it.

The HON. SIR T. McILWRAITH: Three hon. members say they did not hear it.

The PREMIER: Now, what members did?

HONOURABLE MEMBERS: I did not.

The HON. SIR T. McILWRAITH said he was astonished at that. Every member on his side heard him make the statement as a reason why the Government should adjourn the debate.

The PREMIER: I should have done it at once.

The HON. SIR T. McILWRAITH said he knew his recollection could not play him false in a case of that kind. He was surprised at the hon. member, with his experience of obstruction, speaking of that as an extraordinary piece of obstruction. The hon. member had obstructed him in almost everything. He first distinguished himself by his obstruction over the £3,000,000 loan; and then followed the obstruction on the mail service, which was carried on for something like nine weeks. The hon. member seemed to forget all that. He did not think the Opposition would regret the obstruction they were giving the Government in the present case. They had told the Government that their object was to get a fair and full discussion of the subject. They had discussed it fully and fairly up till 11 o'clock, and then they asked for an adjournment because some hon. members wished to speak further. The hon. gentleman kept exasperating hon. gentlemen by saying that the Opposition were organising obstruction, and he now asked them to violate all the rules of debate by coming to a decision upon the matter, urging as a reason that the same subject could be opened up next day on another question. The Opposition declined to do that because they might be told by the Government that they were out of order.

The PREMIER said that if he had known that hon. gentlemen had gone away in the belief that a division would not take place he should not have attempted to press the matter. The hon. member for Bowen might withdraw his amendment; it was a matter of sheer obstinacy.

The HON. SIR T. McILWRAITH said that when a discussion was not finished, the usual course was to move the Chairman out of the chair. The motion would not be withdrawn.

The PREMIER said that half-an-hour ago the hon. gentleman had suggested that the hon. member for Bowen should withdraw his amendment. The hon. gentleman would not exalt himself in public opinion by obstruction, as every opportunity had been given him to get out of his difficulty without dishonour.

The HON. SIR T. McILWRAITH said he would like to know what authority the Premier had for saying that he had advised the hon. member for Bowen to withdraw his motion? He never did such a thing. The hon. gentleman seemed to have lost his memory altogether.

The PREMIER said the hon. gentleman said, when he was addressing the Committee, that there could be no objection to the motion being withdrawn.

The HON. SIR T. McILWRAITH said the hon. Premier need not warn him of any danger of falling in public opinion by the course he was adopting. He (Sir T. McIlwraith) had always held that obstruction was justified by its success and the objects it accomplished. The hon. gentleman had made fools of himself and his party on former occasions through obstructing without success. They obstructed wrong measures, but the Opposition knew that they were right in the present case; and while he was as anxious to get to bed as anyone, he was determined to go on unless some reasonable condition was offered that he could accept.

Mr. PALMER said he left the Committee under the impression that the debate would not be forced to a conclusion that night. He was on his way home, but when he saw the lights in the House he came back.

Mr. HAMILTON said the obstinacy in the present case was on the part of the Government. The fact of the hon. member for Bowen withdrawing his motion would be an insult to the Committee if he intended to bring it up again for discussion. The Premier's reasons for considering that the subject had been sufficiently discussed were incorrect. The hon. gentleman had stated that every member on the Opposition side of the Committee who wished to discuss the question had done so. But that was not so. There had been no obstruction up to 11 o'clock, and many members of the Opposition wished to speak but had not an opportunity of doing so up to that time, and as it was known that after that time the speeches were not fully reported, and as the question was one of great public interest, they wished the debate to be adjourned in order that they might express their sentiments upon it. The Premier said that had he known that the leader of the Opposition had informed his supporters that there would be no division that night, he would never have objected to adjourn. He knew that now, and why did he not agree to adjourn? They would not have the Premier's wish forced down their throats, for if they were poor in number they were rich in resolution.

Mr. CHUBB said the Premier had said he had not heard the statement made that members had left the Committee on the assurance that there would be no division. He could say that more than three hours ago he had told the Committee that there were two members on the Opposition and one member on the Government side who had assured him that they were anxious to speak in support of the amendments, and other members of the Opposition who had spoken and desired to vote for the motion had left the House under the belief that there would be no division that night. It appeared now that there were four members who wished to speak—the hon. member for Burke, the hon. member for Port Curtis, the hon. member for Kennedy, and the hon. member for Fassifern on the other side of the Committee.

The HON. SIR T. McILWRAITH asked if the Premier knew what arrangement had been made by the Government whip? He could not remember what that hon. member had written, but if the Premier would ask for the document he would know what was proposed.

The PREMIER said the only information he had was that it was understood that the division would be taken that evening. He knew that members had paired on the question.

The HON. SIR T. McILWRAITH: Not with my knowledge or consent.

Mr. MOREHEAD said he could well remember when the Premier and the Minister for Works were two of fifteen members who obstructed the then Palmer Government when the present Sir Charles Lilley led the Opposition. The Minister for Works was one of a noble thirteen who took a document up to Government House protesting against the Palmer Administration. They brought up a number of very weak arguments which were answered categorically by Lord Normanby, who was Governor at the time. He remembered also that Mr. Lilley, after there had been a conflict between the two parties, described the present Premier—who had come into Parliament under his ægis — he expressed his opinion of the present Premier and three others by saying he regretted that in the conflict he had had to make use of tools he despised. There was no doubt that a number of members wished yet to speak on the question before them. There were not more than twenty-five members in the House, and yet that number was to be asked to affirm and continue a system that had been branded outside and inside the House as a most improper way of dealing with election petitions.

He contended that, whatever the result might be, the Committee were bound to see that it was dealt with by a full House—by the majority of the representatives of the people. It was worse than monstrous; it was absolutely vicious for a Government holding a majority in their hand to try and force a matter of that enormous importance upon a thin House. Every concession that could be offered in reason had been offered by the Opposition side of the Committee. They had done all they could to try to come to terms with the Premier, and the hon. gentleman had led them to believe that he was willing to meet them, but as soon as the proposition came to be reasonably discussed, like an eel he slipped out of their hands. He (Mr. Morehead), however, hoped that even at that advanced hour of the morning the hon. gentleman would see the wisdom of agreeing to the resolution that had been moved, or see his way himself to move that the Chairman leave the chair. All the Opposition asked was that a most important question like that should be discussed, fully and freely. That was a right they had, and the Premier and his followers were trying to take it away from them. It was a right they would not part with, or, at any rate, if they did, it would be after a most bitter struggle.

After a pause,

Mr. MOREHEAD called attention to the state of the Committee.

Quorum formed.

The CHAIRMAN said the last question disposed of was "That the chairman do now leave the chair, report progress, and ask leave to sit again," and therefore the motion now before the Committee, "That the Chairman leave the chair and report progress," was not in order. The alternative motion was, "That the Chairman do now leave the chair."

Mr. MOREHEAD said it appeared to him that the Chairman picked up information very slowly. They had been nearly an hour discussing the motion, and now the Chairman had suddenly discovered that it was out of order. What would happen next?

The HON. SIR T. MCILWRAITH asked whether the motion could not be put?

The CHAIRMAN said he thought it could not. The hon. member for Balonne was mistaken in saying that the motion had been before the Committee for nearly an hour. It had only been before them for a short time.

Mr. MOREHEAD said it had been before them for for nearly an hour. He thought the Chairman should keep a record and be careful not to contradict him unless he had evidence before him that he (Mr. Morehead) was wrong. He would suggest that a new Chairman be appointed to take the place of Mr. Fraser, who must be tired out.

Mr. HAMILTON said he could see no good to be attained by prolonging the discussion, and as the Premier had said that he would have adjourned the House if he had known other members wanted to speak, and as he had that information now, and the position of affairs was the same, he thought the hon. gentleman should move the Chairman out of the chair.

Mr. BLACK said he must say the tactics he had witnessed for the last few hours were the most extraordinary he had seen since becoming a member of the House. He thought it should be a matter of regret to all hon. members that a more conciliatory tone should not have prevailed, and more especially that it had not been shown by the Premier. The question was not one of such trivial importance as the Government seemed to think, and he could assure hon. members that the constituencies took a deep interest in the question and were anxiously looking for some change in the constitution of the Elections Committee. The English Parliament had been forced to appeal to the judges as the best tribunal, and they had been led to take that step by the knowledge that it was almost impossible to get a committee of members who would not be influenced by political motives. The matter was so important to the colony that hon. members were perfectly justified in doing their utmost to place on the statute-book of the colony an Act which would prevent in the future the extraordinary decisions which had been given in the past by the Elections and Qualifications Committee. It was so important that he was sure many hon. members would be glad of an opportunity of expressing their opinions. He was sure the Minister for Lands was itching to speak; and the Minister for Public Instruction, who was involved in a matter to which he was about to refer, surely had something to say on the subject. The member for Stanley (Mr. White), the member for Moreton, the new member for Fortitude Valley, the member for Ipswich, the member for Oxley, and the member for North Brisbane (Mr. Brookes)—he should like to hear their opinions on a matter of such vital importance. As the matter now stood, the Opposition were only doing their duty in taking advantage of the opportunity to place on the statute-book an Act which would be a credit to the colony, instead of perpetuating the present system of Elections and Qualifications Committees, which was a disgrace to any civilised colony; and he proposed, in order to show the reasons why he objected to that system, to quote from the proceedings of the Elections Committee in the case of the Burnett election petition, showing the inevitable bias of that committee What he proposed to read would be found in "Votes and Proceedings" for 1884, page 391. The first document was the report of the Elections and Qualifications Committee on the petition of R. W. Stuart against the return of the Hon. B. B. Moreton. But he would first of all call attention to the state of the committee.

Quorum formed.

Mr. BLACK then proceeded to read the report of the Select Committee in the case mentioned—the minutes of proceedings, the evidence of the witnesses examined—and to comment on the same.

Debate continued until five minutes to 6 o'clock, when

Mr. MOREHEAD called attention to the state of the Committee.

A quorum not being present, the House resumed, and the CHAIRMAN reported the fact to the Speaker.

The SPEAKER thereupon counted the members present, and finding that there was not a quorum, declared the House adjourned until 3 o'clock this afternoon.