Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 17 SEPTEMBER 1885

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LEGISLATIVE ASSEMBLY.

Thursday, 17 *September*, 1885.

Petition.—Question.—Formal Motion.—Elections Bill—committee.—Message from the Legislative Council.—Adjournment.

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

PETITION.

Mr. JORDAN presented a petition from the members and congregation of the Wesleyan Methodist Church, Stanley street, South Brisbane, in favour of the Bill relating to the sale of

intoxicating drinks, and especially the clauses relating to local option and Sunday closing; and moved that it be read.

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

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

QUESTION.

Mr. SALKELD asked the Minister for Works—

Is it the intention of the Railway Department to erect overhead cranes for loading log timber at any of the stations on the Southern and Western Railway?

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

The question of erecting overhead cranes or gantries for loading log timber has received consideration, and instructions have been given to erect one as an experiment.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. NORTON—

That in addition to the items of the motion *re* Railway Accidents Actions, which was agreed to by the House on the 15th instant, there be also returned the amount tendered to the claimant in each case in satisfaction of his claim.

ELECTIONS BILL—COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House went into Committee further to consider this Bill.

On the question that the following new clause follow clause 86 of the Bill:—

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.

Mr. NORTON said that during the discussion which took place in committee last night in connection with the proposed amendment he asked the leader of the Government to allow him an opportunity of saying what he had to say on the subject at a time when there was some probability of the question being discussed in the ordinary way, and he stated that he should confine himself to the point at issue as much as possible. He was speaking for himself, certainly, because, although he knew there were other members who intended to speak, he did not think it was his particular business to speak on their behalf. Therefore he thought it sufficient to ask that he should be allowed that opportunity of speaking, which he had not been able to avail himself of during the evening. In referring to the subject now he intended, so far as possible, to give some ground for the remark he made last night to the effect that the Acts of Parliament—he said "Acts of Parliament" because his observations did not apply to that Parliament or the Parliaments of Queensland only, but to the Parliaments of all the colonies—so far as they applied to individual members, were held in utter contempt by the public. He should refer to that presently, and attempt to show upon what ground he made that statement. He thought that hon. members on his side of the Committee might claim that their object in supporting the amendment of the hon. member for Bowen was not merely in the defence of their privileges; but it was also in defence of the rights of electors throughout the colony. The Bill which was now before the Committee not merely curtailed the rights which hon. members possessed, but it curtailed the rights which every member of the community who was an elector was also entitled to. He thought hon. members on his side might fairly claim that the objects they had in view were to secure and, if necessary, to enlarge the rights which members now enjoyed. He said "enlarge" because the leader of the Government disclaimed that the Bill gave any more powers to the Elections Committee than they had hitherto enjoyed. He was not going to dispute that point; he did not think it necessary to do so. All he said was that if the Elections Committee had already the powers which were proposed to be given to them under the Bill the sooner those powers were abolished the better. He thought it was a disgrace to any country with responsible government that they should be allowed to exist. That was what they claimed on his side of the Committee—to secure those rights and enlarge them if necessary; and to abolish, if it were the case that those powers were now held by the Elections Committee, what he thought they might justly speak of as legalised enormities. It was proposed in the amendments introduced by the hon. member for Bowen to substitute a competent tribunal for an incompetent tribunal. The idea was to allow all disputed elections to go before and be decided by a judge of the Supreme Court, who was certainly competent to act in cases of the kind, who was not a political partisan in any sense, and whom not only members of the committee, but the public generally, would regard as one quite fit to hold the important position in which he was placed, and one who would endeavour to carry out the work thrust upon him in an honest, unbiassed, and straightforward manner. By the present Bill, instead of having that judge, the decision was left in the hands of one man, who was not a judge, who was not fit to be a judge, and who, except in very exceptional cases, was not a lawyer. According to what had taken place hitherto, out of the seven gentlemen who were nominated as members of the Elections Committee, one, of course, was appointed chairman by themselves: the appointment rested with them. Of course he might be a lawyer or not; the chances were he would not be. All divisions which had taken place on all important matters really had been decided by a majority of one, four members of the dominant party in the House voting on one side, and three members representing the party in the minority on the other. So much was that the case that one gentleman who addressed the Committee last night considered it worth while to report the fact to the Committee that there was a case on record where a division had taken place which was not decided by an absolutely party vote. In that case actually one member from the smaller party went over and voted with the other, and that was such an exceptional case that a member of the Committee had thought it necessary to record the fact that such an extraordinary thing had taken place. Was not that in itself a condemnation of the way in which that Elections Committee was now constituted? He did not mean to say that that committee was necessarily corrupt. There were many people outside the House who spoke of the Elections Committee that decided the cases not long ago as being corrupt, and he had heard the House itself spoken of as being corrupt. When he said he had heard those words used he did not understand those using them to say that members of the House or of the Elections Committee were corrupt in consequence of having received money or some other consideration for their own personal benefit. He did not think that was intended by anyone who made those charges

against them. Where the idea of corruption came in was that a large majority in the House or in the Elections Committee, whichever it might be, were prepared to vote on one side for simply party purposes—not to gain the object of the individual, but to gain that of the party, without considering the truth or justice of the case. He did not mean to say that he thought that either members of the House or of that committee were actuated by any desire to act in that way. So far as their knowledge of a case went he gave them the credit of believing they did what they thought was right. But the judgment formed by unprejudiced persons who stood apart from them must to a certain extent be respected. Whether there was any foundation for their judgment or not, they thought there was, and it was an indication that at least their actions were not considered above suspicion. The mere fact of there being strong partisanship in the House led members of the Elections Committee to record their votes on party lines. The same thing was done over and over again in the House. Only within the last few weeks they had many instances in which hon. members told the committee they objected to certain matters under discussion but were prepared for all that to vote with the Government. That was, he thought, what persons outside referred to when they charged members of the House with being corrupt. Practically, the result of a case referred to the Elections Committee as at present constituted was decided by one man. The chairman of the committee was practically the judge, and his vote decided the question. Hon. members would admit that, though in almost all cases the chairman of the committee might desire to act justly and equitably, it was quite possible that someone would be placed in that position, who might be a mere tool of the dominant party in the House or who might be so great a muddle-head that he would be incapable of forming an opinion upon the evidence and would accept the opinion of men who sat on the same side of the House as himself. That being the case, was it reasonable that any one who had a petition to bring forward should be obliged to put the decision of his case into the hands of such a person? Was it not infinitely better that the decision of the case should be left in the hands of a gentleman whose position entitled him to the confidence of the country and whose teaching and training throughout his life would enable him to sift the evidence given and arrive at something like a just and fair decision? Speaking of the opinion entertained by the public upon the actions of members of Parliament, they could easily account for the suspicion the people had when they saw the lengths to which political animosity could go, as they had been exhibited in this and the other colonies. No one who took an interest in what was done in Parliament could fail to observe it, and a great number did observe it and watched with interest anything of the kind. During the time he had been in Parliament they had seen sometimes charges, and more frequently suggestions, of dishonest practices on the part of members of the House. They had heard such charges over and over again, and every possible effort had been made in some cases to drive them home to the gentlemen against whom they had been made. That was reason enough to induce a fair-minded public to suspect the actions of public men. There was another matter he would refer to, and that was the extraordinary influence—he did not pretend to say how it arose—which enabled the Government to press forward through the House last year a measure in which every member of the House and every constituency in the colony was deeply interested; a measure which affected the credit and welfare of the colony in every form—which affected particularly all people connected with the land of the colony;—that influence prevailed, and prevailed so strongly that that measure was forced through the House almost without discussion by the gentlemen who sat behind the Government. When they saw so great an influence could be brought to bear, and knew that the actions of public men were laid open to suspicion by the charges sometimes brought against them, whether made for political reasons or pushed to extremes for political reasons;—when they put those things together, he asked was it unreasonable that the public should arrive at the conclusion that in other matters, as well as in those to which he had referred, strong political influence might be brought to bear to weaken the opposing party by the power in the hands of the stronger party? That alone threw doubt upon the propriety of the present constitution of the Elections Committee, and upon the decisions they might come to. The Land Act passed last session was not only one of extreme importance to the colony but it was a measure which many members who took part in the debates upon it did not really understand. From observations made to himself, though he could not remember them now, he knew that many hon. members voted at times without knowing what would be the effect of their votes. Ministers themselves never comprehended to the full extent what would be the effect of the Bill, and even now they did not fully realise what would be the consequences of it. They had, however, begun to realise that even their anticipations of it had failed, and they began to make excuses for it; and he thought they had begun to see that for months and for years nothing like the revenue they led the House to believe would be derived from it. Ministers themselves, although they pressed the Bill forward through the House with the influence they had, did not fully realise the effect of the measure they were endeavouring to pass. He would now say a few words with regard to the recent decisions of the Elections and Qualifications Committee. He did not want to say much or to refer particularly to cases, one by one, but would point to the complaints made by members who sat on that committee—the charges of injustice openly made in the House by members of the party who were in the minority on the committee. Not only were charges of unfairness made, but so strong was the feeling which members of the Elections Committee were led to express of their disgust at the extraordinary way in which election inquiries were conducted and decisions arrived at, that some of them actually sent in their resignations rather than sit on the committee any longer And not only was that the case but other hon. members declared openly in the House that under no circumstances whatever would they accept a seat on the Elections and Qualifications Committee. Those things surely meant something. If they looked at the opinions expressed in New South Wales, Victoria, and other colonies, they would see that they pointed to the one fact that the Elections and Qualifications Committee was utterly condemned by the people of Queensland and the adjacent colonies. There was a case to which he would refer, namely, the Burnett election, which had been referred to before in the discussion. It was a case of such a peculiar nature that he felt quite prepared to take his stand on it alone and argue out the question before them on it, without a single bit of any other evidence. In that case the decision of the Elections and Qualifications Committee hinged upon the result of the polling at one place. There were seven votes recorded there, and there was not the slightest question raised as to the right of those

seven voters to vote, or as to the validity of the voting so far as they were concerned, or as to the validity of the action taken by the candidates themselves; but, unfortunately, the gentlemen who acted as scrutineers, following the advice given them by the presiding officer, whose opinion they thought was authoritative, put their initials on the ballot-papers, and owing to that technicality those seven papers were rejected. If those papers had been accepted instead of rejected, the member who had been seated by the Elections and Qualifications Committee for the Burnett would not be in the House. The committee had great discretion given to them by the statute, so that they were not compelled to decide a case on merely legal evidence, but were allowed to accept and consider any evidence they thought might be reasonably be admitted and determine the case on its merits; yet, notwithstanding that, they decided the case simply on a technicality. Would any lawyer do worse than that? Could any judge by any possibility give a decision which would be more opposed to fair play or what might reasonably be expected from the Elections and Qualifications Committee in view of the discretionary power conferred upon them? He thought that case alone was sufficient, if there were no further evidence, to condemn the Committee as being utterly unworthy to inquire into such cases as it was now proposed should be referred to a judge. After that there were a great many comments in the Press, and the Government took the extraordinary course of instituting a prosecution against one of the papers which had adversely commented upon the decision of the Elections Committee. He wondered if that had raised the state of members in the opinion of the outside public. Why, it brought contempt and ridicule on the whole of them—that was the feeling not only in this colony but in every other colony in which the newspapers had commented upon the subject. That procedure on the part of the Government had, he thought, done even more than the action of the Elections and Qualifications Committee to bring them into contempt. It was quite an "undesigned coincidence," he supposed, that the conductor of that paper, who was also one of the principal proprietors of it, was at one time a member of that House, and was opposed to the party who now sat on the Government benches. He did not mean to say that the Government took advantage of the opportunities they had to put him to trouble because he had been an opponent, but there were people who thought so and did not hesitate to say it. But what he thought ought to be referred to as one of the most iniquitous things in connection with the whole proceedings was the fact that after the Government had used all the powers they possessed against the defendant, and the court gave a verdict against the Government, the defendant had to pay his own costs. Was not that an iniquitous decision? As far as he had heard, the costs which the defendant incurred in that case had never been repaid to him. He would now refer to a case which occurred in New South Wales, which must be in the recollection of all members who gave any attention to political matters in that colony, to show the extraordinary weakness o the Parliament of New South Wales in dealing with a question affecting the seats of two members of the Assembly. Those two members were accused—he did not know whether it was of bribery or not, but it amounted to that—of having induced the House to pass certain moneys, which were given to a gold-mining company in which they were interested. He would not mention their names. A great deal of evidence was taken, and a commissioner was appointed to inquire into the whole case. That commissioner was a gentleman who was considered one of the ablest lawyers in New South Wales, and he reported very strongly indeed against those gentlemen. After the report had been received it was laid on the table of the House, and the Government being called upon to take some steps with regard to it, it was proposed that the members should be expelled from the House. A debate took place over the case of the first of the two members who was selected, and a good deal of strong feeling was displayed on both sides, as was only natural when a case of that importance was discussed. The result of a long debate was the expulsion of that member by a considerable majority. Any Parliament would be justified in taking action in a case like that where it was proved, or believed to have been proved, that members had been guilty of corruption and bribery in having obtained money from the House for a company in which they were themselves pecuniarily interested. The case of the second member was postponed till the following day, and the evidence in that case was equally as condemnatory as in the other. The debate lasted several hours. A great deal of political influence was brought to bear, and the result was the very reverse of what the House arrived at in the other case. Had there been anything like fair play, both members would have been expelled from the House, or both would have been confirmed in their seats: but the House covered itself with ridicule, and more than ridicule, by expelling the first member and confirming the second in his seat. That was the result of political feeling and political influence. The next matter to which he would refer was a usurpation of authority by the Speaker of the House in New South Wales—the usurpation of an authority which the House alone possessed. About eighteen months ago some new Standing Orders which had been adopted by the House of Commons came out to New South Wales, and the Speaker gave notice to the House that according to the Standing Orders of that colony all Standing Orders of the House of Commons were in force in New South Wales, and he announced that after a certain date they would be in force there also. It was shown afterwards that that decision was entirely wrong. At any rate, the members of the House present not realising, he supposed, the full meaning of the adoption of those Standing Orders, raised no objection to them. The time passed which the Speaker said should elapse before the rules could be put into force as Standing Orders, and shortly afterwards a member of the House was guilty of some impropriety—the gentleman he referred to was Mr. Taylor—which under ordinary circumstances would have been treated under the Standing Orders of the Assembly. Instead of being so treated, the case was brought under the new Standing Orders of the House of Commons, and Mr. Taylor was expelled from the House for a week. The action of the Chairman of Committees was confirmed by the Speaker, and when Mr. Taylor entered the House shortly afterwards the Speaker instructed the Sergeant-at-arms to put him out—which was done. Then Mr. Taylor entered an action against the Speaker, the Chairman, and the Sergeant-at-arms. The case was heard in the law courts in New South Wales, and Mr. Taylor came off best. The Government were not satisfied to accept the position, and the matter was referred to the Privy Council, thus putting Mr. Taylor to the expense of going to England to defend a costly case. That was a case which brought a vast amount of discredit upon those concerned in it. Since that time there had been another extraordinary thing done in the Parliament of New South Wales. Sir Henry Parkes, an old member of the House,

who had been Premier of the colony a great many times, committed an act which was considered a breach of privilege, and which brought him into the contempt of the House. Under ordinary circumstances a matter of that kind would have been allowed to be passed over. It might possibly have been commented upon, but it certainly would not have been treated in the extraordinary way in which it was treated. The opinion generally expressed with regard to the case was that, if anyone connected with the Government side of the House had done exactly the same as Sir Henry Parkes did, no question would have been raised about it at all. But Sir Henry Parkes wa one of the strongest opponents of the present Government, and was an old political enemy of the Premier, Sir A. Stuart. When the New South Wales Parliament opened the other day, the first thing the Government did was to move a vote of censure against Sir Henry Parkes for having published a letter in which he charged the party with corruption. The result was that he was adjudged guilty of contempt by a majority of four. Sir Henry Parkes came into the House shortly afterwards, and told the Speaker and the House that he snapped his fingers at the decision and did not care two straws for it. He also pointed out the ridiculous position which the Premier had placed himself in and into which he had led the House. Sir Henry Parkes had been very unpopular for the last year or two in New South Wales, but the result of that action was to create a very strong feeling in his favour, and within a few days he was asked to stand for the important constituency of Redfern at the next general election. All that showed the feeling of contempt that was raised outside when the Parliament proceeded against an individual member; and in all cases where the Elections and Qualifications Committee were concerned there was a general feeling of distrust, and a suspicion that the member whose conduct was brought in question was being unfairly treated by the majority. That was shown by the expression of opinion that nearly always took place directly afterwards, which almost always brought the gentleman whom Parliament had censured into public favour. It all pointed to the result that outside the House there was a very strong feeling against the wretched Committee of Elections and Qualifications. He knew that hon. members on both sides of the House were strongly opposed to it; some members on the other side had told him so, and had mentioned the names of others on that side who were also opposed to it. Of course he could not mention their names nor do more than refer to it in that general way. There was a strong feeling of disgust and discontent with the committee which the Government were trying to enshrine in the Bill. The Bill was a very good Bill as far as they had gone, but the provisions for the tribunal which was to decide on petitions against the return of members was sufficient to damn the whole measure. He referred to those clauses which gave power to the Committee of Elections and Qualifications. The first was the 91st clause, which provided that if the committee reported—

"That any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by, or with the knowledge and consent of, any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the Legislative Assembly for that electorate, and if he has been elected his election shall be void."

That was a power to give to the committee, or rather to one man, who might be utterly incompetent to sift evidence and form a correct judgment! It was absurd to prevent a man being elected by one constituency and allow him to be elected by any other constituency in the colony. The next clause provided that in case it were shown that the agent of any candidate had been guilty of corrupt practices he should be incapable of sitting during that Parliament. They were to give the committee power not only to punish the candidate, but also the constituency that had confidence in him and wished to be represented by him, for the acts of any man who represented himself as the agent of the candidate. Surely they ought to require some proof that the agent had been appointed in some formal way by the candidate. By the 97th clause, if the committee reported—

"That any illegal practice is proved to have been committed in reference to such election by, or with the knowledge and consent of, any candidate at such election, that candidate shall not be capable of being elected to or sitting in the Legislative Assembly for that electorate for seven years."

But if the illegal action were committed by his agent or anyone describing himself as his agent—he said advisedly "anyone describing himself as his agent"—the candidate was not to sit in that Parliament. It did not devolve upon the petitioner to prove that the man representing himself as the agent of the candidate was really his agent; the candidate had to prove that he was not his agent. It was a most unfair thing, and no Bill should be brought into Parliament by which a member might be put in that position. The 106th clause provided that—

"When, upon the trial of an election petition, the Committee of Elections and Qualifications reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the Committee of Elections and Qualifications further reports that the candidate has proved to the Committee—"

that those things were done without his knowledge, then the charge was to be considered as not having been sustained. But it devolved upon the candidate to prove that the man who represented himself as his agent was not so. That was not only unreasonable; it was discreditable.

The PREMIER: Such a proposition would be unreasonable and discreditable.

Mr. NORTON: It is in the Bill.

The PREMIER: Oh, no!

Mr. NORTON: It was absolutely provided in the Bill that if the candidate disproved that the man was his agent the complaint was to have no validity; there was no provision for proof by the agent that he was appointed by the candidate. He did not know and did not care whether those powers were given by the present Act or not—he understood the Premier to say they were—but if so, the sooner they were abolished the better. It was discreditable to any Parliament that such powers should be given, or if they were given it should be to someone who was capable of sifting evidence and coming to a common-sense conclusion. Whom could they trust to perform duties of that kind? Surely a Supreme Court judge was a person that nobody could object to. It was the business of his life, and it made him entirely competent to carry out that work. He ventured to say that there was no reasonable man who, if he were asked whether he would go before a Supreme Court judge or before the Committee of Elections and Qualifications appointed with a majority from the ruling side of the House, would be prepared to say he would take the verdict of the Chairman of that Committee, whoever he might be, as in cases which were strongly disputed his opinion settled the

case. The argument which had been brought against the Supreme Court judges—he did not know whether there was any other reason for opposing their appointment — was that the system would entail a very heavy expense upon the petitioner, and prevent many people from coming forward who, under other circumstances, would petition against their opponents. But why should there be that enormous expense? They had not that expense now under the Elections Committee, and he thought in that particular the amendment of the hon. member for Bowen was at fault. He did not believe in the deposit of £500; he did not see why a person should not deposit £100 as at present, and why provision should not be made for the expenses being met as they were at present. He had to bring his own witnesses down and had to deposit £100, but in every case, he believed, that had yet been tried by the Elections Committee, that £100 had afterwards been returned, not because the expenses incurred did not amount to that sum or the greater portion of it—because in some cases it amounted to more—but because there was evidence elicited during the inquiry to show that the petition was made in good faith. What was to prevent the same thing being done when a different tribunal was appointed to decide the case? He could not see anything to prevent it. He could not see why the expenses should be so enormous in the Supreme Court. Of course, if they went through the same process as when a private individual brought a large case against another, it would be different. It was in the hands of the Committee to decide, whether a petitioner should be put to any expense whatever. The Committee could decide in all matters of that kind. What they wanted to do was not to increase the expense, but to appoint a tribunal which was competent to judge the merits of the cases brought before it. If there was a difficulty in providing for that he had not heard it mentioned. He had heard many hon. gentlemen say it would be most expensive to try cases in the Supreme Court. But that was only assertion; they did not show that that could not be obviated, and they knew perfectly well that it was in the hands of the Committee to obviate anything of the kind. A sum might be placed upon the Estimates to meet such cases where the judge, having given his decision, thought that the petitioner was entitled to have his money returned. In respect to the travelling expenses of the judge, they had heard that it would be a very difficult matter for a judge to go travelling about the country inquiring into those cases. But where did the difficulty come in now? The Elections Committee did not go travelling about the country to try cases. They had had arguments of that kind brought forward in any quantity, but none of them had been substantiated at all. If petitions could be tried in the committee-room in that building, without the Elections Committee going one step outside, why could not they be tried in Brisbane by a judge? He could see no objection, and he could not see how the expense would be increased. They could provide, if it were necessary, that the Supreme Court judge should sit in the committee-room and conduct the trial there, and they could provide for all the witnesses coming before him in exactly the same way that they came before the Elections Committee. All details of that kind could be settled without any difficulty whatever. The expense could be provided for, and if it were thought necessary, anyone who petitioned against the return of an opponent might have the expenses returned to him if, in the opinion of the judge, the case was so strong as to entitle him to reasonably expect that by petitioning against the return of the sitting member he could show he was entitled to the seat. He did not think it was necessary that he should say any more. All the other arguments he could think of had been repeated several times, and in what he had been saying he had tried to keep off the beaten track, and bring in some other arguments which bore upon the case. He had no wish to detain the Committee a moment longer than necessary. It seemed to be the opinion of the Premier last night that his object in asking to be able to speak on the subject to-day was merely to detain business and block the Government. But when the Premier resisted and tried to force them to a division when several members on both sides of the Committee wished to speak they were quite justified—when an abominable system like that proposed was attempted to be forced upon the country—in offering the resistance they had. Those who had anything further to say in the matter were justified in insisting that an opportunity should be given to address the Committee at a time when they knew they would be fully reported in *Hansard*. Whether those who would speak that afternoon had any fresh matter to introduce, or anything which would justify them in speaking at all, lay between them and their constituents. He was quite prepared to take any blame or responsibility there might be for what he had done. He wished to see fair play accorded to members on both sides when they wished to consider any matter of public importance, and he did not hesitate to say that the branch of the Bill before them was the most important that had yet been under their consideration.

Mr. ALAND said he should not occupy the time of the Committee very long. He could not help thinking that the hour that had been occupied by the hon. member for Port Curtis might just as well have been occupied by him last night. There were nearly as many members present then as there were now, and he was quite sure that they would have listened as patiently to the hon. gentleman as they had that afternoon. There was a great deal of truth in the remark of the hon. member for Blackall, that, no matter what members might speak upon the matter, there was very little fresh to be said.

Mr. ARCHER: Did I say that?

Mr. ALAND: Yes.

Mr. ARCHER: I do not remember saying it.

Mr. ALAND said that was what he understood the hon. member to say.

Mr. ARCHER said he did not say anything of the kind. He said that it was impossible to avoid some repetition, but he did not say that something fresh could not be introduced.

Mr. ALAND said the fair construction to be put upon that was that it was not at all likely that any fresh light could be thrown upon the subject by further discussion. Hon. members would agree with him that were the speech of the hon. member who had just sat down robbed of all extraneous matter, so far as the amendments before the Committee were concerned the hon. member had not introduced anything fresh in favour of them. He did not wish to be rude to the hon. member in saying that, but it was the impression conveyed to his mind by the hon. member's speech, and he believed the same impression was conveyed to the mind of every hon. member present. The hon. gentleman had again taunted the Government side of the Committee.

Mr. NORTON: I did not taunt; I merely spoke of facts.

Mr. ALAND said that, of course, nothing coming from the hon. gentleman would taunt hon. members on the Government side.

Mr. NORTON said the hon. gentleman expressed a hope that they would not consider his remarks rude, and he hoped the hon. member would not consider his (Mr. Norton's) remarks rude.

Mr. ALAND said he was quite sure that no other member of the Committee was less likely to wish to be offensive than the hon. member for Port Curtis. At all events, that hon. member had charged the Government side of the Committee that they were in the habit of sitting in their places, and, without taking any part in the discussion, voting to order.

Mr. NORTON : I spoke only of one Bill.

Mr. ALAND : Yes ; the hon. member spoke of the Land Bill, and he maintained, as he had done before, that upon the Government side there was a fair amount of discussion so far as that Bill was concerned. The Committee would have been sitting until now upon that Bill if every hon. member had occupied even as long a time as the hon. member for Port Curtis had occupied. Every argument had been thrashed out by hon. members who had taken part in the debate, and it was a fair thing now to let the question go. Members on the Government side were prepared to take the responsibility of their action. The hon. member stated that it was a matter between him and his constituents whether he spoke or not. It was equally a matter between their constituents and themselves whether the Government members spoke or not, and the charge could not be made against them that because they did not happen to speak upon a question therefore they did not agree with the Government.

Mr. NORTON : What did you say on the taxes the other night ?

Mr. ALAND said the hon. member asked what he had said on the question of the taxes ? He could not remember the exact words, but as he had the same belief now as he had then he could give the meaning of what he said, and it was that he did not like the whole of the proposals in the Bill, but he presumed he should have to accept the Bill and vote for it. What did that mean ? There was a certain Bill before the House and was he to vote against it? Decidedly not. But when the proposals of the Bill came before the Committee it was then his duty, had he been there, to vote against those he disagreed to ; and had he been present when the tax upon timber was before the Committee he would have voted against it. In his speech on the Address in Reply it could be seen that he was in favour of a tax upon machinery, and he was present when that matter came before the Committee, and voted for it. The charge had also been made that hon. members on the Government side believed in the amendments of the hon. member for Bowen, but were afraid to give expression to their feelings. He believed there were one or two members on the Government side who believed in the hon. member's propositions, and he dared say they would give expression to their opinions. But there might be some members on the Government side—and he was one of them—who were not altogether satisfied with the relegation of those matters to the Elections Committee ; but for all that he was not prepared to accept the alternative offered in the amendments of the hon. member for Bowen. He had yet to be convinced that referring those matters to one of the judges of the Supreme Court would be preferable to referring them to the Elections Committee. He did not say that he considered the Elections Committee formed the best tribunal, but he said it was quite equal to referring the matter to the judges.

Mr. CHUBB : Suggest an alternative.

Mr. ALAND said he could not. He made bold to say that at least one of the members petitioned against would not have been petitioned against if the matter had had to go before a judge of the Supreme Court. The expense would have been the only fear, and it would have deterred the petitioner from going on with the matter. Hon. members must not be under the impression for a moment that, in saying that, he inferred that the reason why the petition was presented was because it had to go before the Elections Committee. He did not say that, but he said it was because the petitioner would not have to risk an immense cost.

Mr. CHUBB : £11, according to the return.

Mr. ALAND said it was all very well to say it cost £11, but it cost a great deal more. £11 was all it cost the country, perhaps, but what did it cost the petitioner even as it was ; and what would it have cost the petitioner had the petition to go before a judge ? It would have cost them three or four times the amount it did cost them, and that £11 into the bargain. They had it as a matter of fact that those cases which were referred to judges at home cost at least from £5,000 to £8,000, and he did not think—though, thank goodness ! he had had very little experience of matters of law in the colony—that law expenses were very much less, or that lawyers charged less, or that judges were less extravagant—and he laid great stress upon that—than they were in England.

Mr. NORTON : What did election petitions cost at home when tried before a committee ?

Mr. ALAND : I do not know.

Mr. NORTON : That is it ; they may have cost more than they do now that such matters are decided by a judge.

Mr. ALAND : The hon. member for Port Curtis had laid great stress upon the contempt in which the House and the Elections and Qualifications Committee had been held by the country. That was all moonshine. That particular section of the Press which was possibly very much inspired by the hon. member for Port Curtis——

Mr. NORTON : Possibly.

Mr. ALAND : That portion of the Press, no doubt, did use language that was not very choice or polite in reference to the Elections and Qualifications Committee ; but their charge fell very flat indeed, and he was quite sure that the opinion of a very great majority in the country was that the Elections and Qualifications Committee did their duty and acted wisely and fairly in those cases that came before them at the commencement of the present session. The hon. member also said something about the punitive clauses of the Bill. Well, those clauses, according to the amendment which had been handed round that afternoon, were some of the clauses that would come under the suspensory provisions.

Mr. NORTON : What amendment ? I have not had one.

Mr. ALAND : It was a printed amendment ; and he presumed every hon. member had received one with his papers.

Mr. NORTON : No ; I have not.

Mr. ALAND : Well, the amendment was one simply carrying out the promise made by the Premier to the Committee the previous evening in reference to that part of the Bill relating to the Elections and Qualifications tribunal and the incapacities and disabilities of persons whose election was disputed.

Mr. NORTON said he rose to a point of order—namely, whether the amendment referred to by

the hon. gentleman had been proposed, and, if not, whether it was possible for the hon. member to discuss it?

Mr. ALAND said he was not going to discuss the amendment.

Mr. NORTON said the hon. member was discussing the amendment. He would ask the Chairman's ruling on the point.

The CHAIRMAN said he was not aware that the amendment referred to had been proposed.

Mr. NORTON: Is it open to discussion then?

The CHAIRMAN: I do not think so.

Mr. STEVENSON said he would also like to know how it was that members on the Government side of the House were supplied with printed amendments which members on the Opposition side were not privileged to have?

Mr. ALAND: He could not inform the hon. member for Normanby. In fact he could hardly tell the hon. member how he got it himself.

Mr. STEVENSON: Perhaps you stole it.

Mr. ALAND: If the hon. member for Normanby was in the habit of stealing papers he was not. He (Mr. Aland) was not discussing the amendment. He was acting very politely to hon. members opposite. They asked him what the amendment was and he told them; and he had nothing more to say about it.

Mr. STEVENSON: Has the hon. gentleman been appointed Premier for the day, or what is the matter?

Mr. ALAND said his chief reason for rising was to assure hon. members that he was not afraid to express his opinion upon the matter under discussion, and that he was not going to give a vote silently or blindly. Whilst he was not altogether in favour of the Elections and Qualifications Committee, and whilst he would prefer to see matters which were now relegated to that committee relegated to some other tribunal, he did not believe, and would not vote for, and would never consent to their being relegated to a judge of the Supreme Court.

Mr. PALMER said the principal argument of the last speaker against the amendment, and which had also been advanced by the Premier, was the enormous expense of trying election petitions before the Supreme Court. The hon. member had referred to a case in which he said the petitioners would have been frightened to take action if they had had to incur the expense that would be entailed by having the matter tried before a judge of the Supreme Court. The Premier's colleague had also advanced a similar argument, and stated that a poor man would never have a chance against a rich man in bringing his case before a judge. It was said that the expenses in such a case as the Cook election would have amounted to between £2,000 and £3,000 if the trial were held before a judge instead of the Elections and Qualifications Committee. If that were really so then the objection on the ground of expense was a serious one. He was not sufficiently acquainted with the law to say whether it was so or not, but he certainly saw no reason why the expense should be greater in one case than the other. If, however, the objection could be sustained it was really the most forcible one urged against the amendment, as there was not the slightest doubt the heavy cost would deter many a one from petitioning. Very few members could afford to spend £2,000 or £3,000 in that way after a contested election. In fact, he believed that many persons would sooner lose their seat than incur that expense. The last speaker said the Elections Committee had acted fairly and were justified in all the decisions they had arrived at. But the verdict which a jury of twelve came to in the case of a newspaper trial in connection with those cases showed that they at all events were not satisfied with the decisions of the committee, and evidently had the cases come before that jury they would have reversed the verdicts at which that tribunal arrived. The Premier also stated that he was rather in accord with the decisions arrived at in all the cases that had been tried during this Parliament, before the Elections and Qualifications Committee. The Premier was peculiar in that opinion, for he (Mr. Palmer) did not believe that those verdicts had given general satisfaction to the country. There were no doubt some objections in the amendment which might be remedied. A deposit of £500 was altogether too much to ask from anyone petitioning against an election. That sum might fairly be reduced to £100. He did not intend to take up the time of the Committee much longer, but he would say that the debate would be memorable in the records of the House on account of the late sitting they had over it last night. Judging from the divisions and the evidence taken at the trials of contested elections that had taken place during the present Parliament, he would not have the slightest objection to referring his case, should he ever have one, to a judge of the Supreme Court. He believed in the principle of the amendment, and had always done so, and his belief was strengthened by the fact that the House of Commons, after a trial of nearly 100 years of the system in force in that colony, had decided to refer disputed elections to a judge, and afterwards to two judges, of the High Court. There was no reason why, in that colony, the cases should not be referred to two judges, instead of one, for settlement. The question of expense was the one which struck him most forcibly, but he would leave that to those hon. members who were better acquainted with the technicalities and costs of the law to settle. But as far as arriving at a safe verdict was concerned, he would not have the slightest hesitation in referring his case to a judge of the Supreme Court. Judging from the tone of the Premier's remarks he felt certain the hon. gentleman was in favour of the principle, and had he been retained on the other side he would have made as effective a speech in favour of the amendment as he did against it. He believed the hon. gentleman would, at some time, adopt the principle, as he had not so much condemned the amendment as he had argued that the present was an unfavourable time and occasion to consider it. He (Mr. Palmer) fancied that when an Elections Bill was going through the House was as favourable a time as could be chosen for adopting an amendment which he believed would commend itself to the country. If not carried now, the day was not far off when the same principle would be adopted—namely, that the trial of contested elections should take place before one or two judges of the Supreme Court in preference to the system at present in force.

The MINISTER FOR WORKS said he thought upon the whole the debate had been carried on in a friendly spirit. There was no doubt that hon. members opposite resorted to obstruction last night, but they did so in a very kindly and friendly way. He was inclined to think that it was the duty of an Opposition to have disputed matters thoroughly discussed. He had done much more when in opposition than when in office, and he had always claimed the right to himself that if any measure was brought before the House in which he did not thoroughly concur, to have it thoroughly discussed, and if necessary to use the privileges of the House to accomplish that object. There might have been a waste of time on the present occasion, still the question was one of very great importance. No

member of the House had had more experience on the Elections and Qualifications Committee than himself. In years gone past he had frequently been a member of that tribunal, and although the committee had not always given entire satisfaction he believed they had generally arrived at very fair conclusions. Even in an action before the Supreme Court everyone thought his own case the best, and as only one party to an action could win, the loser generally felt aggrieved and believed he had not had fair play. He had never been in favour of referring disputed elections to the Supreme Court. He had nothing to say against the judges; besides, he did not consider it a proper thing to do to attack any men who could not defend themselves. His objection to referring election petitions to the Supreme Court was the cost. The hon. member for Bowen provided, almost at the outset of his amendments, that a petitioner should deposit or give security for £500. Supposing an election was contested, and the unsuccessful candidate was perfectly satisfied that bribery and corruption had been practised by his opponent, he might not be in a position to find security to the extent of £500. That of itself would, in most cases, deter intending petitioners from taking action. He believed that if the amendment of the hon. member for Bowen were carried they would never have an election contested; because if the poorer man won, he would take it for granted that the defeated candidate would petition, and he would rather resign than go to law, with the certainty of having to bear a very heavy expense, and perhaps having to pay all the costs. The man with the longest purse would always be the successful man. Before sitting down he wished to protest against the way in which the hon. member for Drayton and Toowoomba had been interrupted. The members on the Government side were accused of being dumb dogs; yet as soon as they got up to speak they were interrupted by hon. members on the Opposition side. The Government were prepared to give fair play to the members opposite; to hear all they had to say and give it their best consideration. He hoped the Committee would reject the amendments of the hon. member for Bowen.

Mr. MIDGLEY said he rose, not so much for the sake of supporting the amendments of the hon. member for Bowen, as of saying what little he could, as strongly as he could, against the present tribunal. Whether the amendments of the hon. member were accepted or not, he felt sure that the intelligence and sense of fair play of the community would demand some radical alteration in the present system. He was not aware before they reached the present branch of the subject that it was in any way a party question; but he was very sorry to think that it would go forth that the Liberal party were the champions of the present institution of the Elections and Qualifications Committee. So far as he knew the mind and temper of the people, there was a feeling that a change should be made in the mode of trial and the constitution of the tribunal, and whatever the change might be, he believed it would come before very long. The Government in framing the measure had dealt with a good many defects, but they had altogether passed over the defect that stood out most conspicuously and demanded attention. He was not speaking for the purpose of showing his own independence; he had got so that he did not care at all what opinions were expressed in the House. He believed the gentlemen on the Opposition side were just as averse to independence, or more so, than those on the Government side. After the way they had spoken about the hon. member for Warrego, he had come to the opinion that they did not love an independent man a little bit. In speaking his opinion on the subject before the Committee he knew he should get very little thanks from either side. It was given as a reason for letting the present state of things alone that it had worked fairly well. His opinion was that it had worked fairly well just as a machine might work fairly well, but not as something which ought to be characterised by intelligence and equity and fair play. The Elections and Qualifications Committee was a sort of double-geared machine; whatever party was in office put in gearing wheels that would suit their purpose, and then, no matter what facts or what evidence they might put in, the result would be that out would come just the member wanted. If the Liberal party were in power it would be a Liberal member; if the Tory party, as he saw it was mistakenly called by the papers, then it would be a Tory member. The thing worked well as a machine, producing given results, which it was well known beforehand would be produced. They had had evidence in the present Parliament that it did not work well. Two honest upright members of the House—the hon. member for Mackay and the hon member for Rockhampton—after acting on the committee for a little while, felt that they could no longer endure the mode of procedure, and resigned.

An HONOURABLE MEMBER: Because they could not get their own way.

Mr. MIDGLEY: How was it possible for them to get their own way when there was a solid majority of four to three. The hon. member for Logan sat till those cases were disposed of, and then he felt it his duty to resign, and declared he would never sit on the committee again. The Premier had said that the amendment of the hon. member for Bowen introduced matter foreign to the Bill. Now, that was a statement that did not leave members of the Committee fair play. He could have understood the Government saying they would introduce and pass an Elections Bill which would have certain broad outlines, and that they must have the responsibility of introducing and carrying through their own measure. But it was carrying the matter too far when hon. members were told they must virtually have nothing to say with regard to the constitution of the tribunal to try those cases. He could not see that the proposal of the hon. member for Bowen was any more introducing foreign matter into the Bill than was the proposal to introduce the land board into the Land Bill. Every member ought to be quite independent to express his view on the subject, and it ought to be competent for the Committee to say whether there ought not to be some modification of reforming of the constitutional tribunal for trying election petitions. He did not feel thoroughly satisfied about taking those matters into the Supreme Court—not that he feared the political bias of the judges—he did not see what they could be politically biased about. If they could not discharge such a duty as that impartially, he did not see how they could be trusted to perform any duties impartially. What reason had they to care a straw for one party or the other in that House? So long as they conducted themselves as men, honestly and honourably, they had nothing to care for on that score. It was on other grounds that he should hesitate about taking such matters before the Supreme Court judges. The matter of expense was very important, but were they to stand appalled, hopeless and helpless—in the presence of that and other needful reforms—at the apparition and threat of the cost of legal proceedings? That was not only the case with regard to election appeals; in other matters men often suffered themselves to be ruined, or seriously wronged, rather than go

to law and vindicate their rights on account of the expense, and if it were so in election matters, it would only be carrying the thing into another walk of life. That was a matter to which the attention of the Committee should be called as soon as possible—the making cheaper, simpler and easier, not only legal processes in connection with disputed elections, but all legal processes. If the matter went to a division he should, in order to give the strongest protest he could and the clearest record of his conviction against the present state of things, vote for the amendment of the hon. member for Bowen.

Mr. JORDAN said he was sorry that the hon. member for Fassifern had endorsed the remarks made by the hon. member for Port Curtis about the contempt that was felt by the public, and by the Press of this colony and the other colonies—and the "disgust," to use his own expression, that was generally entertained for members of that House when they dealt with their own members. He protested against that House dealing with their own members; he regarded the House as incompetent, by reason of its inherent corruption, to discharge such a duty with justice. He treated it with the greatest scorn—as if there was some valuable principle involved—that no corporations or societies should deal with their own members. Churches dealt with their own members; clubs and societies dealt with their own members, but members of Parliament were incompetent to deal with their own members justly, honestly, and honourably; so they must have a judge of the Supreme Court to do so! Members were so much disposed to gain their own ends, to use the words of the hon. member for Port Curtis, that without any regard to the truth or justice of the case they would decide against all fairness for party purposes. Those were nearly the words the hon. gentleman used, and he tried to prove what he said by saying that last year the Land Bill, a most important measure, was forced through the House almost without discussion by hon. gentlemen on the Government side. He joined issue with the hon. gentlemen, and declared to the contrary that nearly every member on the Government side spoke, some at considerable length, on the second reading. Certainly when the Bill was in committee they did not "fritter" away time by speaking over and over again, reiterating the same statements, and merely obstructing the Bill. He protested mildly and courteously against the supporters of the Government being called "dumb dogs" upon that occasion, and against its being said that they did nothing but blindly support the Government, which was untrue. Perhaps all they did say was treated with so much scorn by members opposite, that they regarded it as if nothing had been said, yet they had occupied days and weeks in the discussion of the Bill. How could hon. gentlemen opposite, who were distinguished for fairness and truthfulness generally, say such a thing? But when persons kept on repeating a thing, however absurd, they became at length almost convinced of the truth of it themselves. Dan O'Connell said, "Give me the currency of a good lie for six months, and you may disprove it as much as you like."

The HON. J. M. MACROSSAN: He never said any such thing.

The PREMIER: Twenty-four hours.

Mr. JORDAN: That made it all the stronger. He was sorry that the hon. member for Fassifern, —who was an amiable and excellent gentleman —with such limited experience of that House, should have come to the conclusion he had. What the hon. member for Port Curtis had said against the constitution of Australian Parliaments—against their truth and honour—was, he was surprised to see, fully endorsed by the hon. member for Fassifern. How that hon. gentleman had arrived at the conclusion that they were so corrupt, so untruthful, and so dishonest that they could not deal with members of their own House, but had to go to a judge of the Supreme Court, he did not know. He believed in judges in questions of law, but not for questions of fact. Why had they a jury? When a man was to be tried for any offence, and stood at the bar—perhaps in peril of his life—it was considered necessary by the British Constitution, that, however poor he might be, he should have a jury of his own countrymen to decide upon questions of fact. They got twelve men—ordinary citizens, men whose lives had not received any particular moral twist through legal training; greengrocers, drapers, and tailors, ordinary men of business who mixed with their own classes—those were the men they decided should be empanelled upon a jury when the lives of their citizens were in jeopardy. Why was that? Because they were called upon to determine questions of fact. It was so in the case of a disputed election. There were facts brought before them, and they considered that they were competent as members of the House to judge of facts, and more competent to do so than the ablest lawyers in the land. If the judges in the Australian colonies were distinguished English lawyers—appointed, and their salaries fixed and determined by the Imperial Parliament—even then he would not go to the judges, or allow any one or all of them to decide upon a disputed election; but he would have a jury, and he did not know where they could form a jury more competent than by seven members of the House?

Mr. STEVENS: A packed jury.

Mr. JORDAN said he repudiated with scorn the accusation cast against members of the House that they were incapable of deciding upon questions of fact. The hon. member for Port Curtis said something like this: That a judge had his legal reputation at stake and would be very careful in determining those questions; but he said the members of the Elections Committee did not care two straws what was said about them.

Mr. NORTON: I did not say that.

Mr. JORDAN said the whole debate had turned upon the three cases decided in the session before last, and reference had been made to the alleged corrupt, improper, and very wrong decisions arrived at in those cases; and yet those three cases had been alluded to in such a way by the Premier at the commencement of the discussion as to be unanswerable. In one case it was decided that the seat of one of the gentlemen returned on the Opposition side should not be declared vacant, and in another case the seat of a gentleman returned on the Opposition side was declared vacant. It would be admitted, surely, that in this second case the Elections Committee could not possibly have arrived at different conclusions. In the case of the Aubigny election, any member who had listened carefully to the very able speech of the hon. member for Carnarvon upon that election must have been satisfied, from the masterly analysis given by the hon. member, that the Elections Committee in that case arrived at a correct conclusion. The hon. member for Mackay had last night singled him out as a member of the committee when dealing with the Burnett case, he believed, because he had defended the Elections Committee—because he said that not only were the ballot-papers initialed, but they were initialed in a very peculiar way. The hon. member said they had never heard a word about that before, and commented rather severely upon him

because he said he (Mr. Jordan) had taken up a new argument. The Elections Committee maintained that the returning officer had been correct in keeping to the law, and that he had had nothing to do with the intentions of the electors. The initialing of those ballot-papers they found was done in a peculiar way, and in no two instances alike. The hon. member for Mackay spoke last night as if that was a new point raised, and as if he (Mr. Jordan) in alluding to it had changed his defence. He therefore felt obliged to refer to what he had said upon that very point. He had said :—

"Now, in the Burnett election"—

Because, when the hon. member for Carnarvon went into the question, he left out the Burnett election altogether ; and it was upon the decision of the Elections Committee upon the Burnett election, particularly, that those charges of corruption and of perjury were made against the committee. It should be remembered that the Press of this colony and of the other colonies copied the charges made against the Elections Committee of corruption and perjury ; and yet, while the hon. member for Port Curtis held up to scorn the action of the Premier in defending the Elections Committee from those charges, he did not say a word against the miserable papers which had made and published charges accusing the Elections Committee of having perjured themselves. That was, perhaps, as the hon. member had said, because the members of the Elections Committee did not care two straws about what was said of them. But that was not so. He, at all events, cared a great deal about his character for truthfulness, honour, and consistency. What he had said on the subject of the Elections Committee was :—

"Now, in the Burnett election—and he confined his remarks to that case—there was no question of bribery, or corruption, or double voting, or any illegality of that kind It was simply nothing more nor less than this: had the returning officer the right of rejecting those six votes to which the initials of two scrutineers had been affixed? The Committee held that the returning officer was right, and they confirmed his decision. He (Mr. Jordan) maintained that the returning officer had no right to inquire what might have been the intentions of the majority of the electors of Burnett : he had simply to keep to the law, which provided that an elector in giving his vote should use a ballot-paper. Now, what was a ballot-paper? It was a paper upon which, the law said, should be inscribed or printed or written the names of the candidates in alphabetical order, and nothing else, except, as provided in the subsequent clause, the initials of the presiding officer. The returning officer had no right to inquire what was the intention of the law ; or why the provisions of the law in describing ballot-papers were so precise and absolute. He had simply to do with the law as it was ; he had to decide which of those ballot-papers was strictly legal and which was not—which was a formal vote and which was not. It was not at all difficult, however, to understand the intention of the law in thus laying down so absolutely that the ballot-papers should contain nothing but the names of the candidates and the initials of the presiding officer. The very essence of the ballot was secrecy, and voting by ballot was an invention for the most perfect protection of the elector in the exercise of his right of the franchise. By that means an elector could go to the poll and record his vote according to his own judgment and conscience, no man daring to make him afraid. By the secrecy of the ballot the poorest man in the land, being an elector, could vote against the return to Parliament of the wealthiest man in the land, even though he were his own employer, if he believed he was not the best man to make the laws by which he must be governed. He held that earmarking or interfering with the ballot-paper in any way might destroy the secrecy of the ballot. In the Burnett election there were six votes upon which initials were illegally written—namely, the initials of two scrutineers. It was not for the returning officer, the committee, that House, or the public to inquire what difference that could have made. In point of fact this difference might have been made : it might have revealed the way in which those six persons had voted. As a matter of fact the initialing on those six ballot-papers was in no two cases alike. In one case the names were written in a column ; in another, two on one side and one on another ; but in no two cases out of the six were they written precisely alike. He did not attach much importance to that. He believed it was purely accidental ; but it showed how a system of initialing might be easily devised which would upset entirely the secrecy of the ballot. That was well pointed out by two gentlemen. The hon. member, Mr. Grimes, showed how the initialing was done, and the hon. member, Mr. Foxton, dwelt upon the law of the case and the importance of the secrecy of the ballot ; and the majority of the committee felt obliged to say they had no other course, but were compelled to keep to the law and say what was a balloting-paper and what was not, precisely as laid down by the law. In doing so they felt that the absolute and strict requirements of the law in describing a ballot-paper were wise and good. The law watched with most careful jealousy over the grand principle of secrecy in voting for the return of a member of Parliament to make the laws of the land, and had surrounded it with most careful safeguards."

He thought that answered the remarks that had been directed against him. He felt bound to correct the statements made by the hon. member for Mackay.

Mr. MOREHEAD : If we have sinned we have suffered.

Mr. JORDAN : He held the secrecy of the ballot as sacred, and he was thoroughly convinced that in the matter of the Burnett election the Elections and Qualifications Committee acted with the greatest caution and according to the equity of the case. As to saying, as one hon. member did the previous day, that the members constituting the Elections and Qualifications Committee were disqualified for the performance of the functions of their high office because they came in heated from a hotly contested election—that was childish. He sat in the committee-room just as calmly, as dispassionately, as quietly, and in as good temper as he ever was in his life, and he had just before endured a contested election at considerable expense. In that election he was jibed, sneered at, laughed at, and caricatured no doubt up and down the town, possibly to the hearts' content of some hon. members on the other side of the Committee. But it was only fun to him, and had not ruffled a single feather of his temper for one instant. He was just as fit to perform a sacred and high function in a proper spirit as ever he went to the performance of any duty in his life. He hoped the Committee would forgive him for having detained them so long on that question, which was one of very great importance, especially when it affected the character of hon. gentlemen of that House and members of the Elections and Qualifications Committee.

Mr. MIDGLEY said he would like to refer to something that had just fallen from the hon. member for South Brisbane. He did not know that he had said anything that might be construed into an utterance of contempt for any member of that Committee.

Mr. JORDAN : Yes.

Mr. MIDGLEY : Not a word. He had not thought anything of the kind or had any feelings of that nature with regard to members of the committee. He said that the way in which the Elections and Qualifications Committee was constituted was wrong. It was altogether different from a trial by jury ; it was a packed jury from the beginning. How would it be in a criminal court if a man, put upon his trial, knew from the beginning of his case that the judge had a bias against him, and that he was in a position that he had to leave it to that judge to appoint the majority of the jurors who were to try the case? That would be an exactly similar position to an election petition heard before the Elections and Qualifications Committee.

The hon. member who had just sat down had misunderstood him if he thought that he (Mr. Midgley) had any such feeling as he had attributed to him. He would suppose a case of this kind: that the parties in that House were very evenly balanced at some time, that divisions were decided by a matter of one or two votes, that at that particular juncture there was an election, that that election was disputed, and that there were four members on the Elections and Qualifications Committee in favour of the Government and three in favour of the Opposition. Now, was it not possible that members of the committee would reason somewhat in this way: Which was the greater, the more serious, evil of the two—for the member elected to be unseated, or to allow him to sit and by that means turn out the Government? It would be expecting more of human nature, or of political human nature at any rate, than was reasonable, to expect that the members of the committee would be perfectly free from being influenced by such thoughts at such a time.

Mr. MOREHEAD said the hon. member for Fassifern had really struck the key-note when he said that in the case of the Elections and Qualifications Committee the judge appointed the jury. The final appeal from the Elections Committee was to the House.

The PREMIER: There was no appeal.

Mr. MOREHEAD: There was an appeal. The hon. member was wrong. In one sense he was right, but in another sense he was wrong; for although the sentence of the Elections Committee was final, it must be brought before the House for discussion. He would call the attention of the Committee to the fact that the Elections and Qualifications Committee, as it stood, was simply a partial committee.

The PREMIER: How many times have you said that?

Mr. MOREHEAD: The hon. gentleman wanted to know how many times he had said that. He did not know, but if he had said it seven or eight times, he would say it again and add another time to the number. He maintained that the hon. member for Fassifern was perfectly right when he took the position that the judge appointed the jury in appointing the Elections and Qualifications Committee. The Premier himself admitted last night that the tribunal before which those cases were tried was not altogether a satisfactory one, and stated that he would see whether he could not devise some mode of dealing with the question that would be satisfactory to all parties. The hon. gentleman had not yet attempted so show how the evil was to be remedied, and it was admitted by nearly every member of the House that the evil ought to be remedied, and remedied by the party now in power. The Premier seemed as if he could not look beyond party; he seemed to think that the action taken by the Opposition was party action. As far as he (Mr. Morehead) was concerned it was certainly not party action. All they wanted was to have the question dealt with in a purely judicial manner, without importing party interests and party feelings into it at all. But the Premier seemed to object to that, and asked them not only to continue the existing system, but to give increased punishing powers to the Elections and Qualifications Committee.

The PREMIER: I do not intend to do anything of the kind.

Mr. MOREHEAD: What does the Bill in our hands say?

The PREMIER: I told the Committee so last night. It is perfectly understood.

Mr. MOREHEAD said that as the Premier had receded from his original position he ought to postpone the passing of the Bill until he had digested some scheme which would meet the views of all who were opposed to the retention of the Elections and Qualifications Committee. After the debate that had taken place it must be patent to the Premier that that tribunal did not furnish the result which every hon. member desired—that was, that right should prevail, that justice should be done. The present machinery required amending instead of having increased power given to it. He hoped the Premier would see his way to postpone further consideration of the measure until he was prepared to submit to the Committee a tribunal before which election petitions should be tried.

The PREMIER said it was distinctly understood that the Government would not, in that Bill, deal with the question of the constitution of an election tribunal, for many reasons which had been given, and to repeat which again would only be a waste of time. He distinctly stated last night that he was prepared to meet hon. members to this extent, that he would leave the Elections and Qualifications Committee exactly *in statu quo*, giving that body no additional powers whatever. That was a point to which the Government attached no importance. That being so, he had anticipated that the question whether the Supreme Court should be the tribunal would be disposed of; that was the question before the Committee. It had been discussed very fully, and he had not heard a single new argument used upon it for several hours. Surely that question was now ripe for a decision. If it was decided that they were to have the Supreme Court he should lay aside the Bill altogether; he would not be responsible for a Bill containing such a provision. If, on the other hand, it was decided not to have the Supreme Court, then he proposed to leave things exactly *in statu quo*, amending the law in other respects as far as possible and leaving it open to Parliament at some future time to create a better tribunal, if a better was considered possible. That was the position, and he hoped they would now be allowed to proceed with business.

The HON. SIR T. MCILWRAITH said that with regard to waste of time there had been no speech made less to the purpose than the speech of the hon. member for South Brisbane. It had not even a remote connection with the subject, and it was the longest speech of the evening with the exception of that made by the hon. member for Port Curtis. He was quite aware of the proposition made last night by the Premier, but that proposition should not be allowed to hinder the free course of debate. There was no intention on the part of hon. members on that side to waste time, but they had no intention to leave anything unsaid that they thought ought to be said on so important a question.

The HON. J. M. MACROSSAN said the Premier had just now stated that he would not be responsible for the Bill if the amendment of the hon. member for Bowen were carried. Was not that making it a party measure at once?

The PREMIER: Not at all.

The HON. J. M. MACROSSAN said the very fact of the Premier making such a statement made it a party question, because having said so the majority of his party would feel bound to support him, whether they believed in the amendment or not.

The PREMIER: I said I would not be responsible for the Bill; I would withdraw it.

The HON. J. M. MACROSSAN: I do not think that is a fair position for the hon. gentleman to take up.

The PREMIER: It is a position which every Government takes up in circumstances of this kind.

The HON. J. M. MACROSSAN said that if it was not a party question it was left to the Committee to make the Bill as good as they possibly could. The Premier was trying to make the Bill a party measure by saying in effect that if the amendments were carried he would withdraw the Bill. Of course, being at the head of the Government with a large majority at his back, he could do as he pleased in that matter, but that would not relieve him of the imputation of making it a party measure. The Bill was no longer the property of the Government; the hon. member was simply engineering it through the House, and if he took the course he threatened he would be only wielding the despotic authority he possessed. Besides that, the Bill was brought in in pursuance of a promise made to the whole House last year when a smaller measure dealing with parliamentary elections had been introduced. The hon. member had taken up a rather illogical position, which could only be justified by his having a large majority at his back; though they knew that that justified a great many things. Of course the hon. member's position, though illogical, was perfectly safe, because he did not hope that the Opposition had made enough converts to carry the amendments of the hon. member for Bowen. It had been frequently tried in the course of the debate to draw a parallel between the systems of trial by the Elections and Qualifications Committee and trial by jury. There were several jury systems; in the Scotch and French systems the verdict was by majority; under the English system the verdict had to be unanimous. He supposed it was the English system that had been referred to, but there was a vast difference between the two things. The Elections and Qualifications Committee was appointed in the first place by the Speaker, without any right of challenge on the part of the minority. The Speaker himself being the nominee of the majority, of which the Government were at the head, there was not the slightest chance of his appointing to the committee any one who was not pleasing to the Government. It was within the Speaker's province to choose any member he pleased, and he might not select the most intelligent members of the House—those with most experience in sifting evidence, or those who were most likely to give an unprejudiced verdict. In trial by jury the accused had the right to challenge any of the jury; and interest, bias, or relationship on the part of any juryman was sufficient ground why he should be made to stand aside. Could it be contended that the members of the Elections and Qualifications Committee had no interest in the findings? No one charged the committee with being corrupt, influenced by base motives, or perjured, because such a charge would reflect on all the members of the House, since any one of them might be put on the committee. The only charge was that the jury, as he would call it, could not give an unbiased verdict, as the question in every case was a party question. The committee was in the same position as a mother who thought her own child was the best who ever lived. They were not corrupt; but they could not help looking at all the facts through the spectacles of the interest of their party. There was one jury to which the Elections and Qualifications Committee bore a very strong resemblance. There was a part of Her Majesty's dominions where, when a political question was to be tried, a jury was carefully packed for the purpose; the jury might be all honest sincere men, but they always came to the exact conclusion the Crown law officers wanted them to come to, simply because their political opinions were strongly opposed to those of the person being tried, and strongly in favour of those to which he was opposed. They were not corrupt or perjured, but from their political opinions they could not help themselves. They looked at all the facts brought forward in favour of the prisoner as tending the other way. He did not think hon. members would contend that trial by jury in that way was a fair, honest, impartial trial; but it was strictly analogous to trial by the Elections and Qualifications Committee. Hitherto he had not found fault with the finding in any particular case, but as one case had been repeatedly spoken of, he thought he was justified in adverting to it—that was the case of the Burnett elections. He did not know any case in the history of those committees, so far as his eleven years' experience had gone, that led him to denounce that system of trial more than that particular case. He did not say for one moment that the members comprising a majority of that committee were corrupt or base. They certainly looked at facts in a different way from what they would have done if Mr. Stuart had been a Government supporter and Mr. Moreton an Opposition man. They would then have decided the case according to instructions laid down in section 21 of the Legislative Assembly Act, which said that the committee should be—

> "Guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can secure, or which may be laid before them."

But how did they judge the case? There was no dispute as to the *bona fides* of the electors at that particular polling place, each elector gave his vote honestly and fairly, and there was no fault to be found with the scrutineers who were foolish enough—thinking that they were doing right in acting under the instructions of the presiding officer—to put their initials on the ballot-papers. That was a legal form that put Mr. Moreton in his place, and put Mr. Stuart out. There was no evading the fact that Mr. Stuart had a majority; and had the scrutineers not put their initials upon the ballot-papers Mr. Stuart would now have been in the House. The legal technical form of putting the initials on the ballot-papers had actually deprived the electors of that district of their representative, because Mr. Moreton was not their representative. There was no case in the history of trial by the Elections Committee more flagrant or more against the interests of justice and good conscience. He must say a word about the judges. He really could not conceive how any member could think that a judge who was on a bench, removed from all active participation in politics, could be more biased than men actually sitting in the House, whose interest from moral and from all other views, was to keep the party in power that was in power. It was a perfectly well-known fact that for at least 50 years or 100 years there had been no purer class of men in Great Britain than the judges, while at one time there was no class more corrupt. As a general rule they were free from political bias in trying cases. Of course they had political feelings, having been nominated to their position by different political parties; but those feelings were never allowed to show themselves upon the bench. From the moment a lawyer in England took his seat upon the bench, he forgot all party feeling so far as the adjudication of the law was concerned. There were only two Supreme Court judges in the colony who had taken active participation in politics, and both of them belonged to the side of the House which was now in power. He would not have the slightest hesitation, although he had been as active on the opposite side, in leaving

the case in the hands of either of those gentlemen in regard to an election petition more than he would any other case, civil or criminal. But if either of those two gentlemen were members of the House, and on that Elections Committee, he would not be pleased to have them sitting upon him in judgment. The same men in different circumstances would act differently. One of those gentlemen was a most active politician, and he was certain that whatever political leaning he might have, he would be as safe to try a case of politics, such as they were now discussing, as any judge in Great Britain. There had been a great deal said about the feeling of distrust with which the people outside regarded members of Parliament, and the Elections Committee especially. He had heard of it in the North, and in the South, and in Brisbane: People were not satisfied with the last verdict of that committee, and they had a perfect right to say so. The Parliament of Queensland was really as honest and true, and actuated by as high motives, as any Parliament in the world, not even excluding the British House of Commons; but men acted very inconsistently, not only upon different sides of the House, but upon the same side; they acted inconsistently with their declarations outside before they became members, and people were quite justified in having that feeling. That feeling did not prevail in Queensland only, but all over the world. People were beginning to look upon parliamentary institutions, as Prince Albert did thirty years ago, as being only upon their trial. He did not know whether they would be able to evolve any better system of Government, but certainly the present had a great many disadvantages; and amongst them was its inconsistency and insincerity; so that people were perfectly justified in looking upon parliamentary committees as tribunals whose actions should be carefully scrutinised, because the members of the House, of which that committee was composed, were far from being blameless—on both sides. He thought the hon. member for Port Curtis was perfectly justified in making the statements he did. The Premier had stated that he had repeated his intentions time after time in regard to some proposition which he made last night. He found on referring to *Hansard* that that proposition was one that was acceptable under the present conditions. The Opposition desired a certain tribunal, and to have an alteration made in the present Act; but the Government, with a majority behind their backs, were opposed to that tribunal, The question arose—Was there a middle course? Was there no means of arriving at a tribunal other than those two? He thought that the hon. gentleman at the head of the Government should try to discover whether there was or not. What the hon. gentleman said last night was this—

"If it was thought desirable that those powers should exist"—

That was the power of the parliamentary committee—

"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."

As the Opposition were not able to accomplish their purpose and desired another tribunal, he thought that offer was acceptable—the position would at least be made no worse than it was. At present the Bill under discussion would make it a great deal worse by increasing the powers given to men they objected to being tried by at all. As they could not get the full accomplishment of their wishes, the leader of the Oppositon might do a great deal worse than to accept the proposition of the hon. gentleman, and it would leave the matter open to some future Government or Parliament to introduce a Bill dealing with the elections tribunal; that was, if in the meantime the hon. gentleman with his legal ingenuity could not discover a middle course. He (Hon. Mr. Macrossan) was not wedded to the scheme for transferring election petitions to the judges and was willing to have another tribunal, if it would relieve that House of the odium cast upon it through the verdicts of the Elections Committee. He felt compelled to refer to the question raised by the hon. member for Fassifern. He said he was apt to be found fault with because he was independent; that because of his independence he seemed to please nobody; and that independence was not a condition or qualification of a member of Parliament which was agreeable to either side of the House. The hon. gentleman was mistaken. A truly independent member of Parliament was a man respected in that House. He had found that, but he had found so few truly independent members that they were like angels' visits. It was the member who spoke for or against a thing and voted the opposite way who was not respected. Taking all things into consideration, a member's independence, in the way it was spoken of outside the House, was scarcely possible inside the House. The small number of members of which that House was composed did not leave room for an independent party to hold the balance of power. Perhaps if it were so here it would not lead to good government, because they might be too exacting. It was just as well that things should remain as they were here, as an independent party might be able to rule as it was said Parnell's party could rule now in the House of Commons.

The PREMIER: I would not hold office under such circumstances.

The HON. J. M. MACROSSAN said there were plenty of men quite as upright and honourable as the hon. gentleman who would hold office under such circumstances. The Marquis of Salisbury held office under such circumstances now, because if the party spoken of turned against him to-morrow he would have to go out the same as Gladstone had to go. But a party of that kind in that House, even if possible, was not desirable. It was better that they should have government by majority, if they were to have representative government at all, than that they should have government by a majority created by a minority voting in a particular way. The hon. member, he thought, had not much reason to complain of censure from the House because of his independence; neither had the member for Warrego, of whom he had spoken. Members on neither side of the Committee would censure a man who acted independently, but they would censure him if he did not occupy the position he assumed to occupy.

The PREMIER said that after the speech delivered by the hon. gentleman who had just sat down they might proceed to business. The hon. gentleman's speech indicated that there was no objection to their doing so. There was a great deal of work to be done, and if the same time was to be occupied in doing it as had been occupied in doing the business of the last few weeks the session was likely to be longer than the last one, although they would not have done half the work. There had been nothing new said that evening, but reference had been made so often to the

Burnett petition that he would say one thing. He had said it before but he thought it should be repeated, and as repetition appeared to be the order of the day he should repeat it. Hon. members seemed to think that because some hon. members did not agree with the finding of the Elections Committee in that case therefore the committee was hopelessly corrupt.

HONOURABLE MEMBERS of the Opposition: Not at all.

The PREMIER said hon. members said in that case the Elections Committee were governed entirely by party bias, and their decision was not a fair one. That was simply saying that because a man did not agree with them he was actuated by improper motives. The question which arose in the Burnett case was a dry point of law. In his opinion the decision of the Committee was clearly right; in the opinion of the hon. member for Bowen it was wrong. Which of them was right? Who could tell? He had considered the question long before it arose in that case and had given his opinion many years before. A previous Elections Committee dealt with the same point many years ago and gave the same finding, and the chairman of that committee was the present Chief Justice. Maybe the Committee were wrong, maybe they were right. For hour after hour they had been told that the decision of the Elections Committee in the Burnett case proved the incompetence of the committee. It seemed to him that gentlemen who used that argument could not understand an opinion differing from their own being an honest opinion. They had sufficient sense, surely, to admit that their opponents might be right though they differed from themselves. He did not say the hon. member for Bowen was wrong in the opinions he held, but he thought he was, and he could not see how he could be accused of being actuated by party feeling because he thought so. If he could hold that opinion without being actuated by improper motives, surely the Elections Committee might possibly have been actuated by equally proper motives. That had been the burden of the discussion for hours, but he thought they should argue upon a broader basis than that. There was foundation for a great many of the objections to the Elections Committee. No one disputed that; but in his opinion the objections to the proposed substitute were greater. The matter, he felt, had been thoroughly discussed and debated, and he asked the Committee, in the interests of the public and the public business to be transacted that session, to proceed to business.

Mr. KELLETT said that as he was not present last evening to take part in the discussion, he had only a few words to say. His opinion was now, as it had always been, against the Elections Committee. He had never believed in it from what he had seen of it since he was a member of the House, and he saw no reason to change his opinion now. He did not for one moment wish to say that any member on that Committee gave a vote in a way that he did not believe was right; but, as far as his light went, he did not think it possible that they could disabuse their minds of party bias. If a measure was introduced on the Government side of the House, hon. members opposite voted against it; and if a matter was brought up by the Opposition, it was opposed by the members on the Government side of the House. That was the result of party prejudice and bias; and because of the existence of that feeling he never did believe in the Elections and Qualifications Committee. The majority of the members of that committee were always chosen from the dominant party, and that to his mind was a sufficient argument against it. He thought the compromise proposed by the Premier was a fair one—namely, that he would leave the Elections and Qualifications Committee with the powers they now exercised; and he hoped that if they lived to see another session the Premier himself, or, if he would not undertake the work, some other hon. member, would bring in a Bill to settle at once and for ever that vexed question. It was not his (Mr. Kellett's) province to give an opinion as to whether the judges were the proper tribunal before which disputed elections should be tried, but he thought it was advisable that they should adopt some other tribunal than the Elections and Qualifications Committee. He hoped, and was inclined to think, that the Premier was not a believer in that committee; that the hon. gentleman had too much good sense, too much legal training, to believe in it; he thought the hon. gentleman really did not believe in it in his heart, but was of opinion that it was equal to the one proposed to be substituted for it by the hon. member for Bowen. He (Mr. Kellett) trusted that with his legal ability the Premier would be able to find something better than the Elections and Qualification Committee. But no matter which side proposed a better tribunal he would have much pleasure in supporting it.

Mr. STEVENS said the Burnett election had been brought up pretty frequently in the discussion, and the hon. member for South Brisbane, in referring to the matter, said the member for Carnarvon had spoken strongly about the way the ballot-papers had been earmarked. He (Mr. Stevens) had no recollection of the hon. member for Carnarvon having spoken to that effect at all, but to the best of his belief the hon. member did not say a word on the subject. He did recollect, however, that the hon. gentleman in his speech said that he considered it was quite impossible for the members of the Elections and Qualifications Committee to be unbiased, and that he was of opinion that there should be a different tribunal.

Mr. FOXTON said that as he had been referred to perhaps it was necessary that he should say a word or two. He did not understand the hon. member for South Brisbane to state that he (Mr. Foote) said in the House that the ballot-paper in the Burnett election could be distinguished, but that he had made that statement in the committee room. He had a distinct recollection of having done so, and not only doing that, but of showing that there were not two papers initialed alike. If that had been done designedly, which he was not prepared to say, it could scarcely have been done in any better way to render it easy for the returning officer or anybody else to discover who had given certain votes at that particular polling-place. It was quite true that he did not refer to the matter in the House, as he confined his remarks chiefly to the Aubigny election, while the hon. member for South Brisbane dealt very fully, as he had shown that evening, with the Burnett election. He (Mr. Foxton) would just say a word or two in reference to the member for Fassifern. He understood the hon. member to say, in an explanation respecting something that fell from the hon. member for South Brisbane, that he had no intention of imputing improper motives to the members of the Elections and Qualifications Committee, or anything implying anything like contempt, and that he had never done anything of the sort. Now, on the second reading of that Bill, the hon. member was reported to have said:—

"I look on the inquiries and findings of the committee, so far as I have been acquainted with their doings"—

And he presumed, as the hon. gentleman had only been a member of that Parliament, that he referred to the Elections and Qualifications

Committee who had tried the three cases alluded to. He said he looked upon the findings of the committee—

"With the utmost suspicion, and in some cases with the utmost contempt."

The hon. member was very sore at having been twitted the other evening with being fickle and changeable. He (Mr. Foxton) believed the hon. member professed to be an honest and upright man, and would be glad if he would extend the same consideration to others as he claimed for himself and as he deserved. He did not know whether that might not be the hon. member's changeableness again, but there was a difference between what he said on the 21st of July, on the second reading of the Bill, and what he said on the present occasion.

Mr. MIDGLEY said, could not the hon. member for Carnarvon, with his legal training, understand that because of the very constitution of that committee he looked upon its proceedings with suspicion.

Mr. FOXTON: "And contempt," you said.

Mr. MIDGLEY: That in dealing with political questions it must be politically biased, and not come to an equitable conclusion, and that he should feel contempt for that conclusion. His remarks were quite consistent.

Mr. HAMILTON said that two members of the Elections and Qualifications Committee sitting on the other side had practically contradicted the statement of the Premier that they decided the Burnett election on a dry point of law, because they said they had decided the question as they did because the ballot-papers were initialed in a particular way, indicating that it was done for a particular purpose. If, however, they had decided the matter on a dry point of law they would not have been justified in doing so, because the Act expressly enjoined them not to decide on a technicality, but on the equity and justice of the case. But the members who had spoken said they had determined the case as they did because the papers were initialed in such a way that the secrecy of the ballot-box might be violated. That, however, would not alter the fact that a certain number of persons had recorded their votes for Mr. Stuart, and it was not right that those persons should be disfranchised on account of the action of a certain individual. It had been proved that the person who caused those papers to be improperly initialed was the scrutineer of Mr. Stuart's opponent; it was through his misstatements that the papers were wrongly initialed, and it was only reasonable to look upon him as the guilty party.

The HON. SIR T. MCILWRAITH said the Premier, in addressing the Committee a few minutes ago, made an appeal to both sides to go to business, as he termed it, implying that they had not been at business last night and to-day. But the hon. gentleman had himself made a speech on a side issue, which had had the effect of drawing members on to a fresh tack altogether; and he (Sir. T. McIlwraith) felt it his duty to come to the hon. gentleman's rescue, and assist him to get to what he called business. It was time they came to a decision, but very little assistance in that direction had been given by the other side. He himself could make a speech on the Burnett election, and could show that the Premier had very little grounds for making the speech he did on that question. But that was not the proper place to do so. The subject before the Committee had been pretty well thrashed out, and he would now come to what would lead to what the Premier called business. The compromise offered last night, no doubt conceded all that they were asking for. He acknowledged the reasonableness of the position, that the Opposition could not insist upon having their ideas inserted in the Bill against the wishe of the majority. Their object had been to take care that the Bill did not contain any provisions that they considered detrimental to the country. They had gained that object, and the compromise proposed would no doubt be accepted by the Committee. It was, he understood, that, while passing the new bribery and corruption clauses as proposed in the Bill, subject of course to any amendments that might be proposed in them, they should be followed by a clause making them inoperative until the House had decided on the tribunal before which those cases should be tried; and that, in the meantime, that portion of the Legislative Assembly Act, which related to the Elections and Qualifications Committee should remain in force. What they had done so far was to prevent further powers being given to that tribunal, and they had got an expression of opinion — not perhaps unanimously, but by a majority—that there ought to be a different tribunal from the Elections and Qualifications Committee. Two courses were open to him to take. He could have gone to a division on the amendment proposed by the hon. member for Bowen. That, however, would not have provided a sufficient test of the opinion of the Committee, because he could see plainly—and he admitted there were good grounds for it—that while many hon. members agreed that the Elections and Qualifications Committee was not the proper tribunal, still they were not agreed that the only, or the best, alternative was a judge of the Supreme Court. He was not at all committed to a judge of the Supreme Court himself, and therefore he could not say that that was the only remedy. However, there had been an expression of opinion from the Committee that a fresh tribunal was wanted, and he accepted the offer that had been made by the Government in the hope that the Premier would go further, and state to the Committee that he would give the question his early and serious consideration. Of course it was a difficult thing for a member who was not in the Ministry to insert a principle of that kind in a Government measure, but the debate had shown that the question was considered one of the utmost importance. The Government could not be expected in the press of work during the present session to take up the matter, but they should certainly take it into consideration as soon as possible, and give effect to it early next session. He invited an expression of opinion on that matter from the Premier, who would certainly be meeting the wishes of the Committee if he promised it his early consideration, and would decide before next session what tribunal should take the place of the Elections and Qualifications Committee. His decision was this: he had advised his hon. friend, the member for Bowen, to withdraw his amendment for the reason given, and then to proceed with the consideration of the bribery clauses, which would be altered to suit any court that might be appointed for the trial of election cases. Then the new clause would follow. Of course they were not bound to accept those clauses as they stood; they would be open to discussion and amendment the same as any other clauses in any other Bill. Those amendments, if any, would, he believed, be proposed in a fair spirit. He had said what he had to say on the matter, and he thought they might now proceed to what the hon. gentleman called business.

The PREMIER said he had no difficulty in giving the assurance that the hon. gentleman asked. He had already had the matter under consideration, and sometimes thought he could see his way a certain distance in the direction aimed at: but he could never quite see to the end.

It was by no means an easy question to come to a final decision upon, but he was prepared to say that he would give it his fullest and earliest consideration. The principal difficulty in the way was that of expense. The Government would give the matter their serious consideration, and if they could see their way to propose a tribunal which would give general satisfaction, they would be happy to do so. The subject was well worthy of serious consideration, and it should receive it.

Mr. CHUBB said that after the satisfactory assurance of the Premier he had much pleasure in withdrawing his amendment. He might mention that the subject of his amendment was by no means a new one; he had drawn the attention of the Premier to it when the Bill was introduced in 1883 to amend the elections law, and the hon. member had then promised to give the question his consideration. If the Government could not see their way next session to propose a scheme for the appointment of a new tribunal, he (Mr. Chubb) would be prepared to introduce his proposal again, either in the same form, or in an amended form if he could devise anything better.

Mr. MOREHEAD said that before the amendment was withdrawn he would like to say a word about the contention that had taken place between the Premier and that side of the House, with regard to substituting some other tribunal for the Elections and Qualifications Committee, in the trial of election petitions. He should quote some remarks on the subject made by a statesman who had had parliamentary experience both in England and the colonies, Lord Sherbrooke, late Mr. Robert Lowe. The remarks he was about to read were made by Mr. Lowe on the 25th June, 1868, with regard to the proposed change that had since been effected in Great Britain, as regarded election appeals.

"Mr. Lowe said that last year the House of Commons delegated this most difficult question to seventeen of its members, who entered into the inquiry free from all political bias, with the determination of seeing whether something could not be done to put down this crying evil; and those seventeen members came to a unanimous resolution, which was, in substance, in favour of the principles embodied in the Government Bill.

Further on he said:—

"Another objection to the existing tribunals was that they could not be appointed until after the House had assembled, and therefore they could not meet to investigate the cases until months after the offences had been committed. They felt that the inquiry to be efficient must be speedy, so that there should be no time to tamper with the witnesses to see how the inquiry could be evaded, or to square the petitioners. They felt, besides, the immense benefits that would arise from local inquiry. It appeared to the committee that if the existing tribunals were to be retained all those advantages must be given up, and that they must make up their minds whether they would recommend the House, at such a sacrifice, to retain the shadow of jurisdiction that it possessed, or, by giving up that shadow, to obtain the realisation of a satisfactory tribunal for the decision of those cases."

Mr. Lowe's remarks were somewhat discursive, but the conclusion he arrived at was this:—

"To conclude, a really efficient inquiry must be local and speedy, and must not wait for the meeting of Parliament. It could be obtained only by delegating the duty to courts of justice; and therefore, he hoped the House would approve of the decision of the Committee, which was most conscientiously arrived at with the single desire of doing what was best."

He did not wish to bore hon. members by reading the whole of the speech, but it was all in favour of delegating the trial of election petitions to a judge of the Supreme Court. The opinion came with double force from a gentleman who had not only made his mark in English politics, but also in the colonies. He knew exactly what they wanted in the colonies, and had evidently mastered the subject. If hon. members would take the trouble of reading the speeches made on that occasion they would find a speech by Mr. John Stuart Mill, a gentleman whom he hoped even the Premier did not hold in contempt. He thought it quite possible that J. S. Mill would exist when S. W. Griffith was forgotten; but he was only speaking of possibilities. He knew that the majority of members in the Committee believed that S. W. Griffith would last longer than J. S. Mill. If hon. gentlemen would take the trouble to read that debate and the strong arguments brought forward upon that occasion, they would agree that the contention set up by the Opposition was that that power should not be relegated to any committee, but to a judge of the Supreme Court, or any tribunal outside. It seemed rather anomalous that the contention which the Opposition set up was the contention set up by the Liberal party in Great Britain. They were really the Liberal party in Queensland—not that shoddy clap-trap Liberalism set up by hon. members opposite. If the hon. gentleman who sneered "Hear, hear!" just now would look at the Statute-book—he did not want to flatter the leader of the Opposition—he would find that the Opposition had introduced those measures which had done most for the benefit of the colony. He would like to know who were the real Liberals of the colony, and who did the best for the colony from a Liberal standpoint. When he said "Liberal" he did not believe in giving things away to everyone. He believed in a fair distribution amongst rich and poor. Hon. members if they wished might find that the question they were contending for was what was contended for over and over again by the Liberal party in England in 1868—by J. S. Mill, and Robert Lowe, and others, some of whom had ceased to exist. The Opposition would have been doing wrong if they had not adopted the position they had; and he was certain that hon. members opposite could never have read the speech of the Right Hon. Robert Lowe. If they had they would see that the contention of the Opposition was a just one—that the case they were fighting for was a proper one, and that they were only acting in the interests of the people of the colony.

Proposed new clause, by leave, withdrawn.

In moving that clause 87, as follows, stand part of the Bill:—

"1. Every person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, lodging, or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election; and

2. Every elector who corruptly accepts or takes any such meat, drink, entertainment, lodging, or provision;

shall be deemed guilty of treating."

The PREMIER said it would be convenient that he should take that opportunity of stating to the Committee what they proposed to do in order to carry out the proposition made last evening. The part of the Bill they had come to dealt with corruption and illegal practices, and defined what they were, and made them punishable in the ordinary way by the ordinary tribunals. It also proposed that certain disqualifications and incapacities should follow if those offences were proved to the Elections Committee to have been committed by the candidate or person petitioned against. He intimated last evening that the Government did not attach

any importance to that part of the Bill, and were prepared to leave that matter in abeyance, and to leave the powers of the Elections Committee exactly as at present. To give effect to that they proposed to substitute, for the words "Elections and Qualifications Committee" wherever they occurred in that part of the Bill, the words "Elections Tribunal," of which he would give a suitable definition in the interpretation clause when the Bill was recommitted. He also proposed to insert the following clause, which he had caused to be circulated :—

"The provisions of this part of the Act relating to the Elections Tribunal, and the incapacities and disabilities to become consequent upon the report of that tribunal in certain cases, shall not come into operation until an Act has been passed dealing with the constitution of the Elections Tribunal, and declaring that such provisions shall come into operation.

"The provisions of this part of this Act shall not be taken to repeal or otherwise affect the provisions of sections sixty-nine, seventy, and seventy-one of the Elections Act of 1874."

He did not think the clause before the Committee required any explanation. It was mostly taken from the Corrupt Practices Act in force in England.

Clause put and passed.

On clause 88, as follows :—

"1. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against, or does or threatens to do any detriment to, any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election; and

2. Every person who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or to refrain from giving his vote at any election;

shall be deemed guilty of undue influence."

The HON. SIR T. McILWRAITH said it was a great advantage to have the experience of members of Parliament in England in defining what undue influence was. But at the same time he did not think it ought to be copied exactly; they ought to have good reasons at any rate. It was not applicable here altogether—the part about spiritual injury, for instance. He did not know to what body of religionists that applied. Would, for instance, a parson in the settled districts, who threatened to exclude any person who voted for a particular candidate from entering his church, be considered to be using "undue influence"?

The PREMIER: Yes; and very properly so too.

The HON. SIR T. McILWRAITH said it might be a very good clause at home, but it would be thoroughly inoperative here. There would not be much spiritual injury caused here.

Mr. MOREHEAD said it was all very well for the Premier to say that these clauses were copied from another Act; but they had to deal with the Bill before them, and he objected to the clause *ab initio*. The clause said—

"1. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against, or does or threatens to do any detriment to, any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election; and

2. Every person who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or to refrain from giving his vote at any election;

shall be deemed guilty of undue influence."

What did the words "every person who directly or indirectly by himself or by any person on his behalf" mean? They should have some explanation of that, and how the offences mentioned could be brought home to the men charged. Those were what were called corrupt or illegal practices, and there were penalties attached to their commission as was shown in clauses 91 to 93. Clauses 94 to 97 dealt with illegal practices, but he did not find any clause providing the penalties for undue influence. The question was one that could not be dealt with by an Act of Parliament. There was an attempt made in the Bill to deal with what the framers of the measure considered a danger; but the attempt was futile. When they were asked to pass a clause entailing penalties, they could not be too careful as to how it was worded. The clause spoke of inflicting "any temporal or spiritual injury." Temporal injury he could understand to be corporeal chastisement of an individual who did not do as they wished; but what spiritual injury was he did not know, unless it meant that a man might be threatened with excommunication—and that could not occur in the case of the church to which the Premier belonged. Suppose a poll took place in a country electorate, and a man employed by him wished to go and vote for a particular candidate to whom he was himself opposed; and suppose he said to his man, "You cannot get away to vote for this man," and he kept him at work—would he be guilty of using undue influence? According to the Bill, he certainly would. According to the framers of the Bill, the rights of electors were superior to all other rights, and to his rights as an employer of labour for which he paid. He said the clauses interfered between the master and servant. He would not go to a division, although he most strongly objected to that clause becoming law. It was a scandalous provision.

Clause put and passed.

On clause 89, as follows :—

"1. Every person who directly or indirectly, himself or by his agent, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election;

2. Every person who directly or indirectly, himself or by his agent, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person for acting or joining in any procession before or during any election;

3. Every person who directly or indirectly, himself or by his agent, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place, or employment, or any profit, advancement, or enrichment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;

4. Every person who directly or indirectly, himself or by his agent, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to

induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any elector at any election;

5. Every person who upon or in consequence of any such gift, loan, offer, promises, procurement, or agreement, procures or engages, promises, or endeavours to procure the return of any person to serve in Parliament, or the vote of any elector at any election;

6. Every person who advances or pays, or causes to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election: Provided always, that this enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses *bonâ fide* incurred at or concerning any election;

7. Every elector who, before or during any election, directly or indirectly, himself or by his agent, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

8. Every person who, after any election, directly or indirectly, himself or by his agent, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election;

9. Every person who, either directly or indirectly, himself or by his agent, corruptly conveys or transfers any property, or pays any money, to any person for the purpose of enabling him to be registered as an elector, thereby to influence his vote at any future election, and every candidate, or other person, who, either directly or indirectly, pays any money on behalf of any elector for the purpose of inducing him to vote, or refrain from voting, and every person on whose behalf, and with whose privity, any such conveyance, transfer, or payment as in this section is mentioned is made; and

10. Every candidate who, himself, or by his agent, convenes or holds any meeting of electors, or of his committee, in any house licensed for the sale of fermented or spirituous liquors;

shall be deemed guilty of bribery."

Mr. PALMER said he thought the Premier should have answered the question asked by the hon. member for Balonne as to whether an employer who refused to grant time to his servant to ride forty or fifty miles to record his vote would come under the provisions of clause 88?

The PREMIER said he did not catch the question of the hon. member for Balonne. He was afraid that clause would not catch an employer in such a case, but he thought it ought to do.

The HON. SIR T. MCILWRAITH: Catch an employer for what?

The PREMIER: For refusing to allow his servant to go and vote. He certainly thought that if an employer refused to allow his servant to go and vote—that was, to go a reasonable disance—he ought to be punished.

Mr. ARCHER: What do you call a reasonble distance?

The PREMIER: That would depend upon circumstances. He did not think the clause would catch an employer in a case such as had been referred to, but he would not advise any employer to try on a game of that kind.

Mr. MOREHEAD said he would like to know whether Bills were to be passed through Parliament by threats from the Premier? The hon. gentleman had no right to say that he would not advise an employer to try it on. Surely the clause ought to be so framed that there would be no mistake as to its meaning. He (Mr. Morehead) saw plainly that there was a disposition on both sides of the Committee to slum the measure through the Committee now that an arrangement had been entered into by the leader of the Opposition and the leader of the Government, but he was not disposed to allow it to be slummed through. He would do his duty to the country irrespective of party considerations. He cared nothing for party. He never cared to be in office again. He took his seat now on the cross-benches, and had certainly cut himself adrift from the front benches of the Opposition that evening after the action that had been taken.

Mr. FOOTE: Come to this side.

Mr. MOREHEAD: No, he would not. He would sit where he was and do what he could for the country. It was a bad thing for the country when they found the leaders of both sides of the Committee come to an arrangement or compromise on a matter where there should be no compromise. Sir George Cornewall Lewis had said a compromise was impossible where a principle was at stake. In his (Mr. Morehead's) opinion a compromise had been come to that evening where there was a principle at stake, and holding that view he intended to sit where he was. He did not know that it mattered much to the State where he sat, but a man had a duty beyond his duty to his country—namely, the respect he owed to himself.

Mr. PALMER said he would ask whether it was bribery for an employer to lend his servant a horse to ride fifty or sixty miles to vote? There were many districts in the colony represented by hon. members on that side of the Committee where a man would have that distance to go. If it were bribery to provide a man with a horse in a case of that kind it would be very hard. The Premier had said that if an employer refused to allow his servant to go and vote so much the worse for him, or rather he would not advise him to try it on; and now he (Mr. Palmer) would like to know whether it was bribery for him to provide his servant with a horse.

The PREMIER said that under the English Act the thing the hon. member referred to was made an act of bribery, but he did not think it was fair that it should be here, and that provision had therefore been left out of the Bill. It was at one time bribery to give a man a ride in a cab to the polling place, but that had been left out of the law years ago, and it was not proposed to re-enact it. In that respect the Bill before the Committee differed very much from the English Act. He thought it right to call the attention of hon. members to the provision in subsection 10, which authoritatively settled the question that had been raised on Mr. Long's petition against Mr. Beor in reference to the holding of committee meetings in public-houses. It provided that "every candidate who, himself or by his agent, convenes or holds any meeting of electors or of his committee in any house licensed for the sale of fermented or spirituous liquors shall be deemed guilty of bribery." He believed that provision was good in principle.

Mr. CHUBB said he knew of a locality where the only place at which a meeting could be held was a public-house; and in order to comply with the Act they held the meeting outside.

The HON. J. M. MACROSSAN said there were two or three terms in the clause which required to be more strictly defined. There was the term "agent," which certainly was very indefinite. It should be defined and put into the interpretation clause. In the English statute an agent was a person appointed as such, in writing, by the

person who employed him. Without a definition, any man might claim to be a candidate's agent, for the purpose of injuring him in his election. Then there was the term "lawful expenses"; that also should be strictly defined. By the English statute a candidate was not allowed to spend more than a certain amount of money in proportion to the number of electors in his constituency; anything beyond that was illegal. Then there was the penalty for "joining in any procession." He could see no harm in that.

The PREMIER: The objection is to paying men money for joining in any procession.

The HON. J. M. MACROSSAN said that if a candidate wished to have a procession he could see no harm in his hiring carriages, or enlivening it by employing a band of music, even if it was only a fife and drum band.

The PREMIER said the English Act made the most elaborate provisions with respect to agents, and to the amount of money that might be spent on elections; but he did not think those provisions were suitable to a colony like Queensland. There must be some principal agent, notice of whose appointment must be given to the returning officer, and anything done by him was the same as if it had been done by the candidate himself. Here, the proof of agency rested on the party who alleged it. He was aware of the difficulty which that imposed on a petitioner, but it was more suitable to the circumstances of the colony than the elaborate provisions of the English Act. The Bill would work like the previous Act, under which persons were liable for the acts of their agents. As to the term "lawful expenses," in England a candidate's election expenses were confined within rigid lines, which he thought went rather too far; and a candidate must not only say what he spent, but who gave him the money. If he borrowed £5 or £100 he must say from whom he got it. A candidate there must only employ a certain number of canvassers in proportion to the number of electors. The meaning of the term in that Bill was, any expenses that were not prohibited by law; and that was the only Act which contained any prohibitions. With regard to processions, it was not intended to prohibit persons from joining in processions, but from paying money to others for joining in processions. They had not yet come to processions at elections in the colony, but they were very common in England. To pay a man for joining in a procession was a very simple way of evading the Act. A candidate did not pay men for their votes, but for joining in processions; but he was expected to vote for the candidate whose return he had been advocating by his processions and music.

The HON. SIR T. MCILWRAITH asked from what Act the 2nd subsection was taken, consituting the paying of men joining in a procession an act of bribery; was it taken from an English Act?

The PREMIER replied that it was taken from the English Act of 1874.

The HON. SIR T. MCILWRAITH said it seemed somewhat absurd to insert it there, as it was not at all applicable to the colony. With regard to agents, the system at home was not applicable here. He would be very sorry to appoint an agent in writing, who, by spending a shilling in a public-house, might let him in for a year's imprisonment and seven years' exclusion from Parliament. He could never see the force of the provision prohibiting the holding of meetings in hotels. Why should it not be allowed? The best accommodation in a district was usually at the hotel, and why should they not use the best accommodation they could get?

The HON. J. M. MACROSSAN said it seemed that both the leader of the Government and the leader of the Opposition preferred to leave the agent in a vague, shadowy kind of position, so that a man could not be nailed. A man might act as the agent for a candidate, and use bribery, and yet if it could not be proved that the candidate had appointed him he would get off scot-free; whereas if he were appointed in writing there would be no getting out of it. It might be dangerous, on the other hand, for an honest candidate who did not want to spend any illegal money, but might be made responsible for a man really acting in the interests of the other side. He thought a case had come recently before the Committee of Elections and Qualifications where the candidate disclaimed all knowledge of a man who professed to be acting as his agent.

Mr. HAMILTON asked whether subsection 2, which made it bribery directly or indirectly to procure a valuable consideration to an elector for the purpose of obtaining his vote, would apply to the case of a candidate who promised that a railway should be constructed to a particular locality. If electors who had land there said they would not support a candidate unless he made the promise, and he did so, would he be liable to a year's imprisonment and seven years' disqualification?

Mr. PALMER said they had the expression continually repeated, "directly or indirectly, himself or by his agent," and he thought it should be defined what an agent was. He knew one case where a man constituted himself an agent for a candidate and then went to law because the candidate refused to refund money he expected. Was any enthusiastic friend to be allowed to call himself an agent and lay the candidate open to a penalty?

Mr. HAMILTON said he intended to have an answer to his question before the clause passed. If a man, instead of spending his own money, squandered the money of the State, was that a valuable consideration? If he promised a railway to certain electors for the purpose of getting their votes, would he be liable to the penalties imposed by the clause?

The PREMIER said he did not understand what the hon. member meant. Did he mean to ask whether it would be corruption on the part of a candidate if he promised to support a particular railway?

Mr. HAMILTON said that would be a valuable consideration—if he kept his promise, as candidates did sometimes.

The PREMIER said that under the present conditions of the colony candidates were certain to be asked whether they would support particular railways, and had to answer one way or the other. He did not see how that involved him in a charge of bribery any more than a promise that he would endeavour to pass an Act of Parliament imposing a protective duty which might benefit a particular manufacturer.

The HON. SIR T. MCILWRAITH said he thought that what the hon. member for Cook had referred to was distinctly a case of bribery. Suppose a candidate in the interests of the Government informed the electors that if he were returned a sum of money would be spent in certain local improvements, and that it would not be spent otherwise, would he not be guilty of bribery?

The PREMIER: Morally, he would.

The HON. SIR T. MCILWRAITH: Morally! It was as clear a case of bribery as they could find, and it was one of the most frequent cases in the colony.

Mr. CHUBB said that Parliament was empowered to judge of the conduct of its members, and might declare the candidate in such a case unworthy to hold his seat. It had been done in many cases in England, and the member had been expelled by the House.

The HON. SIR T. MCILWRAITH said that the definitions had been framed with great ingenuity to meet the circumstances in England, but they did not cover many of the most common forms of bribery in the colonies. There was none more common than that of promising some local improvement, which the Bill did not touch. It was not applicable in the old country, but it was one of the most common kinds of bribery in Queensland. He knew of many cases of it. He was not referring to the present Government side, but to the Government side at all times. It was a common description of bribery when members favoured by the Government promised, and were often authorised by Ministers to promise, that if they were returned a certain amount of money would be spent upon some local work. That was bribery in a candidate.

Mr. NORTON: Promises are like pie-crust.

The HON. J. M. MACROSSAN said the ejaculation of the hon. member for Port Curtis, that those promises were like pie-crust, was very applicable. He believed the hon. Attorney-General was obliged to make a promise before he was returned, and he had certainly never attempted to keep it. It would therefore be unfair to accuse him of bribery, seeing that he had never kept his promise. The explanation of the term had not been made sufficiently clear. A man might go and spend £10,000 outside the prohibitive portions of the Bill, and by so doing get returned.

The PREMIER: He would run a very great risk.

The HON. J. M. MACROSSAN: A man might go to a printer and get 500 circulars printed, and could not the printer charge him three or four times the usual price? In fact, candidates generally were charged more than other people. That could not be brought in as bribery under the clause, and yet by doing so that man might get the votes of the printer and all his employés. The same thing might be done in other directions. The definition in the English Act was inapplicable in this colony.

The ATTORNEY-GENERAL said that if a candidate promised a constituency, containing hundreds of people, some public benefit, it would be absurd to say that that promise—a line of railway, perhaps, which might incidentally benefit one man—was a valuable consideration for the vote of that one man. It would be a very different thing from saying, "If you vote for me I will get you a Government billet," or "I will get you a Government contract." Such things as those would be valuable considerations, and would be understood to be so by everybody. While it might, in a moral sense, be bribery, it would not, in a reasonable sense, bring a man under the clause. For a man to say "I will procure you a railway" was absurd on the face of it. He could not make a definite promise of that kind. He would have to induce the Government of the day to bring down plans and sections, and he would then have to guarantee that the House would pass them when they were brought down. A promise of that kind was worth nothing. It was a mere vague shadowy thing, and could not be called a valuable consideration, and be placed in the same category as money, as a motive power influencing the vote of that man as apart from all other men.

The HON. J. M. MACROSSAN said the argument of the hon. gentleman with regard to a railway applied equally to promising a Government billet. In that case also he would have to influence a Minister.

The ATTORNEY-GENERAL: The Minister might not authorise him to promise it.

The HON. J. M. MACROSSAN: The candidate might be a Minister himself. He might be even Minister for Works, and what then?

The ATTORNEY-GENERAL: He could not guarantee a railway then.

The HON. J. M. MACROSSAN: Couldn't he? The hon. gentleman seemed to be very green, but he was not so green as he professed to be. Suppose a man had 100 acres of land along which a railway was promised—would not that be a valuable consideration to the owner? Or, if a railway were brought into a township where there was no railway, would not that be a valuable consideration to all the property owners in the neighbourhood? It was quite as material, and not more vague and shadowy, than the billet which a candidate might promise to a man who was going to vote for him.

Mr. PALMER said he gathered from what had been said by the Attorney-General that a candidate was not liable for any promises he might make. He might promise all that earth could give; but unless he carried out his promises he would not be liable. He might not carry out his promise within twelve months, and the right to petition would become void from lapse of time. He could then carry them out and be free. The Attorney-General did not define what a promise was which would bring a man within the penalties of the clause.

Mr. SALKELD said it had been admitted that for a candidate to promise a certain public work to a town or district which might benefit the whole of the electors, might, under some circumstances be a good thing; and he thought that hon. gentlemen would see that the clause would not apply to cases of that kind, because, otherwise, it would interfere with the necessary conduct of politics. It might exclude a candidate from expressing his opinion upon matters of policy which might be very necessary to be carried out. It might be a test question of party politics whether a certain railway should be made or a certain thing done, and it was necessary that persons should know in which way a candidate intended to vote upon such a question. It was a very bad thing to attempt to bribe a constituency; but there were many things which might be improper, but which they could not get at by Act of Parliament, and where the evil would be only increased by interference.

Mr. HAMILTON said the hon. member said that the tribunal to examine the case would know what were public matters; but how did they know that? The Attorney-General said a man could give no promise because he could not guarantee that his promise would be carried out; but the clause provided that if a man made a promise to secure any valuable consideration in order to gain votes he should be liable to disqualification for doing so. It would be a valuable consideration, in the opinion of the electors, that they should get a bridge or a railway, and, besides, who was to decide whether a candidate in promising a railway conscientiously believed that it was necessary for the district, or that he simply made the promise to secure votes? If he did make such a promise, according the clause he rendered himself liable to imprisonment.

Mr. NORTON said he did not see how a promise given by a candidate that he would endeavour to secure a railway for a district could be regarded as bribery, unless it could be shown

that it was to go to some particular place for the benefit of some particular person or persons. That would, of course, be bribery. When a member was asked whether he would support a particular railway, and he promised to do so, to regard that as bribery would be absurd. He had often made such promises himself with the full intention of carrying them out if he could. He considered that the question of the agent was much more important, but there was time to discuss that matter when they came to it.

Mr. HAMILTON said he agreed with the views expressed by the hon. member for Townsville. The term "agent" should be definitely defined. In the case of the Aubigny petition a man declared himself Mr. Perkins's agent though Mr. Perkins said he was not, and his name appeared upon the petition against Mr. Perkins's election, the person for whom he said he had acted as agent. The matter should be considered, and a man's own word should not be sufficient to prove him an agent.

Clause put and passed.

Clause 90—"Personation defined"—passed as printed.

On clause 91, as follows:—

"If upon the trial of an election petition the Committee of Elections and Qualifications reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election, by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the Legislative Assembly for that electorate, and if he has been elected his election shall be void, and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of a corrupt practice."

The PREMIER moved the substitution of the words "Elections Tribunal" for the words "Committee of Elections and Qualifications" in the 1st and 2nd lines of the clause.

Amendment agreed to.

Mr. NORTON said he thought the punishment was too severe. If a man had committed some of the offences mentioned he should not be disqualified for ever from being elected to the Legislative Assembly.

The HON. SIR T. McILWRAITH said he believed that clause was far too stringent. He did not see that there was any occasion for inflicting such severe punishment on a candidate for having committed the offence of having used undue influence at an election. It was provided that, in addition to being disqualified from sitting in the Assembly for seven years, "he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practices." What those incapacities were would be found in clause 93; they were as follows:—

"(*a*) Of being registered as an elector or voting at any election in Queensland, whether it be a parliamentary election or an election for any municipal office, under any Act relating to local government; or

(*b*) Of holding any such office or judicial office;

and if he holds any such office the office shall be vacated."

And—

"Be incapable of being appointed to and sitting in the Legislative Council, and of being elected to and of sitting in the Legislative Assembly, during the seven years next after the date of his conviction."

It was absurd to give any tribunal such powers. But, in addition to that, the man was to be prevented from standing for a seat in a municipal council. Well, that was punishment enough for a man who had an ambition in that way; and why should he be punished in another way? The punishment specified was far too heavy; there was an aspect of cruelty about it.

The PREMIER said the section dealt with persons who were guilty of misconduct, and he thought the punishment ought to be severe. A man who went about and corrupted electors ought to be punished. If he procured personation to be carried out, or it was done with his knowledge and consent, he deserved very severe punishment. He thought that it was a severe but good punishment to incapacitate a man altogether from sitting for a constituency in which he had been guilty of corrupt practices.

The HON. SIR T. McILWRAITH said the hon. gentleman seemed to forget what those corrupt practices were. Let them take a very mild case. If a quiet, conscientious parson believed in a candidate and unduly influenced an elector to vote for him, that person was the agent of the candidate, and the latter might be deprived of sitting in Parliament for seven years.

The PREMIER: Oh, no! that is not the provision.

The HON. SIR T. McILWRAITH: Then he would take another case. The candidate must commit the offence himself. Supposing a candidate threatened to get an elector expelled from a certain place if he did not support him he would be subject to the disabilities mentioned. He (Hon. Sir T. McIlwraith) thought an offence of that kind did not deserve the severe punishment specified in the Bill. He was of opinion that special punishments were wrong altogether.

Mr. CHUBB said he would point out that if a candidate committed the offence described in subsection 10 of clause 89 all those penalties applied at once, because holding a meeting in a public-house, which was a somewhat venial offence, was a corrupt practice. He did not think an offence like that should be visited with such severe punishment.

Mr. HAMILTON said the punishment in that instance was greatly in excess of the gravity of the offence. It was provided that every person who inflicted or threatened to inflict, by himself or by any other person, any spiritual or temporal injury on any one in order to induce or compel him to vote or refrain from voting would be guilty of a corrupt practice and would not be allowed to sit in Parliament for seven years for the constituency where the offence had been committed. Suppose the candidate was an excited Irishman and he threatened to pull the nose of an elector who would not vote for him, then he would be subject to all those penalties and disabilities. Of course it was wrong for a candidate to do that. It might be right to fine him £5, but to deprive a man of sitting in the House for seven years because he pulled someone's nose or boxed his ears was absurd.

The HON. SIR T. McILWRAITH said of course it would be remembered that those punishments—depriving a man of the right of voting at an election in Queensland—Parliamentary or municipal—of holding any judicial position, or of sitting in Parliament for seven years—were in addition to any punishment that might be inflicted by the court. If he paid a Scotch piper 10s. to play in a procession on the day of election and a charge was brought against him and he was convicted, then, in addition to the punishment inflicted by the court, he would not be allowed to sit in Parliament for seven years. Was not that absurd? He had said that he did not consider that it should be made an act of bribery to hold a meeting in a public-house. To his mind that was a matter of sentiment. He did not see any wrong in it; but, according to

that Bill, if he held a meeting in a public-house and was convicted of it he might receive a term of imprisonment and in addition be deprived of sitting in Parliament for seven years. That was preposterous. He did not believe in additional punishments at all. They ought to trust a good deal to the electors. If a man was convicted of bribery the electors would punish him.

The PREMIER said he had no objection to move the omission of the words.

The HON. SIR T. McILWRAITH said that before that was done he hoped the hon. gentleman would reconsider the severe penalty attached to those practices which were really of a very venial character, to which he had drawn attention. For giving an elector a glass of beer a man was rendered incapable for ever of being elected to a seat in the Legislature for that electorate. It would be quite sufficient to restrict the penalty to the current Parliament. That was the heaviest punishment that ought to be inflicted.

The PREMIER said that venial offences were dealt with by section 106, under which, if the Election Committee reported that the offences were of a trivial character and the candidate could not avoid them, the consequence would not follow.

The HON. SIR T. McILWRAITH said that before they went further he should like to see the penalty modified for "undue influence," which rendered a man incapable for ever of sitting for one particular constituency. That penalty might be inflicted even if a candidate had given an elector a drink. How many of their seats would be safe?

The HON. J. M. MACROSSAN said the effect of such a penalty might be to prevent a man from ever getting into Parliament. A man might be popular and respected in one particular electorate, and if he inadvertently gave a man a drink who voted for him he would be unseated and would never have another chance of entering the Assembly. The man might not be well known, and have no chance elsewhere.

The PREMIER said the penalty was too severe, and he proposed to modify the clause. He would move the omission of the word "ever," in the 45th line.

Mr. HAMILTON said that if a man was to be rendered incapable of sitting in the House because he gave one of his constituents a drink every Northern member would lose his seat.

The HON. SIR T. McILWRAITH: And every Southern member, too.

Mr. HAMILTON said it was a general thing in the North, after a political meeting, for the candidate to ask the electors what they would have to drink. Sometimes there were 50 or 100 persons present at a meeting, and after an address of an hour and a-half both the speaker and his hearers would feel rather dry. Then, at the request of the candidate, they would all adjourn to the nearest public-house and have a drink at his expense. It would be considered rather mean on the part of the candidate if that was not done. They all did it, and everybody present, although they might not be supporters, was included in the invitation. That was, no doubt, done indirectly for the purpose of influencing their votes. It was not likely that except when they were canvassing they would invite the whole township to have a drink; because it must be remembered that in that case they would have to drink at every public-house in the town to avoid offending any of the publicans, who had great influence in most towns; and drinks were 1s. a nobbler there. There was nothing wrong in it, yet it would cause a man to be disqualified from sitting for any electorate for three years.

Mr. SALKELD said that if the penalties were made too high they often defeated their own intention. He thought it was quite right to inflict a heavy punishment on a man who was guilty himself; but if the 92nd clause stood a man would be responsible for the acts of his agent. No candidate would dare to hire an agent unless it were some intimate personal friend whom he could trust with anything.

Mr. CHUBB said hon. members were mistaken in thinking that the Bill made the mere giving of a drink a corrupt practice. It would not be considered so unless there was evidence to show that it was given with corrupt motives. Even as amended, the penalty seemed too severe for the offence in the 10th subsection—the holding of a meeting in a public-house.

The PREMIER: That is the present law.

Mr. CHUBB said it was a very venial offence compared with some in the same clause.

The HON. J. M. MACROSSAN said he did not think the Committee should make anything that was not immoral such a serious matter. They could make the holding of a meeting in a public-house unlawful, but that would not make it immoral; and some of the offences mentioned were immoral. If they went too far, and made the penalty too heavy, it would probably lead the tribunal to overlook offences, in the same way that when hanging was the punishment for nearly every offence juries frequently would not convict, and let men off scot free.

Mr. LISSNER said that if the Bill had been law last session he believed there would not have been a man in the House from the North. There were not many hon. members who wanted electioneering meetings held in churches, or whose constituents all drank water.

The PREMIER proposed to omit the words "that electorate" with the view of inserting the words "a period of three years."

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

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

The HON. J. M. MACROSSAN said he thought that, having suffered all the expense and fatigue and turmoil of a contested election, and also being compelled to bear the expense of the Committee of Elections and Qualifications, was quite sufficient punishment to inflict on any man for holding a meeting in a public-house or for giving a constituent a liquor. If they went beyond that they were really defeating the object they had in view. Giving a man a drink was a thing everyone—even teetotallers—did in the North and West, and it was absurd to make it punishable. He did not know whether the hon. member intended to negative clause 93. There was another punishment contained in that clause, under which a man would be liable to a fine of £200, or one year's imprisonment.

The ATTORNEY-GENERAL said that he did not suppose there was any one of them who had not in the course of his candidature invited his friends to have a drink, and his colleague, the hon. member for Kennedy, and he had frequently invited strangers to drink, and had done it in a way that could not suggest to the mind of the person who was drinking that there was anything corrupt in it. In order to establish a charge of corruption, there would have to be something in the nature of a contract expressed or implied between the person who offered the drink and the person who accepted it. Supposing there were a number

of men promiscuously at a meeting, and the candidate did not know them, or whether they had votes or not, and gave the publican a £5 note to let them all have a glass of grog; that would not come within the clause.

The HON. SIR T. MCILWRAITH: Is not that corruption?

The ATTORNEY-GENERAL said it would not be. It would be carrying the thing to an extraordinary length if they were to debar a man, during the whole time of his candidature, from asking a friend to have a glass of wine in his house. All laws were suppposed to be construed reasonably. It was absurd to suppose all kinds of chimera of that sort. A man would not be guilty of corruptly treating if he asked a friend to have a social glass of wine. If it were done corruptly it would be a question of fact whether it were done in such a manner or not, and if the facts stamped it as being a corrupt action, it would be a corrupt action *per se*. They need not terrify themselves with imaginary evils. They did not find it a great hardship not to hold their meetings in hotels.

Mr. ARCHER: We are talking about places where there were no halls.

The ATTORNEY-GENERAL said they could address the electors from a trolly or a stump, as he and his hon. colleague did.

Mr. NORTON said in that case it would be awkward if a thunderstorm came on and spoilt the meeting. But perhaps the hon. gentleman could stand under an umbrella for two or three hours, while the audience stood on the verandah of the public-house. Of course he would invite them all in to have a drink, and the tribunal might come to the conclusion that there was an implied bargain. That would make it very awkward for the candidate, and might lead to a great deal of inconvenience.

Mr. HAMILTON said he could vouch for the fact that it would be a great inconvenience in the North, where the public-houses were the only places where meetings could be held. They were respectable places, and only respectable persons were allowed to conduct them. Frequently, in the northern townships, the hotel contained the only room where a meeting could be held. During his last candidature in the North that was the case, and, of course, he could not use it because it was contrary to the Act, so he had to get under a gum-tree to speak, with men holding lamps on each side, and the lamps were going out every moment. In regard to the contention of the Attorney-General, that a man was not liable under clause 87 for giving a man a drink unless it could be proved there was an implied bargain—that it was for the purpose of obtaining a vote—the question was: What was considered an implied bargain? When the hon. Attorney-General shouted drinks at the conclusion of his meeting, was it not for a certain purpose? When he went to other townships, did he always call in visitors and ask them to have a drink? No; not one of them did it, and the hon. gentleman had a very good idea that those men had votes, or he would not have asked them. He would not have been so generous, nor would anyone else. It was never done except at election times. It was done for the purpose of showing the electors how liberal they were, and bring them *en rapport* with each other. It was all done with the object, in a greater or minor degree, of getting votes.

Mr. LISSNER said the Attorney-General was quite right. He knew many instances where the hon. Attorney-General had "shouted" for gentlemen who had listened to his speeches, and after all they voted for him (Mr. Lissner); and others *vice versâ*. They never knew who they "shouted" for or what value they received for it.

The PREMIER said everybody knew what "treating" was: the offence was perfectly well known. It was keeping open house, treating men until they were half drunk, and then getting them to vote. Or a barrel of beer was taken into the committee room, and the voters could take as much as they liked.

Mr. HAMILTON said the clauses did not state the amount of drink that was to be given to make a person guilty of treating. It simply provided that if a candidate supplied any drink he should be guilty of an offence. If that had been considered an offence at the last elections, the two members for Charters Towers, the member for Burke, and himself, would now be initiated in the mysteries of sugar-growing at St. Helena. He objected to its being considered an offence, and if it was so considered the punishment was too severe.

Amendment agreed to.

The PREMIER moved the omission of all the words after the word "void" to the end of the clause.

Amendment agreed to; and clause, as amended, put and passed.

On clause 92 as follows:—

"If upon the trial of an election petition in which a charge is made of any corrupt practice having been committed in reference to an election, the Committee of Elections and Qualifications reports that a candidate at such election has been guilty by his agents of any corrupt practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the Legislative Assembly for such electorate, during the Parliament for which the election was held, and if he has been elected his election shall be void."

The PREMIER moved the substitution of the words "Elections Tribunal" for the words "Committee of Elections and Qualifications" in the third line of the clause.

Amendment agreed to.

Mr. PALMER said that here again they required a definition of the word "agent." He was beginning to think that there must be some connection between the penal clauses of that Bill and the Payment of Members Bill. They fancied there would be such a rush of candidates that it would be necessary to weed them out, and in the weeding process that undefined "agent" would appear on the scene and prove an active agent in weeding out some of them. He was quite sure the Premier could give some definition of an "agent." Did it require a written or verbal agreement to constitute an "agent," or was the reception of a letter or telegram sufficient?

The PREMIER said an agent under the Bill would be constituted much the same as in any other case. Suppose the hon. member had a piece of land to sell and gave instructions to some person to sell it, that person would be his agent. An agent might be appointed in many ways—verbally, or by a written agreement, or by ratification. He could not be self-constituted; but suppose a man sent a letter to a candidate saying he was looking after his interest, and the candidate wrote back saying, "Go ahead, but do not spend more than £500," the man could be considered his agent if that were done.

The HON. J. M. MACROSSAN said did it not seem absurd that in the clause they had just passed they had reduced the term during which a member was debarred from entering the House to three years if the offence was committed by

himself; and, in the clause before them, if the offence was committed by his agent he was debarred for five years?

The PREMIER: That is only for that constituency.

The HON. J. M. MACROSSAN said it was only for three years in that or any other constituency in the preceding clause. Surely if a man was punishable by three years for an offence committed by himself he should not be punishable by five years for an offence committed by his agent. He considered the deprivation of the seat punishment enough.

The PREMIER said they wanted to deter persons from committing those offences, and the most deterrent thing of all would be to provide that the person could not get back again. If that were not provided a man might chance it once, and if he failed try again, when he would make arrangements so that no person could be called his agent. It was dangerous to allow a man to see how close he could sail to the wind in a matter of that kind and have another try when he had got the information he wanted. There was an apparent incongruity in the terms mentioned in the clauses, but it was not of much importance, and the clause was exactly the same as the present law.

The HON. J. M. MACROSSAN said he wished to point out that the duration of Parliament was five years, and in the preceding clause the period mentioned was only three years.

Clause, as amended, agreed to.

On the motion of the PREMIER, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again to-morrow.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

The SPEAKER announced that he had received the following message from the Legislative Council:—

"Legislative Council Chamber,
"Brisbane, 17th September, 1885.

"MR. SPEAKER,

"The Legislative Council, having received from the Legislative Assembly a message obviously containing a clerical error, herewith return the same to the Legislative Assembly for correction.

"A. H. PALMER,
"President."

The PREMIER moved that the message be corrected, and returned to the Legislative Council.

The HON. SIR T. MCILWRAITH: What is the correction?

The PREMIER: The word "Assembly" is left out.

Question put and passed.

The SPEAKER intimated that he had received the following message from the Legislative Council:—

"Legislative Council Chamber,
"Brisbane, 17th September, 1885.

"MR. SPEAKER,

"The Legislative Council having had under consideration the message of the Legislative Assembly, dated the 10th instant, insisting on their disagreement to the amendment made by the Legislative Council in clause 4 of the Local Government Act of 1878 Amendment Bill, beg now to intimate that they insist on their amendment in clause 4—

"Because, in the amendment of all Bills, the Constitution Act of 1867 confers on the Legislative Council powers co-ordinate with those of the Legislative Assembly.

"A. H. PALMER,
"President."

The PREMIER said: Mr. Speaker,—Probably it will not be convenient to take that message into consideration to-night. I think I should be more strictly following the practice of Parliament if I moved at once that the Bill be laid aside. However, the matter is of some importance and it is rather late. I will therefore move that the message be taken into consideration to-morrow.

The HON. SIR T. MCILWRAITH: Has the hon. gentleman any intention of bringing on any Government business to-morrow?

The PREMIER: Not unless it is desired by the Opposition.

Question put and passed.

ADJOURNMENT.

The PREMIER moved that the House do now adjourn.

The HON. SIR T. MCILWRAITH: It is quite possible that there may not be a House to-morrow. In the event of there being no House what will be the business for Tuesday?

The PREMIER: I shall be very glad to adjourn till Tuesday if hon. members desire it.

HONOURABLE MEMBERS: Hear, hear!

The HON. SIR T. MCILWRAITH: I do not know how the private business stands.

The PREMIER: The only private business on the paper is a motion by the hon. member for Townsville for a select committee to inquire into the route of the Herberton railway, and I do not suppose the hon. gentleman wishes to go on with that. Then there is the motion in reference to the sum of money to Mrs. Pring, and that can come on at any time. Probably I will be consulting the convenience of the House if I move that the House adjourn till Tuesday. We will then first dispose of the message from the Council, and then proceed with the Elections Bill. With the permission of the House I move that this House do now adjourn until Tuesday next.

Question put and passed; and the House adjourned at fifteen minutes past 10 o'clock.