

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 25 SEPTEMBER 1889**

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## LEGISLATIVE ASSEMBLY.

*Wednesday, 25 September, 1889.*

Questions.—Drew Pension Bill—committee.—Supreme Court Bill—committee.—Message from the Legislative Council—Brisbane water supply—approval of plans.—Adjournment.

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

### QUESTIONS.

Mr. ARCHER, for the hon. member for Normanby, Mr. Murray, asked the Minister for Railways—

Is it the intention of the Government, upon the completion of the survey of the Rockhampton and Port Alma Railway line, to proceed with the survey of the line from Port Alma to Gladstone, and thus connect Rockhampton and the Central line of railway with the North Coast line to Brisbane?

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) replied—

Yes.

Mr. BUCKLAND asked the Minister for Railways—

Is it the intention of the Government to complete the permanent survey of the branch railway to Lytton at an early date?

The MINISTER FOR RAILWAYS replied—

Yes.

### DREW PENSION BILL.

#### COMMITTEE.

On the motion of the PREMIER (Hon. B. D. Morehead), the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

On clause 1, as follows:—

“In the event of William Leworthy Good Drew, Esquire, at present Auditor-General of Queensland, being appointed to the office of Chairman of the Civil Service Board, it shall be lawful for the said William Leworthy Good Drew to claim and receive in every year, in addition to his salary as such chairman, a portion not exceeding two hundred and fifty pounds of the retiring allowance which he is now entitled to claim under the Auditor-General's Pension Act of 1877, on retirement from the Civil Service.

“For the purpose of claiming such portion of his retiring allowance, the said William Leworthy Good Drew shall be deemed to have retired from the Civil Service, but for all other purposes he shall have and be entitled to the same rights and privileges in all respects as if he had been appointed to the office of Chairman of the Civil Service Board without so retiring.”

Mr. GLASSEY said he did not approve of the proposal in that Bill to increase Mr. Drew's salary by £250, and he was going to move an amendment, not with a view of amending the Bill, but with a view of killing it. He thought the present was not the time to increase the salaries of extremely well paid officers, notwithstanding the statement of the Premier, made on the previous day, that that gentleman, who had occupied a very lucrative position for twelve years, was now entitled to retire from the service on a pension of £540. He did not think Mr. Drew had any intention of leaving the service. He thought that at a time like the

present, when they were suffering from tremendous depression in trade, when there were hundreds of men who could not find employment, and thousands in the service who were extremely ill-paid, it was not fair or reasonable to ask those people to subscribe money to increase the salary of a gentleman who was well paid already. That was his opinion, and he had heard murmurs again and again from others on the same subject. With a view, therefore, of giving an opportunity to hon. members of expressing their opinions, he moved the omission on line 10 of the words "two hundred and." He considered that £1,050 would be good remuneration for any services that gentleman might render in connection with the Civil Service Board. It was an extremely painful position for any person to take up, that of opposing such a proposal as that before the Committee, but he was bound to do his duty to the people who sent him here. He was not desirous of detracting in the slightest degree from the ability of the gentleman in question, but he said it was entirely uncalled for that Parliament should be asked to consent to a proposition adding £250 a year to the salary of an officer, when there were numbers of people who did not know where to get their dinners to-morrow, except on credit, and when there was such general depression throughout the colony.

The PREMIER said he really had nothing to add to what he said on the previous day, except that the hon. member seemed to forget that if Mr. Drew retired at the present time he would be entitled to a pension of £540 a year, and that his place would have to be filled by a gentleman who would get £1,000 a year. The reasons that actuated the Government in bringing in the Bill had been clearly stated by himself. The measure certainly received the approval of the hon. gentleman who led the Opposition and another leading member of that side of the Committee. In Mr. Drew he believed they would get the best possible man for the position, and if it was offered to him, he (the Premier) hoped he would accept it.

Mr. SAYERS said he should support the amendment for the reason that he thought £1,000 a year was a very comfortable salary, and because he did not believe in paying pensions before a person left the Government service. That was a special Bill brought in for a special purpose. He was not going to say one word against Mr. Drew. He believed he was a fully competent man, but as had been stated when the Civil Service Bill was going through, the duties of the board would not be very onerous after the first six months.

The PREMIER: Won't they!

Mr. SAYERS said that was stated by the leader of the Opposition, who had had considerable experience of the Civil Service; but even if the duties were as onerous as the Premier thought they would be, £1,000 a year was a very comfortable salary. It would be a very bad example to begin to pay pensions before men left the Government service. There might be a certain amount of work after the first six months; but from all he could learn, the duties would be very light, and the gentleman who received the appointment of chairman would be well paid at £1,000 a year.

Mr. O'SULLIVAN said he also disagreed with the proposal. He objected on general principles to appointing pensioners to the Civil Service of the colony. Mr. Drew had no doubt been a very useful officer during the time he had been in the colony, and an officer against whom he had not a single word to say. He was entitled to his pension. Why did he not retire upon it, and

let a younger man take his place? He thought it a bad rule, when men became entitled to pensions, to let them go in for a new office and begin afresh. He did not think they would succeed. He believed that gentleman was in the service of New South Wales before coming to this colony, and had been in the service of this Government for twenty-seven or twenty-eight years. He had done very well, and gathered all his friends about him. He had found situations, he (Mr. O'Sullivan) was told, for about forty-nine of them.

The HON. SIR S. W. GRIFFITH: How many?

Mr. O'SULLIVAN: Forty-nine. He had no authority for the statement. The number might be somewhat less or it might be more. At any rate, he took the greatest possible care that only his friends should go into his department. He took very good care that a certain section of the community should be excluded from his office, and he succeeded.

Mr. SMYTH: The same old song!

Mr. O'SULLIVAN said: Certainly; why not? If a good song was worth singing once, it was worth singing twice. It would be more to the hon. member's credit if he told him he was saying what was untrue. He did not think the hon. member would go so far as that, because he (Mr. O'Sullivan) had plenty of proof of what he said. At any rate it was not on that song that he wished to tune the last string. The last string was that he objected to pensioners in the evening of their lives beginning *de novo*. They should have younger men in the service, and, as the hon. member for Bundamba had said, £1,000 a year was a very handsome salary. The gentleman in question had done very well, and they would all be very glad if at the end of eight or nine and twenty years they could retire upon a pension of half their previous salary. He did not think there would be any saving at all to the State, and the better plan was to let Mr. Drew go out upon the pension to which he was entitled. That gentleman, as a matter of fact, knew too much about the Civil Service. Let them have somebody with clean hands and begin afresh. He would certainly oppose the Government proposal.

Mr. CAMPBELL said he was very glad the hon. member for Bundamba had had the courage to propose an amendment upon the Bill after what had been said by the head of the Government and the leader of the Opposition on the previous day. Surely amongst the higher grades of the Civil Service they could select a man capable of filling that position and for whom the appointment would be promotion. He thought it would be a better plan to find some younger man to occupy the position and give him promotion at the same time.

Mr. STEVENS said that if the Bill would enable Mr. Drew, at the end of seven years' service as chairman of the Civil Service Board, to draw a pension upon the increased scale of salary, that might be a very good objection to raise to it; but he did not understand it in that way. He took it that if Mr. Drew retired at the end of seven years he would draw a pension at the same rate as he was entitled to at present. If that was the case he had no objection to the Bill, as he thought it was a very good thing for the success of the Civil Service Act to have a gentleman like Mr. Drew intrusted with the administration of it. No doubt that gentleman had had a very great deal of experience in the colony, and so far from that being an objection, as suggested by the hon. member for Stanley, it was a recommendation in favour of Mr. Drew's appointment to the office of

chairman of the Civil Service Board. What they wanted was a man who was thoroughly conversant with the present system, so that he might be able to lay his finger on the weak spots in that system and bring about necessary reforms.

Mr. BARLOW said he intended to vote with the hon. member for Bundanba, and he would do so partly for the reasons assigned by that hon. member, and partly because, whilst he thought Mr. Drew was a most able man, he considered it was a most unfortunate thing to appoint to the position of chairman of the Civil Service Board a man who was saturated with the traditions of the present Civil Service. That, he thought, would be the greatest mistake that could be made. He had endeavoured, when the Civil Service Act was before the Committee, to impress upon hon. members his belief that the Civil Service was not so very distinct from ordinary commercial life as to require special aptitude for its management. He could not understand what reasons could induce Mr. Drew to abandon his present office, which was one of the most independent and comfortable positions in the service, to undertake the duties of chairman of the Civil Service Board. That, of course, was Mr. Drew's own business; but he (Mr. Barlow), should, for the reasons he had given, support the amendment.

Mr. O'SULLIVAN said the point raised by the hon. member for Logan had not struck him before. For what length of time were the members of that board to be appointed?

The PREMIER: For seven years.

Mr. O'SULLIVAN said he had understood it was for five years, and that the Railway Commissioners only were appointed for seven years. Supposing the country were so fortunate as to find out that this gentleman was in the prime of life at the end of seven years, and that he then retired, what pension would he get?

The PREMIER: It would be calculated on £1,000 a year.

Mr. O'SULLIVAN: And not on £1,250 a year?

The PREMIER: No.

Mr. O'SULLIVAN said his own impression was that Mr. Drew was quite safe as he was. He would not consider that gentleman so wise a man as he had taken him to be before, if he gave up his present office to throw himself into the sea of the Civil Service Board. His safest plan would be to retire at once, and he thought he was doing Mr. Drew a great kindness by suggesting that to him.

The HON. SIR S. W. GRIFFITH said he was going to say one or two words more upon that subject. He quite agreed that that was a very exceptional Bill, and could only be justified by exceptional circumstances. He understood that the Government intended to select the chairman of the Civil Service Board from amongst the Civil servants, and if they did that he had no hesitation in saying that there was no other man in the Civil Service, in his opinion, nearly so well qualified for the position as Mr. Drew. Not only was Mr. Drew's intimate knowledge of all the branches of the Civil Service greater, from the position he had held, than that of any other man in the service, but he also took an extremely reasonable view of things, and was free to a very great extent from the traditionary red tape of the departments. He said those things of Mr. Drew, from personal knowledge of him; and he knew that gentleman to be very much less bound up in red tape than most other officers in the Civil Service. If the choice had to be amongst the Civil servants, Mr. Drew

was certainly, in his opinion, the best man that could be got for the position. He agreed with the hon. member for Stanley that Mr. Drew would be a very foolish man to give up £1,000 a year as Auditor-General for the same salary as chairman of the Civil Service Board. He quite agreed that that was a very exceptional case. But the proposition made by the Bill was really to ask Parliament to sanction the appointment of Mr. Drew as chairman of the Civil Service Board. They were really asked to approve of the selection of Mr. Drew for that position by the Government.

Mr. O'SULLIVAN said the leader of the Opposition had said that the Bill could only be justified by exceptional circumstances, but the hon. gentleman had not told them what the exceptional circumstances were.

The HON. SIR S. W. GRIFFITH: Because he is very much the best man for the position, in my opinion.

Mr. O'SULLIVAN: There is nothing in that.

Mr. McMASTER said it had not been shown that Mr. Drew wanted to leave the position he at present held. He was no doubt a very able man, and possibly the best man that could be selected for the position of chairman of the Civil Service Board; but they were really now asking him to take £250 a year of his pension before he asked for a pension himself. If he retired from the position of chairman of the board after seven years, he would go back to a pension of £540 a year to which he was now entitled, so that the proposal was really to give the chairman of the Civil Service Board a salary of £1,250. No one in that Committee, and very few in Brisbane, would say that Mr. Drew was not an able man and a man well fitted for the position to which it was proposed to appoint him; but at the same time he agreed with the hon. member for Bundanba that £1,000 a year was a very fair salary for the position, and he was therefore inclined to support the amendment.

Mr. O'SULLIVAN said that no one had denied that Mr. Drew was an able man, but what special ability was required for an office of that kind? Mr. Drew had been mixed up in the Civil Service ever since he had come to the colony, and he had always thought that that gentleman, notwithstanding his great ability, had a great weakness sometimes—he was a very affectionate and kindly man, and showed his affection to his own friends and to nobody else. What wonderful amount of ability was required for the office? It was almost a slur on the heads of other departments and the other able men in the Civil Service to talk like that. The under secretaries and the ablest men in the Civil Service in Brisbane asserted that a better and abler man could be found than Mr. Drew amongst the heads of the departments in Brisbane. It was invidious to mention names, but a great many asserted that the Surveyor-General, Mr. Tully, would prove a more suitable man. It did not require a man of such immense ability, but it did require a man of straight feelings and with a backbone, a man who was prepared to refuse his friends or his own brother or son if they wanted what was wrong for him to grant. All old members knew that it was not the ability of the Hon. Sir Arthur Palmer which had made him so popular as Colonial Secretary of the colony. It was simply owing to the fact that when even his nearest friends went to him to ask him for a favour he told them to leave his office at once. That was the kind of man they wanted—a man who knew neither friend nor foe in his position as chairman of the board, but who would do right even if the devil were at the back door.

Mr. SAYERS said he would like to know if all the members of the board were to be selected from among the Civil Service. When the Civil Service Bill was going through Committee, the hon. member for Enoggera and other hon. members had laid great stress upon the social influence which was brought to bear in Brisbane in giving appointments in the Civil Service; and it now appeared that a few of the leading Civil servants having all their social connections and associations in Brisbane were to be appointed as members of the board. That showed there would be a great weakness in the board. It would be far better if appointments were made to the board of men who had not all their social surroundings in the city of Brisbane. That had always been a great cry in the colony—that for a man to occupy any position in the Civil Service he must have strong social influence in Brisbane; and the fact of appointing the board from among the heads of departments in Brisbane would tend to perpetuate the complaint.

Mr. O'SULLIVAN said he had no objection to the mighty opinions expressed with regard to Mr. Drew, and he had not said one single word against the personal character of that gentleman, but if he were the most favoured man in Brisbane for the position, would the Government be game to put it to a vote of the Civil servants in Brisbane? Then they could find out what sort of a man he was.

The PREMIER said it was not intended by the Government to adopt any such course.

Mr. O'SULLIVAN: No; I was sure it was not.

Mr. SAYERS said he thought they should know a little more than they did at present about the Civil Service Board. Could the Government inform the Committee who were to receive the other appointments, as they must have pretty well decided the point before introducing that Bill?

The PREMIER said the only appointment which had been dealt with by the Cabinet was the one which was dealt with in the Bill. The hon. member need not feel the least alarm that any appointments made by the Government would bear a political aspect. They would be made in the best interests of the Civil Service so far as the Government knew.

Mr. SAYERS said the Press had repeatedly mentioned Mr. Drew's name as the probable chairman of the board before Parliament had been officially informed of his appointment, and as their statements were true with regard to Mr. Drew, they might be true with regard to the other gentlemen mentioned.

The PREMIER said that so soon as the Cabinet had decided upon offering the appointment to Mr. Drew, they had drafted that Bill, and the leader of the Opposition was as well aware of that as he was. Therefore, whatever might have appeared in the public Press, he could state the Government were not responsible for it.

Mr. GLASSEY said from the remarks of the leader of the Opposition he gathered that the hon. gentleman gave a very half-hearted support to the Bill.

The Hon. Sir S. W. GRIFFITH: No, I do not.

Mr. GLASSEY said that in that case the hon. gentleman gave the Bill his whole-hearted support. However, the hon. gentleman had said the Bill was a very exceptional one. As a general rule pensions were very objectionable, but more particularly was that the case when the pensions were granted to those who had been extremely well paid in the past. But if an objection could be raised against any pension, it

was against a pension to be paid in advance, before the gentleman receiving it actually retired from the service. In the Bill it was proposed to give a man £250 of his pension in advance, before he retired from the service. That was a doubly grave objection to a pension. He could not help thinking that the Government must have had Mr. Drew in their minds when they introduced the Civil Service Bill, and that Bill should have been amended so as to provide that, instead of paying the chairman of the board £1,000 a year in cases of extreme urgency, or in the event of a man of superior ability being appointed, they would give £250 in addition to £1,000 a year. Here a man was offered a position, which he accepted, but on this condition—"I must have something more than this £1,000 a year. That is not sufficient for me. I am entitled to retire upon a pension of £540 a year; and if you give me £250 as a set-off, I shall take the job." A more flimsy or wretched proposal had never been made in any legislature, so far as he was acquainted with parliamentary matters. That was an extremely exceptional case, and if objection could be made against the Bill, that objection had been strengthened by the utterances of the leader of the Opposition, to the effect that Mr. Drew must get something more than £1,000 a year. If they went down the streets of Brisbane, or of any town in the colony, they would come in contact with large numbers of people who did not know where to find employment or how to provide food for themselves and their families, except by getting into debt with the storekeeper. And yet they asked those people to pay the very heavy taxes imposed upon them in order to swell the salary which was to be paid to Mr. Drew and others in the colony, and to pension them before they retired from the service. What would those people say? He certainly would oppose the Bill, and he hoped all the independent members on both sides of the Committee would show their opposition to the Bill by voting for the amendment.

Mr. O'SULLIVAN said the hon. member must be mistaken in thinking that Mr. Drew had made any specific bargain with the Government; for had not the Chief Secretary said, "If Mr. Drew will accept the position?" Fancy the Government bringing forward a Bill of that kind, if there was no private agreement between themselves and Mr. Drew! He supposed he might swallow as much of that as he liked. The whole thing was cut and dried weeks ago.

The PREMIER: That is not the case.

The Hon. A. RUTLEDGE said the hon. member for Bundamba seemed to take fright at the amount of the remuneration proposed to be given to Mr. Drew as chairman of the Civil Service Board. He did not see why the hon. member should take fright at a salary of £1,250 a year. The hon. member was not frightened at paying £3,000 to the chairman of the Railway Commissioners, or £1,500 to the other two Railway Commissioners; nor, he supposed, would he take exception to the payment of £1,500 a year to the Chief Engineer for Railways, or £1,400 to the Chief Engineer for Harbours and Rivers. He (Mr. Rutledge) did not know whether Mr. Drew was consulting his own interests in accepting a position the duties of which would be much more arduous than those which pertained to the office of Auditor-General. What was wanted for such an office was a man of proved capacity, and Mr. Drew was a man of proved capacity. Even the hon. member for Stanley admitted that; that hon. member's only objection to the proposed appointment appearing to be that there were others who had equal or better claims for the office. Whether such could be found he did not know, but in Mr. Drew they had a

man whose ability nobody disputed, and the Government had selected him; and he did not see why the appointment should be objected to, merely because there might be some other man of equal ability who would equally well fill the position. The only ground of opposition seemed to be that it was proposed to give Mr. Drew £250 a year extra salary, but that did not seem to be a sufficient ground to challenge the appointment. A great deal would be expected from the chairman of the Civil Service Board. It was a new thing, and the very best ability that any man in the colony possessed would be required to discharge the duties of the office satisfactorily. He himself, from the official position he had occupied, had had an opportunity of knowing something about the Civil servants who filled the higher offices, and he certainly thought, as far as he was able to judge, that the selection of Mr. Drew by the Government was a very good one. As to the social influence referred to by the hon. member for Bundamba and by his hon. colleague, Mr. Sayers, from what rank of the Civil Service would those hon. members select the chairman of the Civil Service Board, who must be a man thoroughly conversant with all the ins-and-outs of the service? They did not want a man as chairman who, on being appointed, would have to serve an apprenticeship to the Civil Service. Whatever might be the case with the other two members of the board, the chairman ought to be a most experienced Civil servant; and it would never do to select the chairman from the ranks of those who were getting £100 a year, simply to avoid the suspicion that a higher officer in that position might have certain social leanings and inclinations. That was a question that ought not to be introduced into the discussion. He was not prepared to dispute with the hon. member for Stanley that there might be other gentlemen possessing qualifications equal to those of Mr. Drew; but as the hon. member did not dispute that Mr. Drew did possess those qualifications, and as the Government had selected him for the office, why should they quarrel over it? He certainly felt disposed to support the proposition of the Government.

Mr. DRAKE said the hon. member for Charters Towers had referred to some remarks he made when the Civil Service Bill was passing through, with regard to the possibility of the Civil Service Board being amenable to what he described as social influences. He still held the same opinion that he expressed then, that there was that probability. At the same time, as far as his limited experience of the Civil Service went, he did not know of any gentleman in that service in whom he should have more confidence than Mr. Drew for that position. Whether it was worth while to give Mr. Drew an extra salary of £250 to secure his services was another question. But it ought to be remembered that in gaining Mr. Drew's services as chairman of the board they were losing them as Auditor-General. It would be very interesting to the Committee to know what the Government proposed to do with regard to filling up that vacancy. The office of Auditor-General was, in his opinion, one of the most important offices in the Government service.

The PREMIER said the Government had not yet considered who should occupy a vacancy which did not at the present time exist, and which probably might not exist.

Mr. O'SULLIVAN said the hon. member for Charters Towers, Hon. A. Rutledge, had begged the whole question when he asked if it was expected that the chairman of the Civil Service Board should be drawn from the clerks who were now getting £100 a year.

He did not know what the hon. member meant by that. No one wished to go over the heads of departments receiving £1,000 a year to a clerk with £100 a year. The hon. member must know that nothing of the kind was ever intended. Not a single member doubted the ability of Mr. Drew, but there were other heads of departments in Brisbane who had been longer in the service than Mr. Drew.

Mr. JORDAN: No.

Mr. O'SULLIVAN said he begged the hon. gentleman's pardon. He could openly assert that there were heads of departments, under secretaries, who had been longer in the service than Mr. Drew, and he would give the hon. gentleman those names privately. If Mr. Drew wished to take the position at £1,000 a year, well and good; but if he did not, there were other heads of departments who were willing to do so, and quite as able to fill the office as that gentleman. It did not require a gentleman to be an expert in figures to fill that position. What they wanted was a man with more backbone than a knowledge of figures; and nothing that had been said had altered his opinion that whoever got the position would be very well paid at £1,000 a year.

Mr. SAYERS said when the Civil Service Bill was introduced it was thoroughly understood that its chief object was to do away with the political and social influence that had crept into the service—reducing the political element being the strongest reason for appointing the board. He took exception to the remarks of his hon. friend, the late Attorney-General, who had given him a sort of backhanded slap because he had mentioned the matter; and he could tell that hon. gentleman that when he thought it necessary to bring any matter before the House he should do so, and not ask the hon. gentleman beforehand whether he should do so or not. He should vote as he had already stated on the subject.

The Hon. P. PERKINS said no doubt some of the praises given to Mr. Drew were deserved, but a great many were undeserved. If Mr. Drew had any ability at all it was for the office he occupied at present, and it would be much better to keep him there. He had never known a man who had been looking after accounts for five-and-twenty years who did not get warped in his mind and crotchety, and if it was tried to utilise him in any other way he always wanted to get back to his accounts and his books. He understood that Mr. Drew knew very little about the outside affairs of the colony; he had a large staff of assistants round him who did most of the work, and that gentleman had the protection of Parliament. It was not very long ago since he had heard the Chief Secretary say something in that House not at all complimentary to Mr. Drew. That gentleman wrote a pamphlet when some very important matter—the loan question, he thought—was before the Government. It was notorious that he did that in the interests of the other side, and they applauded him. That gentleman also manufactured an Opposition speech for a certain gentleman then in opposition to the Colonial Treasurer's financial statement. Why had Mr. Drew been selected? Was it a fact that there was no abler man in the public service? If anyone said so, he denied it; and he would say further, that if other gentlemen in the Civil Service had known that they could enter for the position on the same conditions as Mr. Drew, they would have been perfectly willing to take it. It had been stated that no bargain had been made with Mr. Drew, but he believed that it was a case of bargain and sale already—that Mr. Drew would take the office if he got the terms proposed in the Bill. That gentleman was under the protection of Parliament,

and he had written letters to the newspapers when he knew he was not going to be attacked; and he was the prompter from time to time, if all reports were true—he did not want to say one hard word about him, because he believed that Mr. Drew filled the office he occupied admirably; but nevertheless he took sides at that time, and prompted the other side to say and do this, that, and the other. He gave them figures which he should have kept in his office. Why did he do so? Why was he supported by the other side now? He could not understand how the Chief Secretary had turned his coat and sought the services of Mr. Drew. There were plenty of persons in the service and not in the service who were quite as capable of filling the position as Mr. Drew, and that gentleman was better in the office he now occupied than in any other they could transfer him to. Apart from that, there was the question of the finances of the colony to be considered. Why should Mr. Drew be hoisted over other people, and get £250 a year extra to coax him out of his present position? He had got a very snug one, and if all reports were true, a gentleman occupying the Government benches at the present time once made an attack on Mr. Drew, and said that he had forty or fifty relatives in the service. He (Hon. P. Perkins) did not know whether that was true or not, but he had heard the statement made, and the other side did not contradict it. If it was true, it was a very unfortunate thing, because Mr. Drew, as chairman of the Civil Service Board, would have to deal with those relatives from time to time, and probably they would be put one or two rungs of the ladder higher. He (Hon. P. Perkins) was glad to see that there were some hon. members on the other side who had the spirit to oppose the proposition. He hoped they would have no more Bills of that nature. It seemed to him that the Civil Service Bill was only a bogus affair to make room for a great many more vacancies. He had heard a question asked as to who was to fill Mr. Drew's place; and all those matters must have been settled weeks ago. The Hon. the Chief Secretary had stated that he could not say who would fill a vacancy before it occurred; but he (Hon. P. Perkins) could see perfectly well how the cat jumped. He had heard in the street who was to fill Mr. Drew's position; and he said that a more unpopular movement than taking Mr. Drew away from the office he so ably filled, and putting him in the position of chairman of the Civil Service Board, could not be made. It was one of the greatest mistakes ever made by the Government.

The PREMIER said he could not let the remarks of the hon. member for Cambooya pass unanswered. With regard to what the hon. gentleman had said about Mr. Drew's political views, he (the Premier) had already explained that, without turning his coat, as the hon. member had put it, he and the Government were anxious to put the best man they could find into the position entirely irrespective of what his political proclivities might be. It was that motive and no other that induced the Government to introduce that Bill. Mr. Drew might have been indiscreet on some former occasion and have written letters to the papers, but had the hon. member himself never been indiscreet?

The HON. P. PERKINS: What excuse is that for Mr. Drew?

The PREMIER said he was not saying that it was any excuse, but was pointing out that, although there might have been indiscretions on the part of Mr. Drew with regard to the correspondence mentioned by the hon. member for Cambooya, and the figures said to have been given to members on the other side of the Committee, that was no reason why the Government

should not select the man they considered the best to occupy the position of chairman of the Civil Service Board.

Mr. O'SULLIVAN: The Government have not all the knowledge in the world.

The PREMIER said the Government had not all the knowledge in the world, nor had the hon. member for Cambooya. But the Government, in proposing that appointment, had clearly shown that they had not been actuated by any political leanings, and that being so the Committee must admit that the Government were actuated by purity and honesty of purpose. Other things being equal, a Minister would be less than human did he not allow himself to be influenced in favour of some person who held the same political views as himself; but he had not discussed politics with Mr. Drew, nor did he intend to. He (the Premier) did not think the chairman of the Civil Service Board should have anything to do with politics. They wanted the best man they could get for the position, and it was the intention and endeavour of the Government to secure such a man to start the Civil Service system provided for by the Civil Service Act. It was hardly fair, therefore, that the hon. member for Cambooya and the hon. member for Stanley should twit the Government for making the selection they had made. With respect to what had fallen from the hon. member for Stanley, he (the Premier) did some years ago state that he believed Mr. Drew had a considerable number—not forty-nine, as mentioned by the hon. member—of relatives in the Civil Service. He believed Mr. Drew had some relatives in the service then, and called attention to the fact, but of course the clear defence was that the fault did not lie with Mr. Drew, but with the Minister who made the appointments. He did not blame Mr. Drew for trying to get his friends into the Civil Service. He knew many members of that Committee who tried to get their friends into the Civil Service; but he did not blame them if an improper appointment was made, he blamed the Minister who made the appointment. He had not heard that any relative or friend of Mr. Drew who had been appointed had disgraced his position, or shown himself unfitted for it; but even if such were the case, he should blame the Minister who made the appointment, and not Mr. Drew. With regard to Mr. Drew as chairman of the Civil Service Board giving his relatives undue promotion, as had been suggested, or putting them up two or three rungs of the ladder at a jump, he (the Premier) thought the provisions of the Civil Service Bill and the criticisms which would take place in that Committee, would be sufficient restraint on any person occupying the position of chairman of the Civil Service Board, and prevent anything of the sort occurring. The Committee was always there, and hon. members were there as critics and censors if anything improper was done, and he did not think, even if they had a man in that position as anxious to help his friends as the hon. member for Stanley said Mr. Drew was, that the chairman of the board would dare to do what had been suggested by the hon. member for Stanley. He (the Premier) had too high an opinion of Mr. Drew to think that he would attempt to do anything of the kind; but supposing he or anyone else who occupied the position of chairman was disposed to do so, he would be deterred by the criticism his action would receive by that Committee.

Mr. O'SULLIVAN said the speech delivered by the Premier was no credit to him. The hon. gentleman was trying to draw a red-herring across the track, and had gone right away from the subject. The real question before the Committee was whether it was not better for a

gentleman who had been getting £1,000 a year for eighteen, nineteen, or twenty years to retire in the evening of his life, and draw his pension, than that he should be appointed chairman of the Civil Service Board? As for the remark that members of that Committee had got friends into the Civil Service, he hoped the hon. gentleman did not refer to him.

The PREMIER: No.

Mr. O'SULLIVAN said he had not a friend, or brother, or son, or relative in the Civil Service, and he hoped that his children would do anything—even throw stones at their blankets—before they would go into the Civil Service. He had stood in that Committee in an independent position, and he did not care the dirt of his shoe about any side of the Committee. What was fair and honest he would do; but if he detected anything wrong, he was there to roar at it. He did not think any hon. member had spoken a single word against Mr. Drew, and he would be the last member to do so. All he knew about that gentleman was that he knew how to mind his own affairs; that he knew thunderingly well how to mind his friends and relatives, and that the State had had to contribute to the payment of their salaries. He believed that both sides of the Committee would agree with him that Mr. Drew had done very nicely, and having feathered his nest for the last eighteen or twenty years, he should now, in the evening of his life, retire on his pension and say his prayers.

Mr. COWLEY said he did not know Mr. Drew, but would support the clause as it stood, because the leaders on both sides of the Committee were satisfied with the appointment, and had told the Committee that Mr. Drew was the best man that could be appointed to the position of chairman of the board. Another reason why he would support the clause was that the Government had made a very good bargain with Mr. Drew. If Mr. Drew left the service he would get a pension of £540 a year, and there was no doubt that, with his financial ability, he would be able to earn more privately than he would as chairman of the Civil Service Board, so that there was a temptation for him to leave the service; but by keeping him in the service they actually got a chairman of the Civil Service Board for £710 a year. That was a very good bargain for the State.

Mr. CAMPBELL said he had not the slightest objection to the appointment of Mr. Drew; but he had an objection to his receiving a larger salary than was provided for by the Act passed only a few weeks ago. The Act provided that the chairman of the Civil Service Board should receive £1,000 per annum, and each of the other commissioners £800; and it was hardly fair, before the Act had come into operation, for the Government to introduce a Bill increasing the salary of the chairman.

Mr. BARLOW said he hoped the Premier and leader of the Opposition would reconsider the question before it was finally dealt with. The Premier was a merchant and bank director, and must admit that they wanted to introduce into the Civil Service direct and straightforward methods. They wanted to get out of the ordinary channel. They wanted superfluous forms swept away, and he therefore respectfully asked the hon. gentleman to consider that point. He had only the slightest acquaintance with Mr. Drew, and had not a single word to say against him. He believed he was an excellent Auditor-General and could do fifteen years' more good work in that office, but to pass a Civil Service Act and then put at the head of the commission a gentleman who must be bound up in routine was a most strange course. He could not conceive what could possibly lead the

Government to appoint that gentleman when he first read of the appointment, but had thought that some leading member of the service, or possibly someone from outside, would be appointed.

The PREMIER said the hon. gentleman would lead the Committee to believe that Mr. Drew's experience had simply been gained as Auditor-General. As a matter of fact, Mr. Drew's experience had been somewhat varied. He had been a paymaster in the navy; he had held a good position in the Union Bank of Australasia; he had been Under Secretary to the Treasury, and he had been Auditor-General. There was hardly anyone in the service who had had a more varied experience. He could add nothing more to what he had said. He held that Mr. Drew was the best possible man for the position proposed to be given to him.

Mr. STEVENS said some hon. gentlemen seemed to hint that Mr. Drew would favour his relations, but he did not think there need be any such fear. The fact of his occupying such a responsible position would put him on his guard against any such thing. Hon. members seemed to have forgotten also that there were to be three members of the board. Mr. Drew would be chairman, but there would be two others who, no doubt for their own sakes, would take care that no favouritism was shown to any particular person. With regard to the statement that Mr. Drew had shown political bias against the party now in power, that if true proved more than anything else the *bona fides* of the Government in appointing him to such a highly prized position.

Mr. DRAKE said he could not help thinking that the second last speech of the Premier was rather unfortunate. When the Civil Service Bill was passing through, they were told that the board would to a great extent be free from political influence. That was the great advantage promised by the creation of a board. Now, the hon. gentleman at the head of the Government being bound down by his previous declaration that the present Auditor-General had got a large number of his relations in the service, said he did not blame him for it, that it was the right thing.

The PREMIER: I did not say it was the right thing.

Mr. DRAKE said the hon. gentleman blamed the Minister more than the person who exercised the influence over the Minister, but now the proposal was that that gentleman should be made chairman of the Civil Service Board. So that the position was that instead of having a board who would be absolutely free from influence, they would have a board who would not be blamable if they used their own influence to put friends into the service, and members of that Committee were to be a sort of vigilance committee, according to the hon. gentleman's own words, to look after the Civil Service Board. That was a very different view of the Civil Service Board to the view given when the Bill was being passed. The more he heard of that discussion the more he was inclined to think that it would be much better to leave Mr. Drew in the position he had filled so ably for such a number of years. There was a unanimous opinion amongst hon. members that as Auditor-General Mr. Drew had been absolutely blameless. He had discharged his duties well and truly, and he thought they were gaining nothing by offering him an inducement to give up the position of Auditor-General and take the position of head of the Civil Service Board. He did not know any gentleman more fitted for that position than Mr. Drew; but they did not know that there might not be in the service, or outside of it, some



gentleman equally well fitted, and he thought they ought to consider the matter very carefully before they offered such inducement to Mr. Drew as would make it worth his while to give up his present position and take another, which might, with advantage, be given to someone else.

Mr. ANNEAR said he read a letter in the *Courier* lately dealing with the subject before them, and at the time thought there was something in it. It was against Mr. Drew, and no doubt was written by an interested person, but he had not then heard both sides of the case, and he now considered the bargain to be made was a very good one for the country. Mr. Drew could now retire on £540 a year, but by giving him the chairmanship of the Civil Service Board the country would save a considerable sum of money. The hon. member for Enoggera had used the very argument that should sustain the action of the Government. He said Mr. Drew had held an important position as Auditor-General of the colony, and that nothing could be said against him. Now, such being the case, was it not a guarantee of that gentleman's competency? He (Mr. Annear) was not a new chum in the colony. He had been here for over twenty-six years, and had noticed some of the appointments Mr. Drew had made in his own department, and there was not one that could not be justified. Mr. Drew had been a faithful officer of the Government, and they knew that he had the courage of his opinions. When the Government opposed certain action that he took, Mr. Drew took his stand. He was not afraid to express his opinions, and was that not a guarantee that he was a gentleman who would have the courage of his opinions, and a gentleman fit to preside over that important board which was about to be created. It seemed to him (Mr. Annear), from the remarks made by some hon. members, that they were drifting towards socialism. The purer a man was, the less qualified some people thought he was to fill an important position. Now he hoped they were not going to believe any such thing. He hoped the good sense of the people of the colony, and of the members of that Committee, would not allow them to drift into any belief of that kind. They had many other gentlemen qualified to be the chairman of that board. They had eminent men in the colony, such as Mr. Deshon, and Mr. Tully, of the Survey Department; but he thought Mr. Drew the equal of any of them in ability, and they must take his past service, and character, and the whole surroundings into account. He had done so, and he thought the Government had done well in the selection they had made, and when they saw the action of the Government in the matter supported by the leader of the Opposition, he did not think they could go wrong in supporting that measure.

Mr. McMASTER said that if any speech was calculated to induce the Committee to refrain from appointing Mr. Drew to the position of chairman of the Civil Service Board, it was the speech just delivered by the hon. member for Maryborough. Not a single member of the Committee had said a word against Mr. Drew's ability. On the contrary, they had all admitted that he was a very good man, and it was because he was an able man they thought he should be retained in his present position. In his opinion the office of Auditor-General was more important than that of chairman of the Civil Service Board. Mr. Drew, in his present position, stood between Parliament and the Government, and he had proved that he had a mind of his own in that position, and that was the sort of man they required as Auditor-General. He could tell the hon. member for Maryborough that he, for one, was not drifting

into socialism, and he was as loyal as the hon. member. He could not see that the country would be making such a good bargain by removing a highly competent officer from a most important position and putting him into a position of less importance. He believed there were hundreds in the Civil Service now who did not want a Civil Service Board, or a Civil Service Act such as they had passed at all, as they considered that having already made ample provision for the future, the Act imposed a double tax upon them. They wanted a good man for the position which Mr. Drew at present held, and they would have great difficulty in finding a man better fitted for it; and the argument of the hon. member for Maryborough should induce hon. members to pause before they consented to the removal of Mr. Drew from his present position.

Mr. STEVENSON said he had listened very attentively to the arguments used in the discussion, and the only objection he had heard to Mr. Drew's appointment as chairman of the Civil Service Board was, that that gentleman had put his own friends into positions in the Civil Service. He supposed the persons who raised that objection were a little sore, because some of their friends had not been put in. He could not see what objection could be taken to the Bill on such grounds, because, so far as the Civil Service Board were concerned, they only made recommendations to the Cabinet. It was a very harmless business after all, and if that was the only objection to Mr. Drew's appointment there was not much in it. It had been admitted on all sides, even by Mr. Drew's greatest opponents, that he was a very capable man. He had himself no personal friendship for Mr. Drew, but he thought the Ministry were doing the best they could for the country by making the proposed appointment.

Mr. ARCHER said that by the way in which the Bill had been received on its second reading, he had hoped it would have passed through Committee with very little discussion. However, that had not been the case, and as other hon. members had discussed it he must offer his opinion. He congratulated the Government upon what they were now doing. They had, of course, ascertained that Mr. Drew was not prepared to leave his present position unless his salary in the new position was supplemented by one-half of the pension to which he was entitled, and as it was their wish, after passing an Act which would have such a special effect upon the Civil Service of the country as the Act they had passed that session, to select the very best man they could find to place in the position of chairman of the Civil Service Board, they had introduced the Bill before them. It might be that in selecting Mr. Drew the Government were not selecting the best man; but that gentleman was the best man they could think of, and he (Mr. Archer) perfectly agreed with their opinion. He knew and respected highly many officers in the service, yet for that particular duty of presiding over the Civil Service Board, he considered Mr. Drew the fittest man in the whole service. He did know a little about Mr. Drew, as he had been in the Treasury for a couple of years, and, no doubt, other Treasurers had formed a similar opinion of Mr. Drew. No matter in what way he might have differed from Mr. Drew he believed that gentleman to be a high-minded, honourable officer, who had carried out his duties to the best of his power; and more than that Mr. Drew was possessed of the very thing which his hon. friend, the member for Stanley, so much admired, and that was a backbone with which he could stand up when

occasion required it. He could with confidence assert that the officers Mr. Drew had selected, and had had appointed in his present department, were as efficient a body of men as any in the whole Civil Service. Whether they were that gentleman's relatives or not he did not know; but he was in the habit of reading the reports from the department, and more lucid and satisfactory reports to read, upon every matter relating to the details of the work of the office, he had never come across in his life, and they gave evidence of the capacity of the mind ruling the department. He believed that Mr. Drew would make a first-rate chairman of the Civil Service Board, and he hoped nothing would occur to prevent his accepting the position. He believed the board that was to be appointed for the purpose of regulating the Civil Service would have work to do of the very first importance to the colony. He did not take the same view of the Civil Service Act as the leader of the Opposition, and he believed it might turn out admirable. It should have the effect of preventing the appointment of persons unfit for the service—and they knew there were men in it who were not fit for the positions they held—and it might also help to give promotion to those who proved themselves competent and performed their work well, and it might keep back the careless and those who did not work so well. Those were matters which, if carried out, would be of real public benefit. He believed that Mr. Drew was a man with the ability and experience to enable him to perform the duties of chairman of the board. He really hoped the Bill would pass through committee without amendment.

Mr. HAMILTON said the reasons given by the hon. member for Enoggera against the appointment of Mr. Drew certainly savoured of special pleading. The hon. gentleman stated that, because the Premier had said Mr. Drew was not to blame for having appointed his relations, he and the other members of the board would take that as a clue and adopt the same course. The Premier had said nothing of the kind. He stated that Mr. Drew was not to blame, if there was any blame, but the Government which made those appointments. Certain reasons had been given against the appointment of Mr. Drew. One of them was that Mr. Drew would be amenable to social influence. That might be a reason against the appointment of boards, but it was not a reason against the appointment of Mr. Drew. All persons were amenable more or less to social influence. As to the matter of £250 increase of salary—if the Government did lose that sum—though as a matter of fact they would not, because if Mr. Drew retired he could get a pension of £540, and another person would be appointed in his place at a salary of £1,000 a year—the sum was a mere bagatelle. A chief clerk in a merchant's office got as much as £1,000 a year in some cases, and it was necessary for the successful carrying out of the principles of the Civil Service Act, that a thoroughly competent man should be appointed. The matter of the country losing £200 or £300 a year was a minor consideration. No question had been raised as to Mr. Drew's capacity. Two other gentlemen had been mentioned, and though he had the highest respect for them, and had not the slightest doubt that though they might be as capable, they were not more capable than Mr. Drew. They knew that Mr. Drew had been generally accused of using his influence in getting friends appointed. At any rate, they believed that he had been guilty of political partisanship against the Government side of the Committee, which they might consider an unpardonable crime;

therefore when the Government wished to appoint him, notwithstanding his opposition to them, it showed that there must be some overwhelming reasons for appointing him. He must have special qualifications when the Government wished to appoint an officer who had not their political sympathy.

Mr. DRAKE said he was sorry that anything he had said should have savoured of special pleading. The Premier had stated distinctly that every hon. member of that Committee would be a censor to see that the Civil Service Board did not put their own friends into the service. That was said in answer to a remark made by some other hon. member, to the effect that the hon. gentleman had on a previous occasion stated that Mr. Drew had a number of his relations in the service. He (Mr. Drake) had not used that as an argument against the appointment of Mr. Drew at all. He had simply stated that it was a commentary upon what had been said previously with regard to the appointment of the Civil Service Board, and their supposed immaculateness. The only objection he had taken to the Bill was the one solitary objection that, as up to the present time Mr. Drew had, in a most excellent manner, performed the duties appertaining to a very important office under the Government—one of the most important offices in the Government service—nothing had been shown to justify them in taking the very exceptional course of inducing Mr. Drew to retire from the Auditor-Generalship. He had said it would be desirable if the Government could give the Committee any information as to whether they had in their eye any gentleman to fill the office of Auditor-General when it became vacant; but the Premier had informed the Committee that he was unable to give any information, and they had accepted that reply. It appeared to him that it would be very satisfactory if that information could have been given.

The PREMIER: How could I tell what I do not know?

Mr. DRAKE said he had accepted the hon. gentleman's statement, but it had been stated outside that a stipulation had been made with regard to Mr. Drew's successor. He did not know whether that was true or not, but it had been stated, and that was some justification for the question he had put to the Premier.

Mr. O'SULLIVAN said he had not stated that the fact of Mr. Drew's having appointed his own relations was a blemish in Mr. Drew's character, as the hon. member for Clermont thought. The hon. gentleman would agree with him, however, that very worthy Civil servants were often neglected and left behind because they had not friends at their backs. The hon. member for Rockhampton, Mr. Archer, had stated that, because Mr. Drew had done good service as Auditor-General, he would make a very good chairman of the Civil Service Board. Where was the logical sequence in those two statements? He might be a first-rate Auditor-General and be a perfect fool as chairman of the board. During the time Mr. Drew had been in the colony he had had very little connection with any other department of the Civil Service but his own.

The HON. SIR S. W. GRIFFITH: As Auditor-General he had.

Mr. O'SULLIVAN said he had had no experience except with his own department. Mr. Drew might be charitable enough, and he could give him credit for charity in putting his own friends in the service. He took care that all those he put there had the proper ear-mark. That was perfectly true, and it was impossible to deny it. Mr. Drew had written over his

office door, "Only a certain kind of people can enter here, and all others must go to the regions below." It was a truism that every man in the State had to contribute to the revenue—there was no exclusion in that respect; but it was a peculiar thing that Mr. Drew's department was the only department in Queensland from which a certain section of the community were excluded. It was disgraceful to think that such a state of things should be, but it was true. Neither Mr. Drew nor any other bigot could expect mercy at his hands. He agreed that it was a very kindly thing on the part of the present Government to be charitable towards their enemies; it was scriptural. There could be no doubt that Mr. Drew was not only their political enemy, but what he had to say against them he put into print. He (Mr. O'Sullivan) must plead guilty to not being so charitable, and was determined to vote against the appointment.

Mr. TOZER said he took a great interest in the Civil Service Bill while it was passing through, and felt particularly desirous to see that the chairmanship of the board should be worthily filled; and he must congratulate the Government on the appointment they had made. If they had searched through the length and breadth of the colony they could not have found a man whose appointment to the office would give more satisfaction to the majority of the people than Mr. Drew.

Mr. MACFARLANE said that personally he was unacquainted with Mr. Drew, but from what he knew of that gentleman he thought that if the Government had gone through all the offices in the colony they could not have selected a better man. He had always looked upon Mr. Drew as one of the very best men in the Civil Service. Besides that, the Government had made a very good bargain. If Mr. Drew were to resign his present position the Government would have to pay him a pension of £540 a year, while under the proposed arrangement they would only have to pay him £250 a year. He agreed with the hon. member for Wide Bay that no appointment could have been made which would give more general satisfaction. Of course it was impossible, with regard to such an important appointment, to give universal satisfaction, and a little opposition was only to be expected, but he was sure the majority of the Committee, and the majority of the country, would be very well satisfied with the appointment of Mr. Drew.

The HON. P. PERKINS said he would point out, that after the board had been in operation for twelve months, the offices would be almost a sinecure. They would only have to deal with new appointments and promotions. What would there be for them to do? They would have better billets than even the judges. It would be simply a holiday for them all the time. There was no need for the ability that had been so much talked about. There should be some commercial man on the board. He would repeat that there were men in the service more capable and suitable for the appointment than Mr. Drew, notwithstanding all his ability. Mr. Drew would be far more useful to the country where he was, than he could be in any other place at his time of life.

Mr. BUCKLAND said he had listened carefully to the various speakers, and had noticed that scarcely one of them had anything to say against Mr. Drew. The only fault found with him was that, although he could retire on a pension, he would only fill the position of chairman of the Civil Service Board at an extra salary of £250 a year. He failed to see where a better man could be found for the position. He had known Mr. Drew for many years, and was certain he had filled his position as Auditor-General

faithfully and well. Possibly it would not be asking too much to ask the Premier to state who was likely, in the event of Mr. Drew accepting that position, to succeed to the office which Mr. Drew at present occupied?

The PREMIER: I do not know.

Mr. O'SULLIVAN: I really think the hon. gentleman does know.

The PREMIER: When a statement of that sort is made by me, as leader of the Government, the assurance ought to be accepted by the Committee.

Mr. O'SULLIVAN: Still, a man can have his own opinion.

Mr. HUNTER said he accepted the assurance of the Premier, but he would point out that to take away one of the most important officers in the Civil Service, without having made any arrangements as to who should succeed him, was anything but a business-like thing to do. Their first duty should have been to see how that position was going to be filled, and he had no doubt the Government had looked round to see that it would be properly filled. The hon. member for Maryborough had told the Committee that as the two leaders of the House had agreed on the matter, that ought to be quite sufficient for hon. members. If they had come to that position, that because the two leaders of the House agreed to a certain course, therefore no more should be said on the subject, it was high time hon. members left the House; and as long as he was a member of the House, it would not be the fact of the two leaders agreeing that would guide his vote. When the Premier introduced the Civil Service Bill, he told the House that good men could be got at the salaries laid down in the Bill, and now the hon. gentleman told them that there was not another man in the Civil Service who could so ably fill the position as Mr. Drew, and that it was necessary to increase the amount. Surely the Government knew the ability of Mr. Drew before that Bill was passed. It simply amounted to passing the Bill under false pretences, because exception was taken at the time to the cost of the board, and they were assured that really good men could be got for the money. He objected to a Civil servant occupying the position of chairman of the board. The other two members might be Civil servants, but the chairman should be an entirely independent man, who could see the mistakes that had grown up in the Civil Service. A man who had had a good experience in the general business of life would be a far better man for the position of chairman than any Civil servant who had been running for twenty or thirty years in one groove.

Mr. ANNEAR said he was not going to allow the hon. member for Burke to misquote him. He did not say that an agreement had been come to between the Premier and the leader of the Opposition. What he did say was that the appointment proposed by the Government had received the support of the leader of the Opposition. He was such a believer in the leader of the Opposition that, had the appointment emanated from that gentleman, he should have had every confidence in it. There would be an end to all party warfare if they were going to have a leader and not believe in him. He (Mr. Annear) sat there because he believed the policy of Sir Samuel Griffith was the policy suitable for a large majority of the people of the colony; and as long as he sat there he should give him a hearty, not a lukewarm, support. He hoped there were very few members who were going in for party warfare, who were so dead to their principles as the junior member for Burke seemed to be.

Mr. O'SULLIVAN said the hon. member had not touched a single word the hon. member for Burke had said. He had no objection to the hon. member being loyal to his party. He claimed that right himself, but if the dictum was laid down that because the leader of the Opposition and the leader of the Government agreed upon a certain thing, other members had no right to be heard, they might as well go home and leave the whole work of Parliament to those two gentlemen. He claimed a perfect right to express his opinions on the subject and to vote as he liked in committee. He had never looked upon a vote in committee as a party vote. A vote on the second reading of a Bill or anything of that sort might be a party vote, but a vote in committee was never considered a party vote.

Mr. UNMACK said he had not been able to attend in time to hear the speeches made earlier in the afternoon; but he understood that an amendment had been moved to reduce the allowance proposed to be given to Mr. Drew by £200—to reduce the amount to £50. He did not regard the question as one of money at all. In the first place, the £250 proposed to be given to Mr. Drew was to be paid out of a fund which was presumably created in part by Mr. Drew himself, that officer being entitled to receive full superannuation under a special Act in the event of his retirement. There could be no question as to Mr. Drew's fitness for the position. He was one of the fittest men who could have been selected for the office; but they must not overlook the fact that had it been known that it was intended to fix the salary at £1,250 a year, presumably other competent men who had abstained from seeking the appointment or making it known that they were candidates for it, would have applied. He was not going to vote against the Bill, but he wished to take exception to it on this ground: There was a clause in the Civil Service Act just passed which made it necessary for any Civil servant, if called upon, to retire at the age of sixty, and now the Government were about to appoint a gentleman as chairman of the board who was, he believed, sixty-three or sixty-four years of age. That was in direct violation of the principle of the Act. He did not say that Mr. Drew was not as fit, or more fit, considering his ripe experience, for the position than a man thirty-five or forty years of age, but at the same time it was contrary to the Act.

The PREMIER: No.

Mr. UNMACK said under the provisions of the Act a Civil servant might retire at the age of sixty, if he pleased, but if called upon by the Government to do so at that age he must retire; and that, he contended, was a direct violation of the Act. When they passed a law they should set the example of keeping it, and not go beyond its provisions. Of course there were exceptional circumstances, but in the present case he was afraid that it might be looked upon as a precedent. He should vote for the Bill as it stood.

Mr. MORGAN said he intended to vote for the Bill, because he thought the Government had made the best selection they could possibly have made, in appointing Mr. Drew. With regard to the appointment of that gentleman's colleagues, the Premier had stated that they had not yet been chosen, and he (Mr. Morgan) hoped that when their names were published to the world, they would not prove to be two other Brisbane men. He thought that in making appointments of that kind, they wanted men who had more general knowledge of the various portions of the colony and its requirements than heads of departments who had spent the greater portion of their lives in their Brisbane offices.

It did not follow that because a man had spent twenty or twenty-five years in the head office in Brisbane, went to his club daily to dinner, retired to his villa residence in the evening, and spent his holidays in Sandgate or Southport, he was best qualified to hold the position of a member of the Civil Service Board. Having chosen Mr. Drew as chairman, it would give much greater satisfaction if he had associated with him men who had spent some time in the far North, the far West, or the far South; men who had a general knowledge of the difficulties that beset Civil servants in those places. He was very much afraid that if they had three men selected from the metropolis many excellent and deserving officers in the outside districts would be overlooked in favour of those who were located near the head office. That would be a very undesirable state of things, and he therefore hoped that when the other two appointments were made, it would not be found that they were Brisbane men.

Mr. BARLOW said he wished to place on record that his sole reason for voting against the views of his leader was in order to express his opinion that the chairman of the Civil Service Board should not be selected from the Civil Service. It was on no other ground whatever.

Mr. O'SULLIVAN said a very curious point had been raised by the hon. member for Toowong, Mr. Unmack. Mr. Drew, at the time of his appointment, would be sixty-four years of age; the term of his appointment was for seven years, and he would like to know whether the Government would have power to call upon him to resign at any time during that seven years. What would be that gentleman's position under the Civil Service Act?

The PREMIER said he did not quite understand the hon. gentleman's question. If he understood it properly, it was whether Mr. Drew's services could be dispensed with on account of age. He thought not. He knew that there were legislators and men in the Civil Service who were over seventy years of age, and yet they were doing admirable work at the present time. The hon. member knew perfectly well that under the clause to which he alluded the Government would not, unless they considered it necessary, remove an officer who had attained the age of sixty years. They had, of course, a compulsory power, but if exercised at the present time they might be doing an injustice by turning a number of good men out of the service in a peremptory way, and that would not be conducive to the interests of the colony. With regard to dispensing with the services of the commissioners, the appointment of Mr. Drew or any other gentleman would stand for seven years whether he had attained the age of sixty years or not.

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

AYES, 35.

Sir S. W. Griffith, Messrs. Nelson, Morehead, Murphy, Donaldson, Pattison, Dunsmore, Stevenson, Crombie, Callan, Plunkett, Unmack, Foxton, Morgan, Lissner, G. H. Jones, Luya, O'Connell, Adams, Buckland, Cowley, Grimes, Macfarlane, Tozer, Stephens, Archer, Rutledge, Amear, Palmer, Hodgkinson, Jordan, Hamilton, Black, Powers, and Macrossan.

NOES, 13.

Messrs. Drake, Hunter, Barlow, Isambert, Campbell, O'Sullivan, Perkins, McMaster, Watson, Smyth, Glassey, Sayers, and North.

Question resolved in the affirmative.

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

The HON. SIR S. W. GRIFFITH said he would ask whether the Government had had under consideration the question of appointing

somebody not in the Civil Service to be a member of the board. He understood the Premier to say that the Government had not yet come to a definite conclusion as to the other members of the board, but he would like to know whether they had taken that matter into consideration, or whether the hon. gentleman particularly in charge of the Bill had taken it into consideration.

The PREMIER said that the matter not only had been but would be further taken into consideration by the Government, without any definite promise being given either one way or the other. The question as to the other two appointments had not in any way been discussed or considered in the Cabinet. Of course all the surroundings would be taken into consideration by the Government as to whether it was advisable or not that one of the commissioners should be a gentleman not in the Civil Service, but no decision had been arrived at, nor had the matter been discussed in the Cabinet.

The HON. SIR S. W. GRIFFITH said he should like to express his opinion that, other things being equal, it would be a great advantage that at least one member of the board should be a gentleman unconnected with the Civil Service. Of course, he did not mean to say they should get a bad man simply because he was not in the Civil Service; but, other things being equal or merely equal, it would be a very great advantage to appoint an outsider.

Mr. NORTH said he would like to ask the Government a question with regard to an officer who had been a long time in the service. He referred to Mr. Cross and his department. He wanted to know what the Government were going to do with that department. Thirty men in the Railway Department, including Mr. Cross, had been notified by the Commissioners that their services would not be required after another month, and he wished to know what the Government were going to do?

The MINISTER FOR RAILWAYS said he really did not know what reply to give the hon. member. There had been nothing done with that department yet except that the Railway Commissioners had given notice that the present offices were not to be continued. If there was any employment to be found for Mr. Cross it would be given to him. The Government were not responsible for the action taken. They had nothing to do with it.

Mr. NORTH: I think the Government have a great deal to do with it.

The PREMIER said if the hon. member for Lockyer had any case against the Government, he ought to state it a little more definitely.

Mr. NORTH: I simply asked a question.

The PREMIER said the answer of the Minister for Railways was that the Government had nothing to do with the action taken, and the hon. member replied that the Government had a great deal to do with it.

Mr. O'SULLIVAN said that would be the whole run of the tether—"The Government have nothing to do with it. Go to the board." If an hon. member went to the chairman of the board he would be asked, "Who are you?" That would be the method of government in Queensland in the future.

Mr. BARLOW said those were the very words he uttered when the Railway Bill was going through last year, and the first squeeze of the shoe had fallen to the lot of the hon. member for Lockyer, who had very properly brought the matter before the House.

Mr. ANNEAR said he considered it was no squeeze. He hoped the Railway Commissioners were going to carry out their duties, and that they were not going to be met on first entering office by every member of the House questioning everything they did. They had passed an Act giving the power of appointment and dismissal to the Railway Commissioners, and taking it out of the hands of the Government.

Mr. BARLOW: And the people!

Mr. ANNEAR: The people who passed that Act were now in the House. It received almost unanimous consent, and, that being the case, why should they make so little of themselves? Let them look to Victoria, New South Wales, and South Australia, all of which colonies had entered on the same principle; and were they going to question the action of those gentlemen during their first month of office? He hoped hon. gentlemen would not do so. He firmly believed that the Government had made a splendid selection in the three gentlemen they had appointed, and he hoped they would be assisted by Parliament to place the railways of the colony on the same footing as those of other colonies, and remove them from political influence. It was a great relief to hon. members to have the railways removed from political influence, and let them assist the Commissioners instead of obstructing them in their duties. He was glad to hear the statement of the Minister for Railways in regard to Mr. Cross. He knew Mr. Cross had been a worthy servant of the colony, and he (Mr. Annear) knew he would get justice at the hands of the Minister for Railways. He was proud to think that they had entered upon a new line of policy, as far as railways were concerned, and he should assist as far as he could in carrying out an Act which, as he said, had been passed almost unanimously by Parliament.

Mr. NORTH said the hon. member for Maryborough having been away from the colony was making up for lost time. He (Mr. North) considered it was very unfair to turn adrift, at a month's notice, a man who had been eighteen years in the railway service, and so long as he was in the House he should protest against the votes of the Commissioners for Railways being put through. The railways had been well managed under Mr. Cross, and yet the whole of his department was to be knocked on the head without any compensation whatever being granted. At the same time a Bill was introduced giving £250 a year more to a Civil servant who had been no longer in the service of the colony.

Mr. ISAMBERT said the way in which the Commissioners had been spoken of and the management of the railways was somewhat misleading. He considered the railways had been most creditably managed, and that they compared favourably with those of any other colony.

Clause put and passed.

The House resumed, and the CHAIRMAN reported the Bill without amendment.

The third reading of the Bill was made an Order of the Day for to-morrow.

#### SUPREME COURT BILL. COMMITTEE.

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

On clause 8, as follows:—

"From and after the passing of this Act the number of the judges of the court shall be increased to five, and it shall be lawful for the Governor, with the advice of

the Executive Council, by commission in Her Majesty's name, forthwith to appoint a puisne judge of the court in addition to the number of judges authorised by the principal Acts."

The HON. SIR S. W. GRIFFITH said he would ask if it had occurred to the Premier whether it was desirable that that clause should take effect at the passing of the Act or not. The clauses passed last night were intended to remove immediate difficulties. The hon. gentleman would not find it possible to reconcile the 8th and 9th sections as they stood; because, if they appointed a judge under the 8th section immediately after the passing of the Act, they could not appoint him as a Northern judge under the 9th, because that part of the Act would not then be in operation according to the 2nd clause. The intention was to appoint another Northern judge, and that would be defeated if the words, "after the passing of this Act," were allowed to remain. They might effect a reconciliation of the clauses by delaying the appointment until after the 1st January next; but unless those words were omitted the judge might be appointed before that.

The HON. A. RUTLEDGE said he was disposed to think that after all it was not wise to postpone the operation of the Act until 1st January, as, if they did so, it would be productive of great inconvenience. The additional Northern judge ought to be appointed before the 1st January, because he would require to be in consultation with the other Northern judge, to make preparations for the circuits to be travelled: The calendar for the year would have to be made out, and if the operation of the Act was delayed, its preparation would be postponed to an inconvenient time or it would have to be left to one judge. Commitments for grave offences would be taking place at the various courts of petty sessions, and there could not be a commitment to a particular circuit court to be held at a certain time, unless the committing magistrates knew when the courts would sit. The calendar was usually prepared before the end of the year for the year following; and in view of the necessity for making efficient arrangements by both judges, he thought it would, perhaps, be better to retrace their steps and make the Bill come into operation within, say, a month from the present time—on the 1st November. It would certainly be inconvenient to delay the operation of the Bill to the 1st January.

The HON. C. POWERS said the intention of the clause was, of course, as the hon. member for Charters Towers had stated, to allow of the appointment of the second judge in time to admit of the proper compilation of the calendar. It might do to say, "From and after the commencement of this Act," but he was inclined to agree with the hon. member for Charters Towers that they should retrace their steps and amend the 2nd clause so as to provide for the Act coming into operation before the 1st January next.

The PREMIER said that was a matter with which the legal members were more intimately acquainted than he was; and as the hon. member for Burrum was agreed that the Bill should be re-committed, for the purpose of amending the 2nd clause, he had no objection to that course, as he could see the inconsistency pointed out between the 8th clause and the 2nd clause. It was a matter upon which the Government were desirous of taking into consideration the convenience of the Northern court, and he would therefore move the omission of the words "from and after the passing of this Act," in the 1st line of the clause.

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

On clause 9, as follows:—

"Two of the judges of the court shall reside at Townsville, and shall be styled Northern judges, and shall severally and respectively be designated as such in any commission to be hereafter given to them in pursuance of the Supreme Court Act of 1867."

The HON. SIR S. W. GRIFFITH said he had given notice of an amendment in that clause, which he had indicated on the second reading of the Bill. It was quite unnecessary to say where the judges should reside. All that was necessary was to say where the court should be held, and the judges might live where they liked so long as they were there when they were wanted. He proposed to omit the words "reside at Townsville, and shall."

The PREMIER said he had no objection to the amendment.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH said he proposed to add to the clause the following words:—

But nothing herein contained shall be construed to prevent the Governor in Council from transferring a Northern judge with his own consent to the Supreme Court at Brisbane.

In the judge's commission he would be described as a judge of the Supreme Court and as a Northern judge, but there was no reason why he should not, with his own consent, be transferred at any time to the Supreme Court at Brisbane. That would deal with a matter which had given rise to a great deal of trouble and argument and annoyance under the old Act.

The PREMIER: And it shows that both courts are on the same level.

The HON. SIR S. W. GRIFFITH: Yes.

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

On clause 10, as follows:—

"Whenever in any Act reference is made to the senior puisne judge of the court as the person by whom any of the duties or functions of the Chief Justice are in the event of the vacancy of such office to be done or performed, it shall be taken that such reference is to the senior puisne judge residing in Brisbane, and such Act shall be construed accordingly."

The HON. SIR S. W. GRIFFITH said he had given notice of an amendment in that clause which seemed very necessary, to provide that when any reference was made to the senior puisne judge in any Letters Patent or other official document, it should have reference to the senior puisne judge in Brisbane. He did not know whether it had occurred to the Premier, but in the event of the absence of the Governor, and both the President of the Legislative Council and the Chief Justice, the senior puisne judge would take up the position of Administrator of the Government, and it would be very inconvenient if they had to send up to Bowen to the senior puisne judge to come and take the administration of the government. The amendment he was about to propose would not interfere with the intention of the Bill. He moved that in the 1st line of the clause, the words "letters patent, commission, or other instrument," be inserted.

The PREMIER said he had no objection to those words being inserted, although he did not think the contingency would ever arise, as there were two lives between the Governor and the senior puisne judge. Still, it might be just as well to provide for it in case the contingency should arise.

The HON. SIR S. W. GRIFFITH: It has happened in Victoria.

Amendment agreed to

The HON. SIR S. W. GRIFFITH moved that the words, "residing at Brisbane," in line 40, be omitted with the view of inserting the words, "of the Supreme Court not being a Northern judge." That amendment was proposed in consequence of their not fixing the place of residence at all.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved that in the 40th line the words, "or instrument," be inserted to follow the word "Act."

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

Clause 11—"Northern judge defined"—passed as printed.

On clause 12, as follows:—

"Subject to the provisions in this Act contained, each of the Northern judges shall, within the Northern district, have and exercise all the jurisdiction, powers, and authority of the court, as conferred by the principal Act:

"Provided that all such matters and proceedings as would in Brisbane be proper to be heard and determined by the full court shall within the Northern district be heard and determined by both of the Northern judges sitting together, except when through want of jurisdiction in the person of the judge or absence sanctioned by the Governor in Council, or illness, any one of such Northern judges cannot attend, in any of which events any such matters and proceedings as aforesaid may be heard and determined by the other of such Northern judges sitting alone:

"And provided also that all decisions of the Northern court in any matters or proceedings which would in Brisbane properly belong to the full court, shall be subject to appeal to the full court at Brisbane, upon such terms and upon such notice as shall be prescribed by rules of court."

The HON. SIR S. W. GRIFFITH moved the omission of the words "each of" in the 1st line of the clause. The jurisdiction of the court was exercised by the whole court, or by individual judges, according to a provision contained in the principal Act. It would be a mistake, therefore, to say "each of" them.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH said he had given notice of another amendment in the clause, which raised an important question. He was glad the hon. member for Townsville was present, because he understood him, during the debate on the second reading, to assent to an argument he (Sir S. W. Griffith) had used, more by way of argument than as indicating a conclusion at which he had arrived, that it would be no advantage to the people of the North to have a double court of appeal. At the present time a case pending in the Northern court was tried before the Northern judge, and if a person wanted to apply for a new trial or an appeal he had first to approach the judge at Bowen. The chances were that the judge would adhere to his former opinion, and then the suitor must appeal to the court at Brisbane—a double appeal, which was very expensive. That used to happen more frequently at one time than now. In consequence of circumstances with which hon. members of the Committee were familiar, the number of cases brought in the Northern court was few—fewer than he hoped they would be in the future. The result was that actions were brought in Brisbane. The judge trying those cases was simply a judge on circuit, and the proceedings of the trial were sent back to the office at Brisbane, and any appeal was made to the full court. It certainly saved expense. There was a provision in the present law giving an appeal to the Northern judge himself at Bowen. As the Bill stood there would be an appeal to two judges at Townsville. An appeal to two judges was the most unsatisfactory in the world if one of the judges had dealt with the case

in the first instance. That was one of the strongest arguments used in 1874 for increasing the number of judges of the Supreme Court. An appeal to two was really no appeal. If it was from the senior judge, then it was practically no appeal, and if it was from the junior judge it was really an appeal to one judge. Of course, the opinion of the senior judge prevailed. Supposing an action was brought in the Northern court or was tried on circuit in the Northern district, the question was whether it was desirable that there should be first an appeal to the judges in the North and then an appeal to the court in Brisbane, or it was not. That was a question worthy of serious consideration. If the judges were agreed, there would probably be no further trouble; but if they did not agree there would be an appeal to the court in Brisbane and double expense. He thought the balance of convenience to suitors was in favour of an appeal direct to the three judges in Brisbane. He would not move the amendment until he had heard the opinion of the Government upon it. He had framed it because he had understood that the Minister for Mines and Works, who took great interest in the Bill, was in favour of it. There were two views to be taken of the question. As he had already pointed out, an appeal to two judges in the North would be really no appeal; and if they did not agree, there might be a second appeal to Brisbane and double expense. On the other hand, there was the consideration that the appeal would be heard in the district where the question arose, and possibly the result might be satisfactory. With respect to the numerous other matters dealt with by the full court in Brisbane, such as prohibitions, quashing proceedings, questions relating to elections of municipal bodies, and so on—they would all be determined by the court in the North, wherever it might be.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said when they had only one judge in the North an appeal to him was simply a farce. It was an appeal to himself. But with two judges it would be very different. The same system had existed in Queensland for a great many years.

The HON. SIR S. W. GRIFFITH: To the great dissatisfaction of everybody.

The MINISTER FOR MINES AND WORKS said that might be so, but they had to put up with it until the number of cases accumulated, and the dissatisfaction increased to such an extent that a third judge had to be appointed. That would be the case in the North also. The population of the North was increasing very fast; he did not know whether the number of cases brought before the court was increasing equally fast.

The HON. SIR S. W. GRIFFITH: They are not.

The MINISTER FOR MINES AND WORKS said he was glad to hear it. There was a good deal to be said in favour of having appeal cases decided in the North, where they arose, and where the costs would be very much less than bringing witnesses to Brisbane.

The HON. SIR S. W. GRIFFITH: There would be no witnesses. The costs would not be a farthing more; probably less.

The MINISTER FOR MINES AND WORKS said that would make a considerable difference. He did not know what the sentiments of the people of the North were in that case—whether they would prefer having their cases decided in the North purely as a matter of sentiment, or having them brought to Brisbane, where they would be decided by three strange judges. Of

course, if there would be no increase of costs, there was a good deal to be said in favour of the proposal.

The HON. A. RUTLEDGE said there was a great deal to be said in favour of the amendment of the leader of the Opposition. One of the results of the passing of the Bill would be the establishment of a local bar in the North, but it must not be lost sight of that if appeals were made to Brisbane suitors could get the assistance of most experienced counsel, and would have access to absolutely the best law library in the Australian colonies. If it were necessary to take the most experienced counsel up North, the expense would be enormous. In Brisbane they were all on the spot, and had every facility for having cases settled in a most satisfactory manner.

The PREMIER said he could quite conceive that one outcome of the passing of the Bill would be that the North would get some good lawyers from the South. Therefore the argument of the hon. member for Charters Towers on that point went for nothing. And, as far as the law library was concerned, no doubt the North would manage to get a good law library formed there. Therefore both contentions of the hon. gentleman went for nothing.

Mr. HODGKINSON said every one in the least acquainted with the procedure of the courts in the North knew the gross injustice that was unconsciously caused by the absence of a local bar. With the present periodical visits of counsel to the North the proceedings were carried on in such a hurried manner, that very often a barrister never had any opportunity of becoming acquainted with his case until he entered the court, and appeared in the case. The clause was therefore a step in the right direction. If it was found that all the advantages in the shape of a court of appeal that would be given by the appointment of judges were insufficient to attain the perfect relief to be anticipated, he was certain that that Committee, at some future day, would increase that court so as to make it fully effective. If they were to stop on the road to the goal at which they aimed—that was the administration of justice in the more remote portions of the colony in as satisfactory a way as in the South—they would never arrive there. It was only by successive steps that they could arrive at that goal, and any step in that direction should be supported by the Northern members.

Mr. TOZER said by the Bill there was to be an appeal from the full court in the North to the full court in the South. The proceedings that would have to be taken might be illustrated in this way: Suppose Judge Cooper tried a case at Cooktown, there would then be an appeal or application for a new trial to Judge Cooper at Townsville, and if Judge Cooper at Townsville held the same opinion as Judge Cooper at Cooktown, the case would come on to Brisbane to be decided by the three judges of the full court sitting in Brisbane. The question was whether it would be better that there should be an appeal from the full court in the North straight to the full court in the South, from Judge Cooper at Cooktown instead of first going to Judge Cooper at Townsville.

The HON. C. POWERS said there was a great deal to be said in favour of the amendment suggested by the leader of the Opposition. But the Bill was brought on with the view of placing the Northern court on an equality, as far as it could be done, with the Supreme Court in Brisbane. The question for them now to consider was whether the scheme proposed would put suitors in the North on an equal footing with those in

the South. The argument advanced by the hon. member for Wide Bay was that if an appeal were made from Judge Cooper at Cooktown to Judge Cooper at Townsville, the judge would uphold the decision given at Cooktown. But under the Bill two judges would meet at Townsville, where the bar would be better represented than at Cooktown or any other place on circuit, and the case might then be put so differently before the judge from what it had been on circuit, that he would alter his decision, as had been done previously by judges in Brisbane.

The HON. SIR S. W. GRIFFITH: How often?

The HON. C. POWERS said the judges had sometimes admitted that they had made a mistake.

The HON. SIR S. W. GRIFFITH: I can only remember two cases in twenty-one years.

The HON. C. POWERS said that when there were two judges Judge Cooper would not always be on circuit, as the other judge would also go on circuit. Then the question of an appeal from the other judge on circuit would arise.

The HON. SIR S. W. GRIFFITH: Then he might be overruled by the senior judge, so that there would really be an appeal from one to one.

The HON. C. POWERS said that was provided for in the Act of 1874. The same difficulty occurred in Brisbane for some time until a third judge was appointed. By taking away the appellate jurisdiction of the Northern judges, as suggested, they would really place the Northern court in such a position that there would be no appeal there. They knew what would be the disadvantages of allowing that appellate jurisdiction to the Northern court, but they also knew the expense suitors would be put to in not having an opportunity to have appeal cases argued and decided in the North; and although matters might have to be argued twice over in some cases, it was a question whether it would not be a saving in the end by having cases first argued in Townsville, because if there was a bar at Townsville it would not be so expensive as having them argued in Brisbane.

The HON. SIR S. W. GRIFFITH: The expense would be just about the same.

The HON. C. POWERS said that counsel in Brisbane were likely to ask higher fees than counsel who started to practise in Townsville.

The HON. SIR S. W. GRIFFITH: I think it would be the other way about.

The HON. C. POWERS said he was satisfied that if there was no bar at Townsville, the members of the bar in Brisbane would charge a heavy fee to go to Townsville. It was simply a question, therefore, whether the disadvantages were too great to allow appellate jurisdiction to the full court in the North as now proposed. It had been allowed to one judge and had not worked satisfactorily, but in future there would be two judges, and the result might be very different.

The HON. SIR S. W. GRIFFITH said the amendment he proposed would not in any way interfere with the appellate jurisdiction of the Northern court, except in the case of appeals from one of the judges of that court. All cases of appeal from the district and inferior courts, which was the most important part of their appellate jurisdiction, would go before them. The question was simply whether an appeal from one of those judges to himself and the other would be satisfactory. Take the case of Judge A and Judge B, the former the senior, and the latter the junior judge. If Judge A tried a case or gave a decision, then there



would be an appeal to himself and Judge B, but Judge A would have two votes, and they knew practically what the result would be. He could remember only two instances in which judges in this colony had admitted that they had made a mistake; one was the late Mr. Justice Lutwyche, and the other the late Chief Justice Cockle. He remembered hearing of another case when he was last in England, and that would make three cases in twenty-one years. The chances were very largely that if an appeal was made from the decision of Judge A to Judges A and B, the decision of Judge A would be affirmed. If an appeal were made from the decision of Judge B to Judges A and B and Judge A differed from Judge B, the decision would be reversed, and it would really only be an appeal to Judge A. That was no appeal. The expense of an appeal before those two judges would be exactly equal to the expense of an appeal to Brisbane. The materials would be precisely the same, simply a copy of the proceedings; there was no question of witnesses, so that the expense would be exactly the same at Townsville as it would be at Brisbane. But if the decision at Townsville was unsatisfactory the expense would be repeated, in fact, doubled. It would certainly be very much to the interest of the Northern bar to let the Bill pass as it stood, because they would prevent any of their brethren in Brisbane getting fees until they had had their share. He did not see what advantage the Northern people would get by that. He remembered the debates that took place in the House in 1874. There was a discussion then about the unsatisfactory nature of a court of two judges. Such a court was the most unsatisfactory appeal court in the world, if it consisted of the judge whose decision was appealed against and another; it was quite as bad as a court consisting of one judge. An appeal under the provisions of the Bill as it stood, taken with the Act of 1874, was, as he had said, from one of the two judges to the two, and the decision of the senior judge prevailed. That was not a satisfactory way of administering justice. He believed that the convenience of suitors in the North would be served, and certainly expense would be saved, by allowing what had practically been the result hitherto, those appeals to be brought to Brisbane. The proceedings would be originated in the North. One of the great reasons why proceedings were now originated in the South instead of in the North had been that the intermediate appeal had been costly, and practically useless—at any rate, unsatisfactory. If they passed the clause as it stood, he was very much inclined to think things would go on in the same way in future. Rather than have the inconvenience of having an appeal heard first in the North and then here, it might be desirable to begin all proceedings in Brisbane. Suitors could pass by the full court in the North in the future as they had done in the past by commencing their proceedings in Brisbane, but that was not desired. The object of the Bill was that suitors should commence their proceedings in the North. That was the object of the Act of 1874, but it failed in its object. Another objection was getting counsel to go to Bowen to argue cases. That was very expensive. He had no doubt there would be counsel at Townsville, and if that result was not brought about, a good many of the advantages of the Bill would be lost. He believed the balance of argument was in favour of the amendment he had suggested.

Mr. SAYERS said he would ask whether suitors would first have to appeal to the full court in the North before going to Brisbane.

The Hon. Sir S. W. GRIFFITH: Not as the Bill stands.

Mr. SAYERS said that would be a great hardship. He knew that a great many suitors preferred to come down to Brisbane at once. If it was optional for the parties either to appeal to the court at Bowen or to the full court in Brisbane, then he saw no objection to the clause, but if they were bound to appeal to the court at Bowen first, and then appeal afterwards to the full court in Brisbane, it would be a great hardship. There would first have to be a bar to argue the case at Bowen, and then if the monied man chose to appeal to Brisbane, the poor man would have to retain a barrister to represent him in Brisbane. A poor man might be able to afford money to go to the full court at once, when he could not afford to go to the two courts. He believed it should be optional with suitors to appeal to Bowen or the full court at once, and he hoped the hon. gentleman in charge of the Bill would see his way to meet that suggestion.

Mr. TOZER said he would like to take a practical view of the case. If the district court measure passed there would be very little work which would be the subject-matter of what they were now discussing—namely, suits initiated in the Supreme Court. He did not believe there would be two suits in the whole year initiated concerning matters over £500. There would be appeals from the small debts court to the district court, and probably an appeal from the district court to the Supreme Court. There would be appeals from the wardens to the district court, and probably from that to the Supreme Court, and there would also be appeals from the district court judge himself to the Supreme Court. All those matters would necessarily go to the Northern courts and would be tried in their appellate jurisdiction by the two judges. Ninety-nine cases out of a hundred that would arise in the North would go to the judges in their appellate jurisdiction, and he did not think they need trouble themselves about the higher jurisdiction. He thought, therefore, it would be far wiser, considering they were making an appellate jurisdiction in the North to allow persons to go straight from the judges to Brisbane. Then with regard to criminal cases. Supposing a prisoner was tried at Cooktown and desired to appeal, alleging that he had been improperly tried, it would be a serious thing for him if he had to go first to Townsville and then to Brisbane, as he must remain in gaol all the time.

The PREMIER said he thought the weight of argument was decidedly in favour of the amendment of the leader of the Opposition, while the Northern court consisted of two judges. He hoped before long there would be a third judge given to the North, and that it would then have a properly constituted appellate court. As it stood now, it appeared to him that the arguments of the leader of the Opposition could not be refuted. Suppose there was a senior Judge A, and a Judge B. Judge B tried a case, and there was an appeal; if Judge A disagreed, his judgment must prevail. On the other hand, if the case was tried before Judge A, and there was an appeal; in the event of disagreement, the judgment of Judge A would prevail because he was the senior judge. An appellate court of two judges was a bad court, and, in fact, was no court of appeal. Therefore the Government were prepared to accept the amendment of the leader of the Opposition, hoping and believing that there would be, at no distant date, an appellate court of three in the North. Of course it might be argued by some hon. gentlemen that a middle course might be adopted—either that a Northern judge should go South, or a Southern judge go North to decide appeals; but that also would be

a complicated proceeding. He thought it better on the whole, for the present, to accept the amendment of the leader of the Opposition.

The HON. SIR S. W. GRIFFITH said he would then move that in line 50, after the word "Acts," the following words be inserted—

"except jurisdiction on appeal from a decision of a judge of the Supreme Court, whether a Northern judge or not."

Mr. SAYERS said he would ask if that would meet the objection he raised a short time ago. Could a person appeal straight to the full court in Brisbane?

The HON. SIR S. W. GRIFFITH: Yes; he must, practically.

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

The HON. C. POWERS said that before clause 13 was put, he wished to move a new clause to give the Northern judges the power to exercise all the jurisdiction, powers, and authority of the judge ordinary as conferred by the Matrimonial Causes Jurisdiction Act of 1864 and the Matrimonial Causes Act of 1875. The new clause read as follows:—

Any one of the Northern judges to be appointed for that purpose by the Governor in Council shall, within the Northern district, have and exercise all the jurisdiction, powers, and authority of the judge ordinary as conferred by the Matrimonial Causes Jurisdiction Act of 1864 and the Matrimonial Causes Act of 1875.

New clause, as read, put and passed.

On clause 13, as follows:—

"The Northern court shall, without prejudice to the jurisdiction, powers, and authority exercisable in any circuit court within the Northern district, be established and holden at Townsville."

The HON. SIR S. W. GRIFFITH said he believed the hon. member for Bowen had something to say upon that clause. He rose before that hon. gentleman, as he understood the amendment which the hon. member intended to propose dealt with the last word of the clause; and he wished himself to suggest an amendment which would come in earlier than that, and which he thought would commend itself to the Government. He proposed to insert the words "until other provision is made in that behalf, and" after the word "shall" in the 1st line of the clause. That would, at any rate, remove any claim of vested interest that might be put forward by a judge having to live in Townsville or its neighbourhood, if the court should be removed from there to any other place that might be thought desirable. That, he thought, was a desirable provision to put in any Bill, although it had not occurred to him before that day, or he would have had it printed with the other amendments which he had given notice of. He could not see that there would be any objection to that provision, for it distinctly recognised the power of the legislature to alter the place for holding the Supreme Court, and that was a power which he thought the legislature should have—to alter anything in that way connected with the administration of the public affairs of the colony.

The PREMIER said the Government did not object to the amendment at all, as they had no desire to make it a hard and fast law that the court should be held at Townsville if a better place could be discovered at any time in which to hold it.

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by the omission of the words "established and" in the last line.

Mr. SMITH said he intended to move an amendment to the clause, that the word "Townsville" be omitted, with a view of in-

serting the word "Bowen." He was quite aware that he laboured under very great disadvantages in dealing with the question. The leader of the Government and the leader of the great Northern party in the House, were in favour of the removal of the Supreme Court from Bowen to Townsville, and, unfortunately, the leader of the Opposition did not object to it, and in fact rather favoured the proposal. He was therefore placed in a very difficult position. He trusted, however, that the Committee would assist him in getting out of the difficulty. That was an extraordinary clause, and it was brought forward at an extraordinary time. The most extraordinary thing about it was that the present Government should bring it forward at all. That was what he could not understand. If there was one constituency in the colony which the present Government should endeavour to assist, instead of aiming a blow at its very existence, it was the constituency of Bowen. He was only saying what was known to be a fact by nearly all hon. members. The present Government were kept in power at a very critical time by that constituency. The time was when their fate trembled in the balance, and the constituency which they were now attempting to injure had kept them in power. He therefore thought that the Government were making a very poor return for services rendered in the past, and he had expected better things of the Government. Why should the Government impoverish the constituency he represented merely to enrich another? Why should they take away from one constituency to aggrandise another—to enrich one constituency at the expense of another which really could not afford to lose what it had got?

Mr. O'SULLIVAN: They are robbing Peter to pay Paul.

Mr. SMITH said that, as the hon. member for Stanley had put it, they were merely robbing Peter to pay Paul. But it was not as if Paul required the booty, because, in the present instance, Paul was quite rich and independent enough to do without that loot which the Government were going to give him. Whether the amendment would be carried or not he did not know; but he did know that it was an absolute injustice to the North to do what was proposed by the clause. It was no use for some hon. members saying that the North demanded the removal of the court from Bowen. The North did not demand it, and he said so decidedly and deliberately. The people of the North did not require that removal. It was only the people of a rival town, and, perhaps, a few people in the immediate vicinity of that town, who required the removal of the court from Bowen. The people of Normanton did not ask for the removal, neither did the people of Cooktown, or Croydon. The people of Charters Towers did not ask for that removal.

Mr. PHILP: Yes; they do.

Mr. SMITH said it was natural for the hon. member for Townsville to interrupt and say that the people of the North required that removal; but he (Mr. Smith) said deliberately that the people of the North, as a whole, were better satisfied that the court should remain where it was at Bowen than that it should be removed to Townsville. He challenged a denial of that statement. He did not see why the Government should do all in their power to perpetuate the evil that existed in the Southern portion of the colony—the centralisation of all the business in one place. He did not see why they should assist the Townsville people in the establishment of that place as the Northern capital. That matter should be left to be settled amongst the

Northern people themselves. But what were the Government doing at the present time? They were assisting in every possible way to make Townsville the future capital of the North. There was no use in mincing matters. That was what it meant. All the public offices were being established in Townsville. They had a branch of the Real Property Office there, and they had also other public offices, and now it was proposed to give that town the Supreme Court, which would be another adjunct of the place and another argument in favour of having Townsville the capital of the North. He could assure hon. members of the Committee that the people of the North did not desire that result. If the people of the North were canvassed to-morrow as to where their future capital should be, the vote would not be in favour of Townsville.

AN HONOURABLE MEMBER : Bowen.

Mr. SMITH said an hon. member suggested Bowen, but he did not think that it would be Bowen, as he was sure Bowen was not the proper place for the capital, and he was equally certain that Townsville was not the place for the capital either. He hoped to see their Northern capital further north still. He did not ask for anything unreasonable. If it could be proved to him that it would be in the interests of the public that the court should be removed to Townsville, he should not object to the proposal; but he was thoroughly convinced that it would not be in the interests of the public to do so at the present time. The time would come, he knew, when the court should be removed, and all that he asked the Government for was to allow it to remain as it was until that time had arrived. Separation was an event of the near future. As sure as the day succeeded the night, so surely would separation take place. It would be the natural result of developed industries, and of increased population in the North. He was safe in saying that a great majority of the people in the North were praying for that result to take place, and when separation took place that would be the time for removing the Supreme Court from Bowen. He held that at the present time matters should remain as they were. If the court were shifted now, when separation took place a second removal might be necessary, and why should the court be held at Townsville now, if it were only to be a temporary measure? With regard to the merits of the case, when the subject was broached first the then hon. member for Townsville, Mr. Brown, suggested that another Northern judge should be appointed. The motion was brought forward in order to obtain an expression of opinion from the House as to the desirableness of appointing a second judge for the North. There was not a single word said then about removing the court. Indeed that hon. member repudiated any notion of removing the court; he did not require it; he only required another judge for the North. All were agreed as to the necessity for another judge, but all were not agreed as to the removal of the court, and for very good and sound reasons. Why should the court be removed? It might be said that there was better communication with Townsville than with Bowen. That was true to a certain extent, but the railway now in course of construction would—if the Government did what they ought to do, and pushed on the work quickly—be finished in two years, and then Bowen would be in as easy communication with the centres of population as Townsville was at the present time. He held that Bowen was nearer to the centres of population spoken of by the hon. member for Townsville—Townsville, Charters Towers, Ravenswood, and Mackay—than any other place in the North. When the hon. member for Townsville brought that motion

before the House, there was very irregular communication with Bowen. But that was all altered now. There was now established bi-weekly steamer communication with Bowen, and in the near future the connection of the railway with the Northern line would put out of question all objections on the score of merit of easy communication with the seat of the Northern Supreme Court. He could well understand why the hon. members for Townsville were urging the matter forward at the present time—why it was being unduly pressed forward. There were other measures on the notice paper, which would be massacred amongst the innocents, which it was more necessary should be passed before the close of the session than the measure they were now discussing; but those hon. members were astute enough to know that if the court was not removed at once—if it was not removed during the present session—the necessity for removing it would have vanished. They saw that as soon as railway communication was established the very argument on which they based their appeal to the House was gone; for when railway communication was established, there would no longer be any reason for removing the court. When there was no railway, when the railway question was still unsettled, when it was simply an abstract question—a mere vote placed on the Estimates; and the railway itself was in the dim vista of the future—then there would have been a great deal in the argument for the removal of the court. But now that the railway—thanks to the leader of the Opposition—had been actually commenced, and was under construction, that fact went far to remove any necessity for such a clause as the one they were now discussing. It was neither more nor less than an outrage on the common sense of the Committee to ask them to pass a clause of that kind, when there was no actual necessity for it. It was being pushed hurriedly through Parliament, when really there was no necessity for it. He would further urge that the removal of the court would involve an unnecessary expenditure of public money. Only the other day he read in a Townsville paper that they were preparing for the court already. They were perfectly satisfied that the court would be there, and they were actually making preparations and calculating as to what they would have to pay for the site of the school of arts for a new Supreme Court. That was a very serious question at the present time. The Government had quite as much to do, and more, with their money than they could find money for. They had not cleared off the deficit yet, and he held that as long as the colony was in its present condition of financial difficulty, to undertake works of an unnecessary character such as that, which would involve the expenditure of money which would press heavily on the taxpayers of the colony, was an unfair thing for the Government to do. Hon. members ought to weigh well that argument. There was no asking for money at the present time, but the one thing involved the other, and if the court was removed, accommodation must be provided at Townsville for it. Where was the necessity for the removal? There was ample accommodation at present at Bowen for the two judges, without the country being called upon for any expenditure whatever. When hon. members remembered that the money was not in the Treasury, that it would have to be borrowed, and that it would press heavily on the taxpayers of the colony, they should pause before entering upon any expenditure of that kind. Then there was the question of compensation to the judge, and that was a very serious one. He believed that Mr. Justice Cooper had very good grounds for writing the letter he did to the Chief Secretary, and the Government were

asking that House to put itself in a rather peculiar position with regard to that judge. That gentleman protested against going to Townsville, and gave very good reasons why he should not be removed there. He had entered into a contract with the country, and that contract should be observed by the Government; but if they chose to break it, he held that in every sense of justice they were bound to compensate Mr. Justice Cooper for the disturbance. He said in one part of his letter—

“If the appointment to the Northern bench had been offered to me upon the condition that I should reside in Townsville, I would never have accepted it.”

Why should not that protest be taken into account. Further on he said :—

“I therefore beg respectfully to protest against the injustice which will be done to me if this Bill becomes law. I have served nearly seven years in my present office. When I was appointed Townsville and Cooktown were the only circuit towns; since that time Mackay, Charters Towers, and Normanton have been added, the work of the circuit has enormously increased, and the amount of coastal travelling I have to perform has been more than quadrupled. I have been able to do this additional work without asking for leave only, I am persuaded, because I have been resident in Bowen, the climate of which is much more salubrious than that of any other of the circuit towns. If I had lived all those years in Townsville, I am certain that I should have been unable to do the work I have done.

“I can see no necessity whatever for the proposed change.”

Surely Mr. Justice Cooper was just as competent to judge whether there was any necessity for the proposed change as the present Government, and he said there was no necessity for it. He had made application that the draft Bill should be so altered as not to enforce his removal from Bowen, and if the Government did remove him he would undoubtedly have a very good claim for compensation. He (Mr. Smith) saw no reason why that claim should not be entertained the same as the claim of anyone else. If the Government broke a contract with a contractor for a building or any other public work, they were morally bound to pay compensation, and why should they not in the same way pay compensation to a judge if they broke his contract. If the Government carried the matter through with a high hand it would be very unjust to Mr. Justice Cooper. He did not deny that they had the power to remove him against his will, and without granting compensation; but such a course of proceeding would be most unjust, and if it were done the judge would have a very clear case to appeal to that House for compensation, and, no doubt, the House would grant it. But why put the country to all that expense when, by leaving the court where it was, that expense could be obviated? He did not think it was necessary for him to say very much more on the question. He had shown that so far as communication with other centres of population was concerned, Bowen was as easy of access as Townsville, so that there would be no delay to suitors. He had further shown that the removal of the court was inopportune, because it was a merely temporary measure, inasmuch as it would have to be again removed to the future capital, and he had also shown that it would involve the country in large expenditure, which it could not afford. The Minister for Mines and Works had repudiated the idea that Townsville was to be the future capital of the North. In his public utterances in Townsville, the hon. gentleman had stated that it was not suitable for the capital, and never would be the capital. Why then remove the court to Townsville as a mere temporary expedient, which would cost a large amount of money, when it would have to be removed again in a year or two to the future capital—because separation was only a question of a very

short time. He trusted that Townsville would not be the future capital of the North, and he knew that he was expressing the feelings of the Northern people when he said so. He contended that he had made out a very fair case why the court should not be removed, not merely because it would be an injustice to the place he represented, but because it would be an injustice to the whole colony, by committing it to heavy and totally unnecessary expense. He would hear the opinions of other hon. members before saying anything more. He hoped his amendment would be carried by a large majority.

Mr. HUNTER said he thought it was only fair that some of the Northern representatives should get up and tell the Committee whether they were in favour of the proposed removal of the court or not. They had sat quietly all through the second reading of the Bill, and now they allowed the question to be put without saying a word on the subject. The only authority the Committee had that the North was in favour of the removal of the court was the statement of the Premier that it was being done at the request of the North. He believed that if the debate showed that it was not being done at the request of the people of the North, but against their wishes, Southern members would vote with the majority of the Northern people.

Mr. SAYERS said under present circumstances he felt bound to vote against the proposed removal of the court from Bowen to Townsville. There was no difficulty in getting to or from Bowen, as far as the populous portions of the North were concerned. It was now nearly two years since the railway was started from Bowen; up to the present time very slow progress indeed had been made with that work, and if the Government were really in earnest, and desirous of doing away with any necessity that existed for the removal of the court—which he did not admit existed—they could very easily do it by starting the railway from the other end as well as from Bowen. He had heard hon. members say, and he did not blame them for saying so, that the North was in favour of the removal of the court to Townsville. He represented one of the largest constituencies in the North; he had lived there a great many years, and he had not known any people outside Townsville to agitate for that except a few people in Charters Towers who were directly interested in Townsville. He saw by a telegram in the papers the other day that a gentleman there who was a member of a firm of auctioneers in Townsville, was in favour of the removal of the Supreme Court from Bowen to Townsville, but there were not many persons of the same way of thinking in Charters Towers. He (Mr. Sayers) was one of a deputation who waited on the Premier recently, and he had since had hundreds of telegrams and letters from his constituents on the subject, but not one of them had asked him to vote for the removal of the Supreme Court to Townsville. He admitted that a certain number of people had a difficulty in getting to Bowen at the present time; but that difficulty would shortly be overcome. It must not be forgotten that the removal of the Supreme Court to Townsville would cost a large sum of money, and he maintained that the Government could spend that money in the North to much better advantage than in the erection of Supreme Court buildings in Townsville. That town appeared to be one of those towns which, like Brisbane, wanted to be coddled with public money. He was very glad that the members for Townsville had brought that matter forward, because it furnished a further argument to those who were opposed to separation, on the ground that Townsville wished to be the capital of the new colony.

The whole aim and ambition of Townsville was that all the public offices in the North should be located there, and he did not think there was one member of that Committee who did not believe that Townsville was working heart and soul to become the capital of the North whenever separation was obtained, if it ever was granted. The hon. member for Townsville stated the other day that the climate of Townsville was very severe on people. If there was no other reason but that, that should be a strong argument against the Government putting public offices there, because judges and other officials would want larger salaries on account of injury to their health through being compelled to live in Townsville. He did not argue that Bowen was the most suitable place for the capital of the North, but he contended that having Supreme Court offices there, they need not go to the expense of removing them to Townsville. There was not a vast amount of Supreme Court work in the North. The people of the North were not so fond of going to the Supreme Court as many members wished to make out. But, supposing the Supreme Court should be removed from Bowen, what claim had Townsville to have the court located there? It had been admitted that there were other places in the North with a better climate than Townsville. Charters Towers had a better climate and a larger population, and for the sake of argument, not because he was member for that town, he would ask whether Charters Towers had not as much right to have the Supreme Court removed there as the people of Townsville had to have it removed to Townsville? There was railway communication between Charters Towers and Townsville, and the journey only occupied about four hours. He had heard people from Townsville say that if they got separation they would be quite satisfied that Charters Towers should be the capital. He would have liked the Townsville representatives to prove their *bona fides* in that matter by advocating the removal of the Supreme Court to Charters Towers. If Townsville was not to be the capital, then the Supreme Court would, in the event of separation being granted, have to be removed from there to whatever place was made the capital. The Supreme Court at Bowen met the requirements of nearly all the people of the North, and he did not see why, to satisfy the greed of the Townsville people, the country should be put to the expense of £40,000 or £50,000 to remove the court from Bowen to Townsville. The removal of the court there would not compensate the country for the large expenditure which it would involve. There had been no cry outside Townsville, except in a newspaper here and there, for the removal of the Supreme Court; and he was perfectly satisfied that, if the people of the North were polled to-morrow as to whether they would prefer the Supreme Court to remain where it was, or have it removed to Townsville at a cost of £40,000 or £50,000, they would say, "Leave it where it is." A few people had gone up and down the country, and he believed there were some in Brisbane, who made a great deal of fuss about the matter; but, as a rule, when it came to be tested, those persons did not represent public opinion. He had often known a few persons meet together, perhaps in some private office, and blazon forth the opinions they arrived at as the opinions of the district, when, as a matter of fact, they were the opinions of only a very small minority. There was one thing there was a greater demand for than there was for the removal of the court, and that was the Bowen railway, but the Government seemed to be in no hurry over that

matter; they showed no anxiety upon that subject at all. The Minister for Railways was interviewed upon that subject, and he said: "Well, I cannot do anything in this matter until the Commissioners come." Then the Bowen people interviewed the Commissioners, and they said: "Well, we have nothing to do with that. That is a matter for Ministerial action." So they were thrown from one to the other, and did not know where they would end. If the Government wished to spend money in the North, where it was wanted badly, that railway should be pushed ahead from both ends. The Government should decide at once where the point of junction should be, and if there was £50,000 to spend, it should be spent upon that railway, and not upon the removal of the court. What was to become of the buildings at Bowen? Those buildings had cost the country a large sum of money, and were they to be wasted and thrown upon one side simply because it was thought that the court ought to be removed to Townsville? They said at the same time that Townsville was not to be the capital if there was separation, so that it would have to be shifted again. The argument for the removal of the Supreme Court would not hold water. If he thought it was advisable in the interests of the North he would vote for the clause; but he believed there was no necessity for it. His action was well known in the district of which he was one of the representatives. He had had communication with different people, and had seen numbers of them down in Brisbane since the matter had come up, and he had not found one who had cavilled at his action, or who had been in favour of the removal of the court. If he had chosen he could have brought forward a great bundle of letters and telegrams to show hon. members, but he declined to take such steps and declined to support any arguments he might adduce by methods that might rightly be cavilled at. If he were to write to his constituents and say, "I am opposed to this, and I wish you to send me this, that, and the other to uphold me in the action I am taking," he would receive any amount of telegrams; but what would be the good? He had lived up North long enough to know that there was no demand for that expenditure of money. The separationists said they did not want Townsville to be the capital, and they expected separation almost before the necessary buildings for the Supreme Court there could be completed. But it was evident that Townsville was to be the capital of the North, and was to grab everything; and if the Supreme Court was removed to there it would help to make Townsville the capital.

The Hon. A. RUTLEDGE said he regretted that he had not had a conference with his colleague upon that important subject, before the debate came on, as it would have obviated the necessity of his taking any part in it. If he were not to speak now, it might be supposed that his colleague had expressed his views as well as his own. He did not think it was altogether desirable that the representatives of one locality should take opposite sides; but the matter before them was one in which they were both at liberty to express their own opinions according to the judgments they had formed. It did not follow that their views should be identical upon every matter that came before the Assembly—that they should hunt together. Some time ago he had formed one of a deputation that waited upon the Chief Secretary, to request that a second judge for the North be appointed, and upon that occasion the spokesman of the deputation, the hon. member for Townsville, also advocated the removal of the Northern judge to Townsville. In expressing that view, that hon. gentleman certainly expressed his view also. Since then he understood

some objection had been raised to the contemplated removal, but he had had no communication from his constituents upon the subject. Not a single line had been forwarded to him by anyone asking him to advocate one thing or the other; so that he took it that his constituents reposed sufficient confidence in him to leave it entirely to his discretion and judgment as to how he should vote. He viewed the matter altogether apart from any rivalry that might exist between Townsville and any other town in the North. He had no particular love for Townsville. Townsville was a place that ought never to have existed, as he thought that the natural port of the Northern part of Queensland, at all events south of Cairns, was Port Denison, and that the entrepôt to the central district was really Bowen. But the time had gone by. A great mistake had been made in taking the line to Townsville originally instead of to Bowen; but they must now deal with things as they found them, as they were, and not as they would like them to be.

MR. SMITH: Two wrongs do not make a right.

THE HON. A. RUTLEDGE: The commercial entrepôt was Townsville and not Bowen. Some years ago he did his best to have a railway constructed from Bowen to Haughton Gap and he failed; but he would not go into that subject again. It was sufficient to say that the line ran down to the port which had been constructed and was now in course of further construction at Townsville. He did not wish to make any invidious distinctions; but, so far as he could see, Townsville was the commercial capital of the North. He said that Townsville was not a more important town than Charters Towers, which rivalled it in many respects—in salubrity of climate and in the character and wealth of its people; but, in consequence of it being a seaport town, Townsville must necessarily have an advantage such as inland towns did not possess. Viewing the matter entirely apart from any feeling of rivalry between Townsville and other places—setting aside any wish for local aggrandisement—he believed that Townsville was the proper place for the establishment of the court. It seemed to him to be in the interests of the North that the two judges should reside at Townsville, and not at Bowen. It had been said that enormous expense would be incurred in moving the court from Bowen to Townsville.

MR. SMITH: So it will.

THE HON. A. RUTLEDGE: But a court-house already existed at Townsville, and all the necessary facilities existed for carrying on the business of the Supreme Court there. The only expenses that would be incurred would be the travelling expenses of the judge, registrar, and Crown solicitor, as far as he could see at the present time. Hon. members who were not familiar with the subject, and had not as much knowledge as he had upon it, did not see that a great deal of expense would be incurred if they had the court held with one judge at Bowen and one judge at Townsville. The hon. member for Bowen would not object to that; but that would be too ridiculous to entertain for a single moment. It had been said if the court was established at Townsville they must look forward to the establishment of a local bar in the North, in order to reap all the advantages that would accrue to the North by the creation of a second judge. Now, would any hon. gentleman tell him that it was possible to establish a local bar if the court was located at Bowen. If they would have a local bar established in the North of Queensland, it could only be by having the court where the greatest population was, and for many other reasons. Barristers did

not gain their livelihood by simply appearing in the courts on the occasions when they sat. It would be a great expense to suitors to send barristers down to Bowen where the court might be held, but it must also be remembered that barristers gained their livelihood in the district courts as well as in the Supreme Court. They also practised in the police courts. They must be located where solicitors could have access to them, and they knew that the solicitors were all located in Townsville and the other towns to which Townsville is accessible. They would never get any even impecunious barristers to go from Brisbane and establish themselves in Bowen in order that their services might be availed of. There was another very serious matter which hon. members had entirely lost sight of. It was absolutely indispensable to the proper administration of justice that there should be a proper number of people resident in the locality where the court was held, so that a proper jury panel could be prepared. Where could they get anything like a jury panel in Bowen?

MR. SMITH: A very good one.

THE HON. A. RUTLEDGE: Were there sufficient persons qualified according to the Jury Act to serve as special jurors—were there sufficient to constitute a special jury panel in Bowen? If there were, then he should be glad to be informed of the fact. It would be a most monstrous thing to say that a jury panel, chosen from a dozen or sixteen men, should try all the cases coming before the courts in that locality month after month and year after year. It was absolutely indispensable to the proper administration of justice that there should be a sufficient number of persons to serve as jurors, and where was that sufficient number to be obtained at Bowen. It was utterly impossible that they could allow a few persons to make a livelihood by serving as jurors. Was it not indispensable, too, that they should have jurors who were altogether unprejudiced and uninfluenced by any considerations beside the considerations that were brought before them in connection with the cases that were submitted to their decision on the facts, and they could not ensure that with a too limited list of jurors. He said that no proper jury panel could be constituted in such a little place as Bowen. He did not say it disparagingly. He thought very highly of Bowen as a sanatorium, and he thought it was a very pretty place; but he said that in no such place could they obtain that sufficient panel of jurors which was necessary, in order that the Supreme Court there should be a success. It was nonsense to talk of running the railway there. That would not obviate the difficulty. The running of the railway there might make it possible to get to Bowen a little more frequently than it was possible to do by steamers, but the jurors were drawn from the population who were resident in the locality, and consisted of persons who were qualified according to the Jury Act; and he wanted to know if any hon. member of the Committee was content that all cases tried at Bowen should be tried by the same dozen or twenty men, from year's end to year's end. Of course he did not lose sight of the fact that, when the court was on circuit, the jurors would be drawn from the persons who were on the panel in the circuit town, but if he understood the object of the Bill, it was that there should be a judge sitting at Townsville when the other was on circuit. What advantage would the Supreme Court in Brisbane be to the people resident at Toowoomba or other portions of the Southern districts, if they could only avail themselves of the machinery of the court when it went on circuit to Toowoomba? A great part of the business

originated in Toowoomba was done in Brisbane, and the same would apply to the North with relation to Townsville. Then it must be remembered there was chamber business, which constituted a large proportion of the judicial business all the year round in Brisbane. Solicitors required to have access to the judges and the high officials who administered justice, as they required to be applied to continually, and if the judges resided in Townsville they would be accessible to the practitioners of the court who desired to make chamber applications. He had no doubt there would be two or three chamber days in every week when the court was established at Townsville, and if the judges were located at Bowen, he wondered how many applications in chambers there would be? He wondered how many applications in chambers were made to Mr. Justice Cooper in the course of a year? Would the hon. member for Bowen tell him that?

Mr. SMITH: A good many.

The HON. A. RUTLEDGE said he thought there must necessarily be very few. Chamber applications would be made every week in Townsville by solicitors who were resident on the spot, or by barristers, who would reside on the spot, and at the minimum of expense to suitors. He said, therefore, that making a court which was open to the public for the transaction of business in the most inexpensive way, would be a great boon to the North. He did not agree with his hon. colleague that a better place than Townsville for the establishment of the court would be Charters Towers. He did not lose sight of the fact that many actions that would come under the cognizance of the Supreme Court in the North would be actions in connection with shipping business, and it would be very unjust if those persons who had actions to bring before the court in connection with shipping business had to go eighty miles by rail up to Charters Towers, and take their witnesses with them.

Mr. SAYERS: What about the mining cases?

The HON. A. RUTLEDGE said that the mining cases originating at Charters Towers could be tried at Charters Towers and that was the proper place to try them. The parties in mining disputes might feel disposed to wait until the circuit court came round, and if circumstances arose to make it undesirable to wait for the circuit court they could have the cases tried at Townsville, as the judges would no doubt hold sittings there when they were not engaged upon circuit. So that with the circuit courts and with the opportunity of going to Townsville for the sittings fixed there when the judges were not occupied elsewhere on circuit, there would be an opportunity of having actions tried by one or other of the judges of that court all the year round. Of all the places where they might reasonably locate the judges Townsville was the most accessible to the general public of the North; and it was certainly more accessible than Bowen. It was certainly far easier to get from Cooktown to Townsville than from Cooktown to Bowen, as there was more frequent communication between Cooktown and Townsville.

Mr. SMITH: Cooktown does not want it.

The HON. A. RUTLEDGE said he did not view that matter with the jealousy which might agitate the breast of a local representative. The hon. member for Bowen might consider him a very bad representative of the North, but he had the interests of his constituents at heart, and was better able to advance them possibly than if he had special or particular interests to serve in advocating one point of view rather than another. He looked at it from the point of view of the

public interest, and the public interest would be served by having the court at Townsville and not at Bowen. He would like hon. gentlemen to bear in mind the arguments he advanced with respect to a most important feature of the case, which some gentlemen were inclined to overlook, and that was that there was not the machinery at Bowen for the administration of justice by means of trial by jury to the same extent as there was at Townsville and other places that could be named. Charters Towers had set up no claim, or he would probably have found a good deal to say in favour of that claim. His constituents had not set up a claim, and had left him free and unfettered in the matter. The hon. member for Townsville would know that he had no reason to specially advocate the claims of that town, as it was the only place in the colony where he could not get a fair hearing some years ago. He had a special grudge against Townsville on that account. Though the Townsville people would probably not repeat the rudeness they were guilty of on that occasion, he had no particular affection for Townsville as Townsville. He was therefore speaking on that matter solely from the point of view of what would be for the public interest in the establishment of the Supreme Court in the North. He dared say Bowen looked with disfavour upon the removal of the court to Townsville, and while he was not going to say anything disparaging, or by way of ridicule of Bowen, it would probably be a loss to Bowen if the Northern judge was removed from that town to Townsville; but, in a matter of that kind, every individual interest had to be set aside, and the common good had to be studied. The passing of every beneficial measure of legislation, would always press hardly upon some particular individuals or communities, as the case might be, but the general good was that which on all occasions was to be regarded, and the general good only. If that Bill was passed into law, it would not have the beneficial effect it was intended to have if they continued to locate the court in Bowen, and did not remove it to the place where the people were or which they could easily get to, and where all the facilities existed for the administration of justice on the least expensive scale, and for the benefit of the people of the North as a whole. He would like to hear the subject discussed free from all idea of separation. He should remain an uncompromising opponent of separation so long as he had the honour of a seat in that House; and he did not consider he was helping Townsville to become the capital of any future colony by advocating that the court should be removed to that place. He advocated that solely in the interests of the people of the North as a whole; and setting aside all local jealousies, the measure proposed by the Government in that Bill should receive the hearty assent of every Northern member in that Committee.

Mr. HAMILTON said he was sure the members on that side of the Committee would not advocate the removal of the court from Bowen to Townsville if they were not thoroughly imbued with the idea that it was desirable in the interests of the public that the removal should take place, on account of the greater population at Townsville and the more ready access that would be provided making the administration of justice cheaper and more convenient for litigants. If it was a question of personal feeling with members on his side, he was certain the influence of the hon. member for Bowen would prevail, because there was no member on that side for whom they had a greater personal liking, or greater personal respect, than that hon. member. But the facts of the case were so strongly in favour of Townsville, that there was no other



course open to them than to support the Government proposal. Some members who had spoken in opposition to the proposal had said that it would prevent separation, but nearly every member who had used that argument was an anti-separationist, and if they believed that to be the case, they should support the Government proposal on that account. The argument of the hon. member for Charters Towers, Hon. A. Rutledge, was thoroughly convincing in the matter, and proved clearly that the machinery for the administration of justice, by means of trial by jury, was not complete at Bowen.

Mr. SMITH: He only made the assertion; he did not prove it.

Mr. HAMILTON said that the hon. member had made an assertion, and had proved to most people, that the machinery was more complete at Townsville than at Bowen, and that it was in the interests of the public that the court should be removed from Bowen to Townsville.

Mr. DRAKE said that when the Bill was before the House on the second reading he had expressed the opinion that it was hasty legislation, and he now felt more than ever convinced that there was no necessity at the present time for the proposed transference of the court from Bowen to Townsville. He still thought it was most desirable that the opinion of the people of the North directly, or through their representatives, should be obtained before any such change was made. It must have been very apparent to hon. members from what had been said that night, that there was a great difference of opinion between the representatives of the North as to whether the change should be made or not. It was especially undesirable that a change should be made just now. For many years past the business of the Supreme Court in the North had been carried on in Bowen, and there seemed to have been no great amount of dissatisfaction; and there was nothing in the present state of affairs to show any particular reason why a change should be made. In fact, everything pointed to a revival of Bowen in the future. For a great number of years it had been going steadily down, but a railway was in course of construction from Bowen, which would no doubt revive trade there. They did not know where that would join the Townsville system of railways, but it was just possible the junction might be made at such a place that Bowen might become once more the port of the district. The probabilities were in favour of Bowen regaining the position it had lost, and on that account he could see no reason for making the change. He differed to a great extent from the hon. member for Charters Towers, the Hon. A. Rutledge, in some of the statements he had made. He understood that hon. member to say that there were buildings at the present time in Townsville, which were suitable for carrying on the business of a permanent Supreme Court. He did not know whether the hon. gentleman was correct; but, if the change were agreed upon, he was inclined to think the next thing would be a request for a vote of a sum of money to erect suitable buildings at Townsville.

The Hon. A. RUTLEDGE: No further expenditure will be required than at Bowen.

Mr. DRAKE said as far as his memory served him—he had not been in the Townsville court for a good many years now—the buildings there were not suitable for carrying on the business of a permanent Supreme Court. The hon. member for Charters Towers had made a great deal of the smallness of the population at Bowen, and said that it was not sufficient to furnish a decent jury. Surely the hon. gentleman did not suppose that by passing that Bill the number of cases to be

tried before juries in Bowen would be largely increased. The Bill was introduced to appoint a second judge in order that there might be some sort of a full court in the North capable of hearing appeal cases from the inferior courts. At first he had hoped that it was the intention to make the court an appellate court from the decisions of a single judge of the Northern Supreme Court, but it had been decided that evening that that was not to be, but that the court was merely to hear appeals from the inferior courts. That business did not require juries, but was decided by the judges, and all the business the hon. gentleman had spoken of did not require juries at all. He would like to know what accession of business there was going to be at Bowen—presuming Bowen was left as the headquarters of the Supreme Court—which would require the services of a jury? None. The circuit court would be held just the same.

An HONOURABLE MEMBER: There is not one case tried in Bowen now in a year.

Mr. DRAKE said the circuit court would be held just the same, and the judges would probably visit the other towns in the North more frequently than at present to try jury cases, so that he could not see that was the insuperable obstacle the hon. member for Charters Towers seemed to think. The hon. gentleman seemed to base his contention upon the ground that, having two judges of the Supreme Court in the North, it would cause a very large increase in the cases to be tried by juries in the particular town where the court was held.

The Hon. A. RUTLEDGE: So it ought to.

Mr. DRAKE said he did not see why that should necessarily follow. Then with regard to the question of the establishment of a local bar, doubtless the bar would go wherever the court was established.

The POSTMASTER-GENERAL (Hon. J. Donaldson): Where the carcass is, there will the eagles be gathered together.

Mr. DRAKE said that, as he had pointed out the other night, the increase of business would result, not from the fact of the court being fixed in any particular town, but from the fact that one judge would always be sitting in chambers to attend to applications which might be made. When applications could be made in chambers, then cases would really commence to be tried in the North, and business would begin to spring up. It seemed undesirable that the Committee should try to insist upon fixing upon one particular place as the seat of the Northern Supreme Court in a hurry. That meant that they would settle where the future capital of the North was going to be. Many hon. members believed that separation was very near. Everyone must admit that in the course of time the colony would have to be divided perhaps into more than two colonies. That was inevitable in the natural order of things; but it was impossible for anyone to say where the future capital of the North would be. There was a prospect that some other ports of the colony might become much more important than they were now, and it would be unwise of the Committee to endeavour to force matters by insisting upon going out of their way to make one particular town the capital—or at all events to give it the appearance of being the capital. He had referred to the Bowen railway, which was in the course of construction, and when that was finished there was no doubt that it would make Bowen the port for all that district. Then the Cairns-Herberton railway would lead all the wealth of a fertile tableland to centre in Cairns, and Cairns would become, in consequence, one of the principal ports of the North, and it might even



overshadow Townsville. Then why should they at that particular moment, when it was a matter of conjecture as to which would be the principal port of the North, attempt to place the Supreme Court at Townsville? From the separation point of view, no advantage could be gained by the removal of the court from Bowen. Many hon. members were sincerely advocating separation, and as soon as the North was unanimous it would get separation; but the thing which was most likely to hinder separation was the jealousy which existed between the different towns of the North. At the present time there was great jealousy felt against Townsville, and any steps which might be taken with the view of putting Townsville in a better position than the other towns of the North would simply emphasise that jealousy, and would throw separation back. He knew separation was in the minds of many hon. members, and efforts had been made to centralise business in Townsville with the idea that when separation took place Townsville would be the capital. That action had had the effect of causing jealousy to spring up in other Northern towns. He thought it would be much better for Townsville to take up a broad-minded position and allow the Supreme Court to remain at Bowen so long as the question of separation was in abeyance, because it could not be urged that there would be any disadvantage for the next few years that had not existed in the past by having the court at Bowen. What the people in the North wanted was a second judge, so that one might be settled in some particular place where interlocutory applications might be made by those who had to bring cases before the court.

Mr. PHILP said he thought the fact of nine Northern members having requested the head of the Government six or eight months ago to appoint a second judge, and remove the Supreme Court in the North from Bowen to Townsville, was sufficient justification for the introduction of the Bill. The hon. member for Enoggera said that an expression of opinion ought to be obtained from the North; but the report of that deputation was reported in the Brisbane papers and in the Northern papers, and no objection had yet been heard, except from the hon. member for Bowen. He thought the fact of those nine members having, by their silence on the occasion to which he had referred, acquiesced in his request to the Chief Secretary that the court should be removed to Townsville, was sufficient to justify the majority of the Committee in voting for the clause. It had been said that Townsville was not sufficiently central, and that the court should be kept at Bowen till the site of the capital was fixed. The court had been at Bowen already for fifteen years, but it was now quite useless to the people in the North; and even if the second judge resided there, the means of communication were not sufficient to enable suitors to get there. The steamers going from Brisbane to the North stayed half an hour or an hour at Bowen; but there was no opportunity for passengers to do business there. Certainly they could see the whole of the inhabitants at the jetty; but there was no opportunity of seeing solicitors, or doing court work, as there was at Townsville, where the steamers waited twenty-four hours. Then, in coming from the North to Brisbane, steamers waited twenty-four hours at Townsville; but they only waited half an hour at Bowen to land a bunch of bananas or a few sacks of potatoes. The Customs returns showed that the revenue collected at the port of Bowen was £5,847 per annum, whereas at Townsville it was £167,000 per annum. Townsville was not only the second port in the colony, but people from Cairns, Herberton, Cooktown, Thursday Island, Croydon, and Normanton must pass Townsville

before they could get to Bowen. A great deal had been said about public offices being located at Townsville, but he did not know that Townsville had any public office which Bowen did not possess, except the Real Property Office. There was no doubt that Townsville at the present time was more central and more accessible to the people in the North than any other town in the colony. He admitted that Charters Towers was a very important place, with a population perhaps a little larger than that of Townsville; but if the court was established there, the miners of Herberton, Maytown, and Croydon would have to go to Townsville before they could get to Charters Towers; and he did not see why they should have to travel eighty or ninety miles by rail instead of doing their court business at Townsville. As a business man, he had done a great deal of Supreme Court work; but nearly the whole of it had been done in Brisbane, because the amount that could be done during the sitting of the circuit court was very trifling. As the hon. member for Charters Towers, Mr. Sayers, had made an insinuation that some people had been sending telegrams asking for an expression of opinion regarding the proposed removal of the court from Bowen to Townsville, he would read the following telegram, which he had received from Townsville:—

"Bowen Chamber Commerce wired Charters Towers Chamber as follows:—'Kindly urge your members by wire especially Rutledge vigorously oppose removal of Supreme Court Bowen to Townsville.—W. A. BROWN M.D.'"

"President Towers Chamber replied thus:—'Cannot accede to your request. Public opinion here favours removal of court to Townsville.—E. H. AYTON President.'"

"DODD S. CLARKE."

Mr. Ayton was the president of the Chamber of Commerce at Charters Towers. He represented the mercantile community of the place, who had much more to do with the business of the Supreme Court than any other portion of the community. He could tell the Committee that Townsville was not only the second port in Queensland, but the seventh port in the whole of the Australasian colonies. If he recollected rightly hon. members would find, according to Coghlan's history of New South Wales, that Melbourne was the most important shipping port, and that Sydney was the second, Newcastle the third, Adelaide the fourth, Hobart the fifth, Brisbane the sixth, and Townsville the seventh in importance. That showed there was an enormous amount of business done at Townsville. Then look at the Customs returns, the land sales, the imports and exports. As to Cairns, Townsville was much nearer to Cairns than Bowen was. There were no less than four steamers a week leaving Townsville for Cairns, two of which made Townsville the terminal port. It was much easier of access to every town north of Townsville. The population of the North was 74,000, of whom only 10,000 resided south of Townsville. Many of the hon. member for Bowen's own constituents even wanted the court removed to Townsville. All the people living on the north of the Burdekin River did all their business with Townsville. Indeed, if it had not been that a portion of his own electorate had been detached and put on to Bowen, Bowen would not have had the honour of sending a member to the House; its population would have been too small. As the hon. member for Charters Towers, Hon. A. Rutledge, had said, there were not sufficient people there to form juries to carry on the business of the Supreme Court. Fifteen years ago the House affirmed the desirability of having a Supreme Court in the North of the colony. By an unfortunate accident Bowen was selected, and the

result had been that they might just as well not have had a Supreme Court in the North at all. A judge on circuit coming from Brisbane would have been of just as much use as the Bowen court had been to the North. All the insolvency business and all the chamber work went to Brisbane, having to be filtered on its way through two solicitors. A good third of the population of the North was within six or ten hours' steam or railway travelling of Townsville. Those people ought to be considered, and they would be considered if the court was removed from Bowen to Townsville; and nearly the whole of those people were in favour of its being so removed. A good deal of acrimony, he was sorry to see, had been introduced into the debate. It had been said that if the Supreme Court was removed to Townsville, that place would be sure to be the capital of the new colony. It might just as well be said that if the Supreme Court was retained at Bowen, Bowen would be the capital of the new colony. The separation question and the choice of the site for the future capital of the new colony had nothing whatever to do with the question. Hitherto there had really been no Supreme Court in the North at all. The judge resided at Bowen only two months and a-half each year, and sometimes during a portion of that time he was absent in Brisbane. Judge Cooper had stated that he would never have accepted the judgeship of the Northern Supreme Court if he had been expected to live at Townsville. It was a very easy matter for Judge Cooper to resign, if he did not choose to live at Townsville. The judge had already enjoyed several years' salary, and if he retired he would only be in the same position as he was before.

Mr. LITTLE said he thoroughly agreed with the remarks of the hon. member for Townsville. He would tell the Committee how he once got fixed up at Bowen. In 1877 he had a very big mining case, and it had to go to Bowen. He took with him Mr. Pritchard Morgan, who was his solicitor, and two witnesses who had given their testimony in the warden's court. What was the result? There were not then the same means of communication along the coast as existed at present, but even then he could have got through the whole of the work at Townsville in eight days, which took him sixteen days in Bowen, because he was an hour late in getting before Judge Sheppard. He used to go on the wharf and fish during the day. He could have got his business done at Townsville in eight days at the outside, and at a saving of about £400. He had listened most attentively to the speech of the hon. member for Charters Towers, Hon. A. Rutledge, and he considered it the best speech he had ever heard in that Chamber. Since the time he had spoken of, the North had extended; it was getting a large population. The people in the South did not understand what had been done in the North; they were not aware of its resources, and they would not allow the North to manage its own affairs. The new colony must come, but if it was proposed to make Townsville the capital, he should most decidedly vote against it. But probably the "old jokers" in London would arrange that for them. The demand for the removal of the court to Townsville, was a fair, just, and honest demand, and would be beneficial to the entire North. It was required by the people of the North; they had been trying to get it for years; and those Northern members on the other side who had spoken against it, were not expressing the opinions of the men who sent them there. The greatest injustice to the North was the Supreme Court being at Bowen where, as had been truly said, there were not enough men in the place to form a jury.

Mr. COWLEY said he knew the hon. member for Bowen was generally actuated by a sense of justice, but he had been disappointed with the hon. member's speech. He thought the hon. member would have been thankful for past favours, and then have willingly consented to the removal of the Supreme Court to Townsville, because he must know that in doing that he would be doing justice to the North. The Government were to be congratulated on their desire to do justice to the North even at that late hour. The hon. member for Bowen was most unfortunate in some of the arguments he brought forward. One was that Bowen had sent three Attorney-Generals to the House who had supported the party. What had Townsville done? Townsville had sent a Minister for Mines and Works who was worth a dozen of them. If the argument of the hon. member for Bowen held good in the case of Bowen, how much more must the demand of Townsville hold good? An hon. member said: "What about the present judge?" If that gentleman did not like to shift his camp to Townsville he must resign. They could not allow the question to be influenced by any consideration of that kind. If the judge resigned he was sure they would be able to get plenty of others to take his place. The hon. member for Bowen had adduced it as an argument why the court should be retained at Bowen that it was a very healthy place; that the judge enjoyed such good health there and got through a vast amount of work, but they knew very well that the judge was rarely in Bowen at all. He was always travelling in the North, in those unhealthy places the hon. member for Bowen had referred to, or down South enjoying himself. In fact, he spent very few months of the year in Bowen; and as for the work he had to do at Bowen, he (Mr. Cowley) did not know that ever a Supreme Court case had cropped up at Bowen. But the judge made one a little while ago. He supposed, to save the honour of Bowen, the judge had committed a man for contempt. With regard to population, by the last census there were 62,339 persons in the Northern districts. In the Bowen district there were 2,215, and, as the hon. member for Townsville had stated, those living on the Lower Burdekin were anxious for the removal of the court, so that even the 2,215 persons in the Bowen district were not unanimous that the Supreme Court should remain there. South of Bowen there were 11,047, making a total of 13,262 in Bowen and south of it. Then what did they find with regard to the districts which were actually in daily communication with Townsville? The Hughenden district had a population of 1,610; Kennedy district, 12,715; and Townsville, 11,486; total, 25,811, living in Townsville or within a few hours' journey of it. In Cardwell and Cairns there was a population of 7,636. Those 7,000 people were in almost daily communication with Townsville, which was far easier of access to them, and more convenient for getting business done, than Bowen was. Therefore, they found 33,447 people in almost daily communication with Townsville who could do business there much more expeditiously than at Bowen, and he contended that those facts proved the justness of the action of the Government in proposing to remove the court. He hoped hon. members opposite who had expressed a wish to defer to the opinion of Northern members would take those facts into consideration, and also the fact that the bulk of the Northern members were in favour of the removal of the court to Townsville.

Mr. HUNTER said they had now heard the reasons, or what purported to be the reasons, why some of the Northern members supported the removal of the court from Bowen to

Townsville. On the second reading of the Bill hon. members tried hard to get those reasons, but they could not draw anything out of those hon. gentlemen at that time. They evidently wanted to get the matter through without the North expressing any opinion on the subject; but he had some opinions to express which would show whether the North was in favour of the removal of the court to Townsville. The first was a telegram from Normanton:—

"People opposed to removal court to Townsville.

"H. B. RAFFERTY."

The second was also from Normanton:—

"Am directed by council acknowledge receipt your telegram to Alderman Rafferty and to inform you that resolution was passed strongly objecting to removal Supreme Court from Bowen to Townsville.

"JAS. THORNTON Town Clerk."

The next was from Cooktown:—

"Public certainly not anxious for removal Supreme Court from Bowen to Townsville.

"JOHN DAVIS Mayor."

The next was from Mackay:—

"Strongly against removal.

"W. ROBERTSON Mayor."

Hon. members would observe that those were towns of some note in Northern Queensland. The people who had expressed those opinions had been elected by the people—by merchants and property holders, the very people who were likely to have business to do in the Supreme Court—and yet they were opposed to the removal of the court. His own constituents were also strongly opposed to the removal of the court. The hon. member for Townsville had spoken about the deputation of nine who had waited upon the Chief Secretary and asked for the removal of the court, but he had said nothing about another deputation who had waited upon the same hon. gentleman and supported the recommendation for the appointment of a second judge, but distinctly opposed the removal of the court to Townsville. With regard to what had been said about giving compensation to the judge, that should not be considered for a moment. If it was the wish of the people to remove the court from Bowen to Townsville, then all the questions about compensation and matters of that kind should be entirely thrown aside. If it was necessary to take the court to Townsville it was necessary for the judge to remove there, or they should find a judge who would go, so that the arguments with reference to compensation to the judge for being compelled to live at Townsville had nothing to do with the question. The argument that should be considered was, what was the opinion of the Northern people, and he hoped that hon. members would recognise the appeal of the Northern people, and not consent to the removal of the court to Townsville. When the question came to a division, he hoped to have the pleasure of seeing a majority of the Southern members voting with the Northern members against that clause.

Mr. LISSNER said the hon. member for Burke had enlightened the Committee again as to public opinion in the North, and had invited an exposition of opinion from other Northern members. He (Mr. Lissner) therefore took that opportunity of saying that the removal of the Supreme Court from Bowen to Townsville was nothing but fair and just, according to the circumstances and progress of the country at the present time. When the Supreme Court was established at Bowen, things were very different from what they were at present. Bowen was then supposed to be the central and principal city of Northern Queensland. But what was it now? It still retained its jetty, a few hotels, and, among other important items, the Supreme Court. But who wanted the Supreme Court there? Nobody

did; and he thought the Government were only doing their duty in removing the court to Townsville, where it was wanted and where it would be convenient of access to 25,000 people living within a radius of 100 miles of Townsville. It was the opinion of the large majority of the Northern people that the court should be where the trade was, and where litigation was likely to take place. The hon. member for Charters Towers, Mr. Sayers, stated that a good many meetings were held which were not of a representative character, and there was no doubt about it. The hon. member for Burke, Mr. Hunter, read them a lot of telegrams, which he (Mr. Lissner) did not think were of much importance. Mr. Alderman Rafferty was like the hon. member for Burke—an oppositionist, and opposed everything. He (Mr. Lissner) had a great deal of sympathy with the hon. member for Bowen, and hoped there would be no bitterness in that transaction. He (Mr. Lissner) had lived eighteen or nineteen years in the district he represented, and knew what public opinion was there, and that the feeling was in favour of the removal of the Supreme Court from Bowen to Townsville. Anybody who knew the geographical condition of the country was aware that Townsville was the only place where the Supreme Court was required. The senior member for Charters Towers did not want it there, and he said the people of Charters Towers did not want it, but he (Mr. Lissner) had got lots of telegrams asking him to vote for it; in only one was it stated the people did not care where the court was located. Nevertheless, the business people wished to have the court removed to Townsville. He would give a quotation showing what public opinion was, not from a telegram from an auctioneer, but from an article in the *Northern Miner*. An old journalist, who had the courage of his opinions, who was an independent and representative man, Mr. O'Kane, wrote as follows:—

"We wonder where Bob Sayers got his information when he stated in the Assembly last week that the people of Charters Towers were indifferent to the removal of the Supreme Court from Bowen to Townsville, and that they were content as things are. The people of Charters Towers, who have had the misfortune of going to Bowen for their law, know by bitter experience how costly and out of the way Bowen is, and Sayers must have spoken out of the fulness of his ignorance. The Charters Towers lawyers initiate all actions in Brisbane; unless where a plaintiff, out of a spirit of vengeance, directly orders that the initiatory proceedings must be taken in Bowen. It is evident to anyone looking at the map of Queensland, that Bowen is not central to the rest of the North, and once you get there you are fixed for a week. The arguments brought forward by Mr. Smith, the member for Bowen, were of the most flimsy kind. Charters Towers is unanimous in supporting the extension of the Bowen railway to the 37-mile peg; but it is equally unanimous in supporting the removal of the circuit court—at least, of the full court, to Townsville. There is no gainsaying the fact that Townsville is more central than Bowen for the North and West; that it affords better means of communication for all the inhabitants of the North; that if the Supreme Court be removed to Townsville it will save litigants considerably in costs of travelling alone, not to speak of hotel expenses. Compared to Townsville, the hotels in Bowen are rabbit hutches, and their owners think them quite good enough for litigants, especially from Charters Towers. An Act of Parliament can remedy all defects, and if Mr. Justice Cooper, as is rumoured, is promoted to the Brisbane bench, the supposed insuperable objection to removing him to Townsville vanishes. To use a homely saying, 'the church ought to be in the middle of the parish.' Townsville is not, it must be admitted, the centre of the North—the Etheridge Gold Field is nearer to the centre; but Townsville is the most accessible spot for all the inhabitants of the North and West. Bowen, as a centre, is open to the same objection as Brisbane is to be the capital of the colony. Suppose a case—a literary fæcter in Townsville or Charters Towers takes an action for libel against the editor of the *Hughenden*

*Ensign*, damages for £2,000, and serves a writ on him from Bowen; he must travel to Bowen to enter an appearance personally; or engage a solicitor in Hughenden, who engages another in Townsville, and another in Bowen, like the house that Jack built, to do this single action, which he could do himself in Townsville in two or three days. Sharks are numerous in Bowen, *crede experto*; before he has well turned round, the *Ensign* man finds himself let in for £20, costs of agency and other rubbish; and Mr. Smith, the member for Bowen, coolly asks the Government to keep up this rotten system, to prolong the shaky lives of about two or two and a-half old legal fossils in Bowen. When the Bill for the removal of the Supreme Court is introduced, we hope the Charters Towers local bodies, and the people generally, will support it by strong petitions. We do not ambition the honour for Charters Towers. It would be as bad as a totalisator or a lock hospital, or any other social plague. Law is not a remunerative industry, except to its professors, and their multiplication on God's earth is a misfortune not to be desiderated. The industries which require fostering here are mining and agriculture. The former will take care of itself, in spite of invincibles and men on wheels; but the latter requires all the help an enlightened Government could bestow on it."

That paper had the greatest circulation of any, not only in Charters Towers, but also in the surrounding district; and if the people did not believe in the opinions expressed in the article, they would have sent down any number of petitions against the removal of the Supreme Court from Bowen; but as he had said there were about 25,000 people, that was one-third of the population of the North, living within a radius of 100 miles of Townsville, who were in favour of the removal of the court to Townsville. He should therefore vote for the clause, and he believed that those members who did not vote on party lines, or out of charity to Bowen, would also vote for it. He should vote for the motion, and trusted that other hon. members who understood the position would not be led away by the very able speech that had been made by the hon. member for Bowen, who made a very good case out of very bad matter. That hon. member would be better as a lawyer than as the representative of the constituency he represented. He sympathised very much with that hon. member. Bowen was once an important place, but it had gone down to nothing. When they landed there, as the hon. member for Townsville had said, they saw the whole population on the jetty to find out what was going on. It was a wretched place, so far as business went, even a barber could not live there; and as for trade on the wharves, the principal production was the blacks who dived for three-penny-bits round the steamer. There was no doubt it was a very nice place for a sanatorium, and there was plenty of room for a city there if there were the people to build a few houses; but as it was he did not think it would support a respectable cemetery. They could not get enough people to die there to pay sufficient fees. He had much pleasure in supporting the clause, and thought the Bill was as good a measure as the Government had brought in during the session.

Mr. WIMBLE said he would not detain the Committee very long, as he understood the hon. member for Bowen was anxious to put the matter to the vote. He intended to support the hon. member because he considered that the interests of his constituency, and the interests of the North generally, were opposed to the removal, notwithstanding what had been said by the hon. member for Herbert. His constituents had requested him to oppose the clause, as they considered the removal prejudicial to their interests. In spite of all that had been said, they could not persuade him, or the North, that it was not linked with the separation question. He would say a word or two in reference to what the hon. member for Herbert had

said. He did not care what that hon. gentleman's opinion of him might be, but that hon. gentleman had on several occasions taken the liberty of speaking on behalf of his (Mr. Wimble's) electorate in reference to separation matters; and he wished to remind the Committee that that hon. member's views were totally at variance with those held in Cairns. The hon. member did not know what he was talking about. He had gone up North upon the Sugar Commission, and stayed in Cairns for a little while; but his mind was so imbued with separation and kanaka labour that he could not talk about anything else, and anyone who opposed his pet views was put down as not knowing anything. It was frequently said that the hon. members who opposed black labour and voted according to their convictions, were not fit to be returned. If the hon. member for Herbert went to Cairns and attempted to address the people upon the kanaka question or separation he would find it very difficult to obtain a hearing. Cairns was proverbial for hospitality and for giving good hearings; but perhaps his hotel bill had given him a bad impression of the place. He was sure the people of Cairns would give him his money back, sooner than that there should be any ill-will, if that was what was the matter with the hon. member. It made very little difference what might be the opinion of the hon. member for Herbert. While he (Mr. Wimble) had the honour of a seat in that Committee he would speak in the interests of his constituents, notwithstanding the opinion of the hon. member for Herbert.

Mr. PALMER said there could be no denying the fact that the legal fraternity had had a very good innings during the last week. They had had nothing but the Supreme Court Bill, and the District Courts Bill, and other legal matters, and it would be as well to let them decide the matter before them, one way or the other. All the Northern members had been asked to give expressions of opinion; but he was satisfied to vote for the motion brought in, and that was quite sufficient for him. He knew that it was in the interests of the majority of the people of the North that the Supreme Court should be shifted to a place where the public could get at it. It was decidedly not to their advantage that the Supreme Court should be put in a corner, where it was almost inaccessible. As the hon. member for Townsville had said, the court at Bowen had not been used as a court for years. He was certain that twenty-five years ago Bowen was of much greater importance than it was at present; its march had not been forward, but rather the other way. The hon. junior member for Burke had read telegrams from certain persons in Normanton; but he (Mr. Palmer) had received no telegrams. He had never been told how he was to vote, and would never have taken any heed of any such instructions. He would like to know why the hon. member had not received any telegrams from his own electorate telling him how to vote; they would have been of more consequence than those from other constituencies. As to mixing up the question of the removal of the Supreme Court with the separation question, it had nothing to do with it. There were many members who were opposed to separation who were in favour of the clause. The people of the North would take very good care to have their capital where it was most suitable, and he did not think Townsville would be the capital when separation was granted. The question before them was of great interest to the North. The people there wanted to have the Supreme Court where it would be of use to them, and it would be of much more use to them in Townsville than in Bowen. Any buildings that might be erected

at Townsville for the court, in the event of the court having to be removed from there, would be of use for other public purposes.

Mr. SMITH said he wished to reply to a few remarks made by the junior member for Charters Towers, Mr. Rutledge. The hon. member said there was a difficulty in getting jurors, but they knew very well that the criminal business was done on circuit, and the jury was empannelled from the different courts on circuit. The chamber business required no juries, so that there was no force whatever in the argument of the hon. gentleman. There were plenty of jurors in Bowen to do all the business of the Supreme Court in the North. The hon. gentleman made a very powerful speech, but his whole energies were directed as a special pleading for his own profession. It was all for the lawyers. If the court sat in Townsville the lawyers would have greater pickings, and there would be a greater number of them there. As one hon. gentleman remarked, "Where the carcass is there will the vultures be gathered together." That was the sum and substance of the hon. gentleman's speech—a special pleading for the gentlemen of his own profession. Now he (Mr. Smith) was quite satisfied that there would be no bar at Townsville, even if the court was removed. He was satisfied that if the court was removed there to-morrow, and there was a case of any importance coming on, it would be taken to Brisbane. And why? Because the stars of the legal profession were in Brisbane, and there were no legal gentlemen of any note in Townsville or Bowen. Until separation took place, there would be no bar in the North. So that he thought that argument fell entirely to the ground. The hon. member for Townsville had said that a deputation of nine had waited on the Chief Secretary. Out of that deputation there were two who were included in the deputation he had the honour to introduce. That reduced the number to seven, and there were two others who had authorised him to state that they repudiated the notion of removing the Supreme Court. That reduced the number of the deputation who were in favour of removing the court to five. The Chief Secretary therefore need not boast of having had a deputation of nine. Now they had been told over and over again of the number of inhabitants in and around Townsville. Townsville possessed a population of 10,000, Charters Towers 13,000 or 14,000, and Ravenswood a few more, making altogether about 25,000 persons who would avail themselves of the Supreme Court if it was located in Townsville. But that same argument applied to Bowen. He had pointed out that when the railway was completed the same facilities would be offered to all those people to go to Bowen to do their legal business. He did not know that it was a good thing to facilitate or increase litigation. He thought it would be a blessing to the North if litigation were not increased. It was a very good thing for the lawyers if they gave facilities to the public to indulge in that luxury; but it was not an unmixed good. He thought it preferable that the law should be curtailed as much as possible, and that the facilities should not be so great as some hon. gentlemen wished to make them. And the point was made with regard to the business not being done at Bowen. The hon. member for Townsville said that the Supreme Court had been at Bowen for fifteen years, and it might as well have been in Brisbane. Well, the same argument would apply to Townsville. The judge was on circuit for seven months in the year, and the consequence was that he was not at the court to do the business which he would otherwise do. He trusted that hon. members would vote for the amendment because

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he thought a great injustice would be done to his constituency if the court was removed, and not only that, but the people who were most interested in the question had made no request for the court to be removed to Townsville.

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

AYES, 26.

Messrs. Morehead, Nelson, Macrossan, Powers, Black, Donaldson, Pattison, Dunsmure, Stevenson, Callan, Campbell, Little, Lissner, Luya, G. H. Jones, O'Connell, Plunkett, Adams, Cowley, Stevens, Archer, Philp, Palmer, Rutledge, Paul, and Hamilton.

NOES, 18.

Messrs. Morgan, Grimes, Drake, Hunter, Glassey, Unmack, Foxton, McMaster, Barlow, Isambert, Smyth, Watson, Buckland, Macfarlane, Sayers, Wimble, Smith, and Crombie.

Question resolved in the affirmative.

Clause, as amended, put and passed.

The PREMIER said that, as there were some amendments to be proposed by the leader of the Opposition in the remaining portion of the Bill, and as he had no desire to go on with the Bill without having those amendments considered by the Committee, he would move that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed; the CHAIRMAN reported progress, and the Committee obtained leave to sit again to-morrow.

## MESSAGE FROM THE LEGISLATIVE COUNCIL.

### BRISBANE WATER SUPPLY—APPROVAL OF PLANS.

The SPEAKER announced the receipt of a message from the Legislative Council, intimating that the Council had approved of the plan, section, book of reference, and estimate of cost of the proposed scheme for an additional water supply from the Upper Brisbane River, for the city of Brisbane and its suburbs.

### ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I beg to move the adjournment of the House. The first Government business to be taken to-morrow will be the further consideration of the Supreme Court Bill, and after that the resumption of the Committee of Supply.

Question put and passed.

The House adjourned at twenty-five minutes past 10 o'clock.