Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 2 OCTOBER 1889

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LEGISLATIVE ASSEMBLY.

Wednesday, 2 October, 1889.

Local Government Acts Amendment Bill—second reading.—Message from the Legislative Council—Defamation Bill.—District Courts Act Amendment Bill—committee.—Adjournment.

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

LOCAL GOVERNMENT ACTS AMENDMENT BILL.

SECOND READING.

The HON. C. POWERS said: Mr. Speaker,—In moving the second reading of this Bill to amend the Local Government Acts, 1878 to 1887, I may mention that, as hon. members will see, the Bill has passed the Legislative Council, and I will endeavour to explain to the House the reasons why the Bill has been introduced, and the necessity for passing it. It is intended to deal with the question of the authorisation by the ratepayers of municipal loans. The 2nd clause proposes to repeal sections 221 and 223 of the Local Government Act of 1878, and to re-enact part of them, and also part of section 222. A schedule is given at the end of the Bill which proposes to provide a means by which persons may vote for or against a loan. The Local Government Act of 1878 provided that the ratepayers might require that the loan should be submitted to their vote; but no provision was made in that Act for persons voting for the loan. The only provision made was that the ratepayers might forbid the loan if one-third voted against it. Part of section 225 of the 1878 Act says:—

"The council shall be forbidden to proceed further with such loan if the number of votes recorded against the loan forms one-third of the total number of votes for which voters are recorded on the voters' roll of the municipality."

I wish to point out that that only provides that one-third of the voters shall have power to forbid the loan, and a form is given for voting as follows:—

"This is to forbid the council of —— from proceeding further with the loan, notice of which has been published in the *Queensland Government Gazette* of ——."

When the ratepayers voted under those circumstances they handed in the papers, and voted against the loan. That was found not to work well, because there was a difficulty in getting one-third of the ratepayers to vote, and an amendment was proposed in 1887 at the latter end of the session, in which that part of the Act was repealed, and section 6 said—

"So much of the two hundred and twenty-third section of the Local Government Act of 1878, as is contained in the words—

> And the council shall be forbidden to proceed further with such loan, if the number of votes recorded against the loan forms one-third of the total number of votes, for which voters are recorded on the voters roll of the municipality,

is hereby repealed, and the following is substituted therefor, that is to say—

"If the number of votes given against the loan is greater than the number of votes in favour of the loan, the council shall be forbidden to proceed further with the loan."

That is the only amendment that has been made. The same principle is provided by this Bill, but the new machinery is provided that is considered necessary by the Government for carrying it out. The same principle is followed as is contained in the Divisional Boards Act, which says, in section 259:—

"If upon such poll being taken the number of votes given against the loan is greater than the number of votes given in favour of the loan, the board shall not proceed to borrow the money."

And certain machinery is provided in section 258, which says—

"When such an application is made the Minister shall direct that a poll of the ratepayers of the division be taken . . . and shall prescribe the form of ballot paper or voting paper to be used, and shall give such other directions as may be necessary for taking the poll."

This Bill provides, by clause 2, that where a demand is made a day shall be fixed, and a subsection then provides—

"The poll shall be taken in the manner prescribed for holding elections of councillors, so far as the same can be applied thereto and is consistent herewith,"

and

"The ballot papers to be used at the taking of such poll shall be in the form in the schedule hereto."

That is, that the ratepayers shall vote for or against the loan, and the clause goes on to say:—

"Immediately after the close of the poll the number of votes recorded thereat shall be ascertained in the manner hereinbefore prescribed for ascertaining the number of votes at elections, and the returning officer shall, as soon as conveniently may be on or after the day of the poll, give public notice of the number of votes recorded.

"If the number of votes given against the loan is greater than the number of votes given in favour of the loan, the council shall be forbidden to proceed further with the loan."

No difficulty, of course, will arise except in the case of a contested loan. That is the principal part of the Bill. Section 3 deals with another matter that has been brought forcibly under the notice of the Government. It substitutes the words "or concrete" in section 258 for the words

"iron or other incombustible material." It has been found that many incombustible materials are used in the erection of buildings, but although they may be incombustible, yet when the fire reaches them they curl up and let the fire get through to other buildings. The section will provide for a matter upon which it is quite time some action was taken. It reads as follows:—

"Section two hundred and fifty-eight of the said last-mentioned Act shall hereafter be read and construed as if the words 'or concrete' had been originally inserted therein, instead of the words 'iron or other incombustible material.'"

Clause 4 provides that by-laws made for the registration of dogs or goats may impose reasonable fees or charges in respect of such registration. That is introduced at the instigation of local authorities. Authority has hitherto been given for imposing fees and licenses, but this matter has been overlooked, and it is just as well to provide for it in this Bill. I know there are many other matters that could be suggested by way of amendment of the Local Government Act. I think it is like a Land Act, and that every member could make some suggestion in regard to it, but it is too late in the session to deal with those matters, and I hope a comprehensive measure will be afterwards brought forward dealing with all those matters recommended to be dealt with by the different conferences of local authorities. This measure has been passed by the Legislative Council for the purpose of dealing specially with loans. The necessity for the Bill has been recognised, and I now move that it be read a second time.

Mr. TOZER said: Mr. Speaker,—This Bill is a matter which is of much interest to the community in which I reside, and I think it has been called for principally by a difficulty arising in connection with the town of Gympie. I think that town is about the only municipality that has not made proper provision for the health of the inhabitants by providing a good water supply. The water supply, I know from experience, has been very precarious, and if we are to believe the very warning report we saw in this morning's paper about a drought lasting for three years, I say then, God help the inhabitants of Gympie during that time, because I can safely say that the only water supply they have to rely on is contained in zinc tanks. There is no provision whatever made for the cleansing of those tanks. As one of the officials connected with the cemetery I know we have at times great plagues of typhoid fever, and no doubt many of those plagues have arisen owing to the want of water, and the want of cleanly habits on the part of the inhabitants of the town. Those tanks are so constructed that they cannot be cleaned, because in doing so, all the water would be lost, and the people do not know when rain will come. The consequence is that in ninety-nine cases out of one hundred, if you examine the tanks, you will find them one-fourth full of decayed vegetable matter. There has always been a migratory section of the population of Gympie who are opposed to any expenditure for the permanent prosperity of the town, but recently a corporation got in who were determined that Gympie should be a first-class town. They determined not to remain under the stigma any longer of not having a proper water supply, and unanimously decided that they should go in for a loan for obtaining that supply. Although technically, that loan may have been above the borrowing powers of the municipality, yet it was not absolutely refused. The corporation took a great deal of trouble to get estimates, and took four or five months to consider the question. They finally unanimously agreed that it was wise to borrow on the security of property in Gympie a sum of £25,000 for the purpose of procuring a water supply. I think every person in the district who has any regard for the future of the place is agreeable to that vote—the council were unanimous, and the representatives of Gympie in this House are also agreeable to it. I did all I possibly could to carry it through. I understand that in this Bill the Government have the very laudable desire to carry out the wishes of the inhabitants of Gympie by endeavouring to give effect to their requirements by law; but I do not think they are doing exactly what would be wise in connection with municipalities generally in the manner in which they propose to give that relief. I think they would have done better to have simply repealed the section of the Local Government Act of 1878, which provides for a vote for and against a proposal of the council, and by altering the two words, "one-third" in section 223 of that Act to "one-half." That would be all the amendment necessary to meet this case and cases like it. The corporation of a town being elected by the inhabitants, it is clear they are the representatives of the inhabitants, and if they by a majority, or unanimously, as in the case of Gympie, decide that there shall be a water supply provided, and a loan effected for that purpose, why should the people who agree with them be required to come up and record a vote to that effect? They have shown their agreement with the council by electing them in the first instance. A great loss of time is inseparably connected with these pollings. In the case of Gympie, the voting for the election of the aldermen came off on one day, and on the next day the voting for the loan came off. It strikes me that the principle is affirmed, that the representatives of the inhabitants have done their duty in the first instance, and the persons electing them are agreeable to their action. If, however, the representatives of the inhabitants do not do their duty, we provide a protection in the interests of the inhabitants of a municipality, when we provide that the dissentients may come up and record a vote against any proposal of the council. Why should we also make those who assent to the proposal of those whom they have elected, come up and say so? To bring up those people to endorse the action of their elected representatives seems to me a waste of time and money. I believe in the principle of the Local Government Act as first carried out. It has worked very well, and the only trouble is that there are always persons ready to negative any vote carried with a desire to improve the towns of the colony. The vote required to negative a proposal is too small under the Act, and the effect has been that wise votes of councils have been too often negatived. In Gympie there were 1,200 persons on the voters' roll. There were 1,800 on the ratepayers' roll, but many had not paid their rates. There were, as I say, 1,200 on the voters' roll, and all of them, it may be supposed, were in the locality and had taken part in the election of the council. A one-third vote is required to negative a proposal, and it should have taken 600 to negative the vote in this case, but when the poll was taken it was found that 400 odd persons presented themselves as dissentients, and we may assume that the 800 remaining on the voters' roll assented to the proposal; and, as the Act stands, it is assumed that the whole 1,800 will come up and waste their time to vote for the proposed loan. I will put the case in another way: We know that objections to these loans are always taken by discontented individuals; it only requires twenty persons to protest against a loan, and they can forbid a loan by calling for a poll, no matter how wise or necessary the proposal may be. If those twenty persons get twenty more to agree with them,

every person who assents to the loan is obliged to come up and record a vote to that effect. I put it to this Parliament to say whether it would not be wiser to repeal the provision for a vote for and against a proposal, and allow the dissentients, if they are in sufficient force, to come up and record a vote to repel it? My argument is that it is not wise to make people who are agreeable to the acts of a lawfully-constituted and elected body come up and say they are agreeable to those acts. If you like, let the necessary vote remain at one-third, and let the dissentients only come up, or better, as I think, let the vote be one-half, and let the dissentients come up and record a vote. A contested election of this kind, it should be remembered, always does harm. Of course, in the election of representatives there must be a poll for and against different candidates, but in a case of this kind a great deal of bad blood is engendered by what I consider an unnecessary poll. For these reasons I trust the Government will alter the structure of this Bill and keep to the Local Government Act in the way I have indicated. I put this matter to the Government as affecting the inhabitants of Gympie. It is possible that since the voting, this matter has been made a party cry at Gympie. I do not know what the effect of any more voting would be, but the Corporation of Gympie have done their duty, and have done all that they are required to do. There is no doubt about the necessity for the action they took, and I ask the Government whether it is their intention to impose upon the settled inhabitants of Gympie, who have a deep interest in the future of the town, the necessity of wasting their time to resist the vote of migratory inhabitants who might otherwise negative a proposal of this kind? I take a great interest in this question, as it affects Gympie. I must thank the Government for their sincerity in connection with Gympie in carrying out the promises they made in the early part of the session, making provision for this loan. I trust that by this Bill the people of Gympie will be able to obtain a proper water supply without having to go through any ordeal of polling.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—This Bill deals with two or three subjects. It first deals with the mode of taking a poll on proposed loans. A great many polls have been taken under the Act of 1887, though a great many people think that polls cannot be taken under that Act; but I know that a great many have been taken—some of them upon my advice—and that money has been borrowed as the result. As the law stands at present it provides that at the taking of a poll papers in the form of the 12th schedule shall be used, and that if the number of votes against a loan is greater than the number of votes in favour of the loan, the council shall proceed no further. Some doubt has arisen as to the mode of voting in favour of the loan. The form of the ballot paper was, of course, invented for the purpose of a poll in which a vote had to be given in only one way. The form on the ballot paper is: "This is to forbid the council of —— from proceeding further with the loan." The way in which I have advised the polls to be taken, and in which they have been taken, is this: The ballot papers are given to every voter, and everyone desiring to vote against the loan puts in the ballot paper as it is, whilst those in favour of the loan draw their pencils through the ballot paper. The votes are counted, and if the number of papers where the paper is untouched is the greater, the loan is vetoed; but if the majority of the papers are cancelled, then the loan proceeds. That is the way the polls are taken now, and I do not see any difficulty in it at all. The present proposal will substitute a different method, but it leaves out for some reason or other a very necessary provision in the present law by which every voter is entitled to as many voting papers as he has votes. If that is omitted, the question will arise as to how many votes a voter is entitled to. Why that is left out I do not know, but it does not seem to me to make any particular improvement in the law. The hon. member for Wide Bay objects to the system of the Bill—that is to say, he does not consider that those in favour of the loan should be required to vote at all. That was very carefully considered in 1886, and again in 1887, when the Divisional Boards Bill was under discussion, and the House then was of opinion that it was desirable that a poll should be taken in the ordinary way. The objection to the system previously in vogue was pointed out in 1887, and in another Bill introduced at the end of the session, dealing with the Local Government Act, an amendment was inserted when the Bill was going through Committee removing the objection. I know that several polls have been taken in the way then prescribed, and so far it seems to have applied all right. I think the preponderance of argument is in favour of this system, rather than in favour of the system advocated by the hon. member for Wide Bay. The next subject dealt with in the Bill is buildings on first-class sections. If the Bill passes as it stands it will be impossible to put up any buildings, because it will not be lawful to "construct the external walls of any building, or any part of the framework of such walls, of any material other than brick, stone, or concrete." Then, under that law, how will columns be put in? It will not be possible to build the whole building of concrete.

Mr. O'SULLIVAN: This will only apply in the main streets.

The HON. SIR S. W. GRIFFITH: But how are you going to stick to the Act? Wood is required for frames, and iron and wooden beams are largely used to support shop fronts. All that sort of thing will no longer be lawful. In fact, the effect of the amendment will be such that there can be no large opening for a shop window, or for an archway. I am quite aware that the words "iron or other incombustible material," have led to evasions of the law, as angle iron has been used for frames and sheet-iron has been used for the walls. Of course, that is a miserable evasion of the intention of the Act, but the amendment is not the correct way of preventing such evasions. The next subject dealt with by the Bill, is to give the local authorities power to impose fees under their by-laws for the registration of dogs and goats. I have my doubts as to whether municipal authorities have the power to make such by-laws. Some municipalities have made by-laws by which all stray dogs and goats are to be killed, which are probably invalid. With respect to dogs there is another law in force, and there may be some conflict between the two laws. The hon. member who moved the second reading of the Bill said there are a great many points in the Local Government Act which require amendment. Undoubtedly there are. The intention of the late Government was first to take up the Divisional Boards Acts, and to consolidate and amend the law relating to divisional boards; and to follow that up by consolidating and amending the law relating to local governments. But we considered it inadvisable to deal with both at once. The intention of the Government was that the one Act should be passed, and when its details had been thoroughly discussed,

that the amendments should be embodied in the Bill dealing with the other subject. The two Bills were carefully prepared in 1886, with the intention of introducing the Bill dealing with divisional boards in 1886, and the one dealing with local government in 1887; but the Divisional Boards Bill was delayed, and was not passed until 1887. It was impossible to deal with the Local Government Acts Amendment Bill during the next session, as the Government had gone out of office, and it was not in their power to deal with the question.

Mr. GROOM said: Mr. Speaker,—I have no objection to the alteration with regard to the voting on loans, as it will be an improvement. But I certainly think the hon. gentleman in charge of the Bill should reconsider section 3 before asking the House to assent to it. I know that in the country towns, if they are compelled to use only stone or concrete on first-class sections, it will lead to almost a stoppage of building. It may do very well for the main streets of Brisbane, but it ought not to be extended to country districts. I can quite understand the advisability of preventing the erection of inferior buildings on first-class sections, but I think this is going to the other extreme. If a man in a country town wished to erect a two or three storey house, where it is necessary to use iron pillars, he would be prevented from doing so by this clause. If the clause passes in its present form it will do a great injustice to many places. With regard to clause 4:—

"Any by-law made for the registration of dogs or goats may impose reasonable fees or charges for or in respect of such registration."

I would call the hon. gentleman's attention to the fact that at present dogs are registered under the Towns Police Act. Surely it is not intended to give municipalities the power of enforcing registration as well. Either you must abolish registration under the Towns Police Act, and throw it entirely into the hands of municipalities, or leave things as they are. It would be manifestly unfair to insist on registration in both cases. If a person's dog is not registered, he is liable to have the dog shot, or to be fined for having an unregistered dog. With regard to the provision for voting, I think it is an improvement. Under the existing provision when men have gone to the poll to vote for or against a loan, they have found some little difficulty about it; and the same difficulty has been experienced with regard to the voting under the local option clauses of the Licensing Act. People go intending to vote one way, and find they have actually voted the opposite way. Cases of that kind have come within my own knowledge. The proposed alteration seems to me to be a decided improvement, and one which commends itself to our attention.

Mr. O'SULLIVAN said: Mr. Speaker,—If the hon. member for Wide Bay had his way, he would do away with elections altogether. He objects to voting because it often leads to differences of opinion, and creates strife and ill-feeling. I was always under the impression that differences of opinion ruled the world, and that the more differences of opinion there were the better. I do not think municipalities should have the sole power of sanctioning a loan. Municipalities are sometimes governed by factions; cliques are formed, and they do as they like. But instead of there being a one-third majority of the voters, it should be a two-thirds majority. By section 3 "concrete" is to be substituted for "iron or other incombustible material." In some towns there are places that have been proclaimed first-class sections for twenty years, and have never been improved. In the town I come from there are first-class sections that nobody would build a cottage on. No. 1 section in Ipswich is the most out-of-the-way section in the whole town. In the early days it was marked as a first-class section, but the railway going through it has destroyed it, so far as business places are concerned, and the real business part of the town is away from it altogether. In new townships a clause like that would be very injurious. We are only in the beginning of the colony, and new towns are springing up every year; and what are first-class sections now may not be first-class sections twelve months hence. That section might very well be omitted from the Bill. The hon. member for Wide Bay said something about men who had not paid up their rates not being allowed to vote. In my opinion a man who owns land, whether his taxes are paid or not, should be allowed to vote at all elections, because his taxes are always there if the municipality chooses at any time to enforce them.

Mr. MORGAN said: Mr. Speaker,—I do not agree with the hon. member that if a man has not paid his rates he should be, nevertheless, allowed to vote. If a man does not discharge his duties as a citizen, he should not have the right to exercise any voice in the management of the town. I quite agree with the proposal in the Bill with regard to taking a poll for the borrowing of money. The old system, by which one-third of the ratepayers have power to negative a loan, is highly objectionable. Anybody who has had much experience of local government will know that in matters of that kind it is a difficult thing to get a 75 per cent. vote of the ratepayers. Therefore, if one-third of the people on the roll come up and record their votes against a proposal to borrow money you get a large proportion—probably more than a majority—of those who would poll under the existing system. This system of taking a majority vote for and against is a very much better one. With regard to the Gympie case, it will involve them in some considerable trouble to take another poll, but I see no reason why the Government should not grant the Gympie people the money they have asked for on the poll that has already been taken. I think they are entitled to it. Section 4 of this measure, relating to the registration of dogs and goats, is a very necessary one, but it ought to have been accompanied by a repeal of the clauses of the Towns Police Act, under which the police are authorised to collect the taxes on dogs. Under a clause of this kind the local authority would be constantly met with the objection by individuals that they have already paid the tax to the police, and the local authority would be put out of court on that plea. The clause, if passed without that condition, will be practically inoperative, because the local authority will always be met by that plea. Even if people have not paid the tax, in order to defeat the council they will go and pay it after the proceedings have been initiated. I think also there is something highly objectionable in the form of the schedule. These things should be as simple as possible, and unencumbered by unnecessary words. For instance, what is the necessity of putting at the head of every ballot-paper for a poll taken at Toowoomba, "Municipality of Toowoomba." Does anybody imagine that a poll relating to a matter in Brisbane is going to be taken in Toowoomba. In the local option clauses of the Local Government Act there is a ballot form which is as cumbersome a thing as could be devised. The resolution—one of a series—is set out and printed on the ballot-paper; the words "for" and "against" are printed in columns opposite, and the voter has to attach a cross to "for" or "against," according to the way in which he wishes to vote. A very large proportion of those who go to vote

think that by crossing the "for" they are voting for granting the license, but, as a matter of fact, they are doing the very reverse—voting for the resolution which expressly prohibits the issue of new licenses. I have had some experience in these matters, and can say that a large number of votes are recorded in gross ignorance of the way in which the vote will be counted by the returning officer. I think the words "for" or "against" would be quite sufficient in the schedule, and let the voter strike out whatever he wishes. That would be a decided improvement. The same error which exists in the local option clauses of the Local Government Act has been perpetuated here, or will be if the schedule passes as it stands; but I hope that before we come to it we shall have an amended form brought down which will improve it in every respect.

Mr. SMYTH said: Mr. Speaker,—What I rise especially for is to ask the Government to make some small alteration in this Bill, when passing through committee, as will render it unnecessary for the Gympie municipality to take another poll. If certain persons there have got up an agitation and excitement for the purpose of getting money spent by opposing the loan, I do not see why the municipality should suffer. The municipal council has complied with the provisions of the Local Government Act in every particular. They advertised in the *Government Gazette* and local newspapers, and took the poll according to clause 221 of the Local Government Act, which says in the centre of the clause:—

"And on such day a poll shall be taken in the manner hereinbefore prescribed for holding elections of all ratepayers who desire to forbid the council from proceeding further with such loan."

That only provides for recording the votes of those electors who wish to forbid the loan; there is nothing said about persons who wish to vote for the loan. The poll was taken under clause 223, and from the correspondence which passed between the municipal council and the Treasury we find there were 440 voted against the loan. As the number required was 645 the proposition was not vetoed by the ratepayers. That would require over 1,900 ratepayers in the municipality.

The COLONIAL TREASURER (Hon. W. Pattison): There are only 1,200 on the roll.

Mr. SMYTH: Some of the ratepayers may not have paid their rates at that time. At any rate 440 persons voted against the loan. There was a great deal of agitation and hard work canvassing all over the field, and the result was that a petition was sent down to the Colonial Treasurer, and the hon. gentleman has informed me that having been supplied with a copy of the ratepayers' roll, he found that about 225 or 230 of the names attached were not those of ratepayers at all, and never had been—boys and persons, etc., living down the railway line having signed it. In fact it was a bogus petition, and I do not think the Colonial Treasurer should have countenanced it for one moment. Even if the petition was legitimate, I do not think it should have been entertained, because all the ratepayers had an opportunity of voting against the loan. There was nothing to prevent them from doing so. The persons who voted against the loan were those who have very small rates indeed to pay. All the large property-holders and business people who have large insurances to pay, because a good water supply cannot be procured, are in favour of the loan. Those who have large stocks wish to see the streets watered to keep down the dust that is destroying their goods. Another reason why a supply of pure fresh water is urgently required is because the machinery on the field is being ruined by that now in use. I suppose there are no less than 100 boilers on the field, and they are being ruined by having to use impure water. They have to be cleaned about every six months; during that time the men are kept idle for a couple of days, and it would be far better for them to pay the water rates and be able to work all the time. I know the Government say the poll that was taken was taken illegally, and I can quite see that there will be some opposition from the other side of the House. I know where it will come from, but when the Bill gets into committee I hope I shall have a chance of replying to it

The COLONIAL TREASURER (Hon. W. Pattison) said: Mr. Speaker,—I wish to say a few words in reply to the hon. member for Gympie. It is not possible that the Government can comply with his request. The question respecting this poll was referred to the Minister of Justice, who has given his opinion that it was illegally taken. That opinion has been laid before the House. The hon. gentleman is scarcely right in the numbers he has given. The ratepayers' roll sent to me by the Municipality of Gympie shows that there are over 1,200 ratepayers on the roll. Speaking from memory, I think the petition from Gympie against the loan contained about 500 names actually on the roll. The actual number of ratepayers who voted against the loan was 440. I can assure the hon. member that I will do the best I can to remedy the defect in the law. When he says that all the requirements of the Act were complied with, he is scarcely correct. This matter has been lingering over about four or five years, and there appears to have been two parties all along, one wanting the water supply and the other opposing it, and they have not been able to come to an understanding. No actual application for the loan can be found in the Treasury. There was a demand made by the council, and the Gympie people appeared to think that they had made an application for the loan some years previously, but the records of the Treasury do not show that there is any such document in existence. It appears that a previous Treasurer during a visit to Gympie made a verbal promise that a loan would be granted, and that promise the Government are willing to abide by, but the preliminaries laid down by law must first be fully complied with. The matter was submitted to the Minister of Justice, and his report was that I could not grant the loan. I then made a promise that I would take the necessary steps to amend the law, and that I would put a sum of £30,000 on the next Loan Estimates. The hon. member, however, seems to forget that.

Mr. SMYTH: Will a poll have to be taken again?

The COLONIAL TREASURER: I think it will be necessary to take a poll again. The provisions of the law must be complied with. According to the present law, one-half of the ratepayers must forbid the loan, in order to prevent it being obtained, and there is no fairer method of deciding such a question, than to allow both sides to vote. It is not fair to assume that those ratepayers who do not vote, are all in favour of the loan, because a number of those on the roll may be away, or dead, or may have been improperly enrolled. This provision merely assimilates the law to that of the Divisional Boards Act, and I consider it is a very fair provision. The people of Gympie have nothing to complain of; they have had all reasonable assistance from the Treasury, and every facility has been afforded for obtaining the loan in a legal manner. I may mention, for the

information of the House, that owing to the rise in the price of piping and other articles, this water supply scheme, which was estimated a few years ago to cost £30,000, will now probably cost about £36,000. If the preliminaries prescribed by the law are complied with, I have no doubt that the Gympie people will receive fair and reasonable consideration at the hands of the Government.

Mr. MELLOR said: Mr. Speaker,—I suppose this Bill is intended to made clear the provisions of the Amending Act of 1887. The Colonial Treasurer has stated that the poll taken at Gympie is not valid, because it was not taken in accordance with the provisions of the Act. The opinion of the Minister of Justice is that—

"No amendment has been made of section 221, nor of schedule 12 (Local Government Act of 1878). The old method of taking votes against the loan only remains, and no means is provided of taking votes in favour of the loan."

That is very plain. I think it was the intention in passing the Amending Act of 1887, that the majority of the ratepayers who vote should decide whether a loan should be gone on with or not by the municipal council. The question was very fully discussed at the time, whether a majority or one-third of the votes should be required, and the system of voting was also freely discussed. I expressed myself as being against the principle of voting only one way, because that is not taking a ballot, inasmuch as everybody knows how a ratepayer who goes to the poll records his vote. I think the system of voting both for and against the loan is the better one. With reference to the Gympie water supply scheme I shall be glad if the Treasurer will accept the suggestion made by my colleague, and provide that what has been done shall be accounted as valid, and grant the loan for the purpose of the water supply. Gympie is an extensive field, with a large number of inhabitants, and a water supply is very much wanted. I may state, in reference to the vote taken on the loan, that the day after the poll was held, three aldermen who were most strongly in favour of the water supply were elected, a fact which shows clearly that the aldermen represented the views of the people of Gympie. The councillors were in full accord on the subject, there not being a dissentient voice against the loan. The Colonial Treasurer has given a promise that the amount required for the works shall be put on the Loan Estimates. If the money is passed on the Loan Estimates that will be a step in the right direction. But I think that on one occasion the hon. gentleman stated that there was no money available for the purpose. Last night the Government withdrew their proposal for the construction of the Mount Morgan railway, and as there was a sum of £60,000 voted out of loan for that work, I think a portion of that amount might be transferred and granted for the Gympie water supply scheme. At all events that money is available, and if the Government regard this suggestion favourably, they can, I am sure, grant the money at once, and the water supply—which will be a great boon to Gympie—can be proceeded with without delay. With regard to the other matters mentioned in the Bill, I think it is very necessary that municipal councils should have power to make by-laws for the registration of goats and dogs, and that the power of the police to collect a registration tax should be abolished, as it would be unfair that two different bodies should collect two separate taxes for the same purpose. The municipal authority should, in my opinion, be the authority to impose and collect the tax on goats and dogs.

Mr. HAMILTON said: Mr. Speaker,—We know that after a number of the people of Gympie expressed their views upon this question, the Minister of Justice decided that the ratepayers must record their votes both for and against the proposed loan; but, owing to some deficiency in the Act, they were unable to do so. The Minister of Justice further decided that, as that had not been done, the Government could not legally grant the loan. I believe that the provisions in this Bill with regard to voting are a great improvement on the provisions in the existing Act. I do not see why, when those who dissent from a proposition have to record their votes, every ratepayer who happens to be on the roll should be considered to assent whether he votes or not. I think both sides should come forward and express their opinion. I can understand the allusion of the hon. member for Gympie, because I introduced a deputation to the Colonial Treasurer.

Mr. SMYTH: You introduced Mr. Walker.

Mr. HAMILTON: The mere mention of that gentleman's name always seems to raise the bristles of the hon. member; but it was immaterial to me whether Mr. Walker was for or against the water supply. He was an old constituent of mine, and I was happy to introduce him. He represented 820 ratepayers.

Mr. SMYTH: No.

Mr. HAMILTON: The hon. member says he did not, and that the petition was a bogus petition. He also said he knew the names of those individuals on the petition. Now, if he had already seen those names, it was rather disingenuous of him to ask the Minister for permission to see them in order to ascertain, as he said, whether their names were on the roll. He was, however, refused permission to see them. He therefore cannot possibly say whether the names on the roll were bogus ones or not. Mr. Walker told me at the time that a number of those who signed the petition first required him to promise that they were not to be shown to the member for Gympie. Mr. Walker showed me also a report of a speech made by the hon. member for Gympie at a public meeting there, which justified him in promising that he would not allow the hon. member for Gympie to see the names on the petition. The speech made by the hon. member for Gympie appeared in a Gympie paper.

Mr. SMYTH: Are you a contributor to that paper?

Mr. HAMILTON: I am neither a contributor to the paper nor am I interested in it. The hon. member said in that speech, "It is very hard for us to pay wages to some of those who signed the petition."

Mr. SMYTH: I deny that statement.

The SPEAKER: The hon. member has no right to interrupt the hon. member for Cook.

Mr. HAMILTON: I anticipated that the way in which the hon. member would try to get out of it would be by denying it, and I therefore wrote to the paper to ascertain whether the hon. member said that or not, and I was assured that the hon. member was correctly reported. The hon. member also attacked me by stating that Mr. Walker, whom I introduced to the Colonial Treasurer, had certain worthless property on Gympie, for which I was instrumental in his obtaining £80 from the previous McIlwraith Government, as a site for a post office. That statement is perfectly untrue, and I made inquiries from the Under Secretary for the Post Office regarding this allegation, and found that I had never given any recommendation whatever; but that the Under Secretary for the Post Office asked the postmaster at Gympie, Mr. Woodyatt, to recommend a site for a post

office at the One-Mile, and the postmaster recommended Walker's site as the best and cheapest spot where a post office could be erected, and in consequence that recommendation was approved by the Under Secretary.

The SPEAKER: I would point out to the hon. member that he is not discussing the Bill.

Mr. HAMILTON: It is in connection with the Bill that I am speaking. You do not know how I am going to apply my remarks, Mr. Speaker. It is evident, therefore, that I had nothing whatever to do with this matter. The Gympie postmaster recommended it, and his recommendation was approved.

The SPEAKER: I would point out to the hon. member that the site of a post office at Gympie has no application to the matter before the House.

Mr. HAMILTON: It has this application Mr. Speaker ——

Mr. SPEAKER: The hon. member must confine himself to the question before the House.

Mr. HAMILTON: Mr. Speaker, I am doing so; and I will say nothing more about it, except that within one month after the McIlwraith Government went out of office, the Griffith Government, on the advice of the hon. member for Gympie, who was then elected, rescinded the decision come to to place the post office on Walker's, and got them to select another site immediately opposite his own residence, where it is now situated, and for which they had to pay a higher price.

Mr. SMYTH: It is not true.

Mr. McMASTER said: Mr. Speaker,—My sympathies are with the members for Gympie. No person can object to a decent supply of water being granted to a town, and my sympathies are more aroused because I know we have had some difficulty in Brisbane with a number of ratepayers when we have asked for a loan for the purpose of constructing drains. One or two individuals in the city objected, and they got up an agitation to have a poll taken. I am glad that the common sense of the citizens enabled the council to go on with those drains. I know what it is for a few individuals to get up an agitation with a view of airing their grievances. They get up a petition, and it is not difficult to get persons to sign a petition against anything. A man gets paid to go round with the petition. He may have the gift of the gab, and he will put it in such a plausible way that people will believe him. He will say, "If you allow the council to borrow money they will clap on double rates." I do not think that those who will not take the trouble to vote, and oppose a loan, ought to be counted as in favour of it, because they have their representatives in the council, and if they are very anxious to prevent the loan being passed, they should take the trouble to declare that they do not want it. There are numbers of malcontents and agitators who work up other malcontents, and get them to go to the poll. I think myself that the representatives of Gympie have made out a very good case, and that the Colonial Treasurer is willing to assist them in every way he can. It is to be regretted if they have to go to a second poll. From what I can gather, I think they have complied with the law. I think I heard one of the hon. members for Gympie state, that immediately after the poll was taken requesting the loan, three aldermen went before their constituents and were returned at the head of the poll. That, I think, is an indication that the people were willing that the loan should be obtained. Now, as to section 3 in this Bill, I am afraid, as the leader of the Opposition remarked, it is going to block building altogether. In the interests of every town in the colony, and especially of the city of Brisbane, I should like to see a Building Act passed. That is what we want in Brisbane, and I may say that both the late and the present Government partly promised to introduce such an Act. In the absence of that Act, and if this clause is passed as it stands, you will stop nearly all buildings that are constructed in some of the back streets of the city. I do not like to see iron buildings in the main street, but there are a number of buildings facing Queen street that have iron sheds or stores attached at the back, and if objection is taken to the erection of such stores on the back premises of buildings facing Queen and Adelaide streets, it will stop some buildings altogether; and if this proposal is carried they will have to be of brick or concrete. That clause will have to be very carefully considered when the Bill gets into committee. I quite agree that substantial buildings ought to be erected in first-class sections, and I should like to draw the attention of the hon. gentleman in charge of the Bill to the 259th section, and the necessity for its amendment. Under that clause the municipal council have power to stop the erection of a building against the law, and to have it removed, if an attempt is made to erect it; but there are already a large number of old buildings in this and in every town, and they may in time be included in a first-class section, and that is the difficulty in connection with that clause 259, because the municipalities have not the power to prevent the repairing of those old buildings after they have been included in a first-class section. There are a number of old rookeries in Brisbane that are standing monuments of what Brisbane has been, and we want the power to prevent them being repaired in any way, or dealt with in any other way than removal. There is a rookery of a place now in Albert street, close to a block of buildings erected some few years ago, and facing Elizabeth street, and there should be some provision to enable us to deal with such places. That place is really a disgrace to the city, and in dealing with such places is where the advantage of a Building Act would come in. A few years ago—in 1884, I think—we had a great deal of difficulty to get some shanties removed that were erected where the present *Courier* building is. They were a disgrace to the city, and fortunately we were enabled to have them removed after a great deal of trouble. We had first to go to the Police Court, and then to the Supreme Court to deal with them. I hope, therefore, the hon. gentleman will look over the 259th clause, and see whether he cannot introduce such an amendment of it as will enable municipal councils to prevent the repair of dilapidated buildings, which, instead of being repaired, should be removed as soon as possible. With respect to the 4th clause of this Bill dealing with the registration of dogs and goats, I quite agree with the remark that it will not do to have two bodies empowered to register dogs. The municipal council has now the power to deal with goats and have them registered or destroyed, and I think the Police Act should be amended and the power to register dogs transferred from the police to the local authorities. There are very few goats now to be found in Brisbane.

An HONOURABLE MEMBER: The more is the pity.

Mr. McMASTER: With respect to some people I admit that may be so, and they may be a great convenience to some persons, but they are a greater nuisance in the towns.

Mr. ISAMBERT said: Mr. Speaker,—I had some difficulty in understanding this Bill and its connection with the Municipality of Gympie; because on questioning one of the members for Gympie, I was informed that the municipal council of that town in their application for a loan for a water supply had complied with all the regulations stipulated in the Act; and that after that, some agitators got up a petition against it. I cannot see how the Government came to pay the slightest attention to a petition of that kind. It was quite out of order to listen to any petition of that kind after a poll had been taken. With regard to the amendment respecting building materials, I agree with the hon. member for Fortitude Valley that we should have a Building Act, and it should be applicable to the whole colony, so that by slight amendments every municipal council and divisional board could make it applicable to their own jurisdiction. No building should be erected until the plans and specifications have been approved by the local authority after examination by their architect. Then we could be sure that no unsafe building would be erected. You might have a building erected with the most orthodox materials described by the Building Act, and yet it might be so badly constructed as to be dangerous. With regard to clause 4, dealing with goats and dogs, it certainly deals with two nuisances, but the greatest nuisances existing in the towns is left out of consideration altogether, and those are the hawkers and pedlars. Police magistrates have the power to license any hawker or pedlar for £10, and for that sum a pedlar has a license to prey upon the whole colony, to the great injury of business people in towns. The shopkeepers in a town have to pay rates, and thus assist in their improvement, but a pedlar may live in any hovel, and then proceed forth to prey upon the country. The local business man assists the community in which he lives, and is a settled citizen, but the pedlar is a nomadic person, and any police magistrate has the right to give him a license to prey over the whole colony for £10. That right should be confined to the local authorities. They should have the right to license hawkers, or to keep them out of their district if they please, and they should have the right to stipulate what the amount of the license fee should be. Such license fees should be paid to the local authorities, as the fees for the registration of dogs and goats are paid. I would put a license fee of 10s. or £1 upon every one of them, to go towards the local revenue. It has often surprised me that the local authorities have not petitioned before this, asking the Government to pass some law which would allow them to have some jurisdiction over these hawkers. They are becoming a regular nuisance. A whole host of them have come from Asia, and are now hawking their bundles about the streets injuring the business men. Many of them have come from Palestine; but even though they do come from the Holy Land I object to them. The most objectionable are those who come from Poland, and who hawk about Brummagem jewellery, robbing the people in a most barefaced manner. Hawking jewellery ought to be as strictly prohibited as hawking brandy or whisky. I hope the Government will see to this. I have no doubt that the Minister in charge of the Bill, being of a very practical turn of mind, will see his way clear to embody a clause dealing with this question when the Bill is committee. I have much pleasure in supporting the Bill.

Question put and passed.

On the motion of the HON. C. POWERS, the committal of the Bill was made an Order of the Day for to-morrow.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

DEFAMATION BILL.

The SPEAKER announced the receipt of a message from the Legislative Council, returning this Bill with amendments, as indicated in the schedule.

On the motion of the HON. SIR S. W. GRIFFITH, the amendments of the Legislative Council were ordered to be taken into consideration in committee to-morrow.

DISTRICT COURTS ACT AMENDMENT BILL.

COMMITTEE.

On the motion of the HON. C. POWERS, the Speaker left the chair, and the House went into committee to consider this Bill in detail.

Preamble postponed.

On clause 1, as follows:—

"In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned shall have or include the meanings following, that is to say:—

'Supreme Court' shall mean the Supreme Court of Queensland;

'District court' shall mean a court proclaimed and called a district court in accordance with the District Courts Act of 1867, or any other Acts relating to district courts;

'Small debts court' shall mean any court held under the Small Debts Act of 1867, or any other Acts relating to small debts courts;

'Action' shall mean a civil proceeding in such manner as may be prescribed by any Act or by the rules of any court;

'Plaintiff' shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, summons, or otherwise;

'Defendant' shall include every person served with any writ, summons, or process;

'The Principal Act' shall include the District Courts Act of 1867, and the District Courts Act of 1867 Amendment Act, and the District Courts Act of 1867 Amendment Act of 1878;

'Prescribed' shall mean prescribed by Rules of Court."

The HON. SIR S. W. GRIFFITH asked what part of the Bill referred to the small debts court?

The HON. C. POWERS: Clause 41.

The HON. SIR S. W. GRIFFITH said he would suggest that the hon. gentleman should postpone that clause, which should not be passed as it stood.

The HON. C. POWERS said if there was going to be any opposition to it at that late stage of the session the Bill would not go through. They might pass that clause, omitting those parts which referred to the small debts and Supreme courts, as the Bill really dealt with district courts. He moved that the following words be omitted:—

"'Supreme Court' shall mean the Supreme Court of Queensland."

Amendment put and agreed to.

The HON. C. POWERS moved that the following paragraph be omitted:—

"'Small debts court' shall mean any court held under the Small Debts Act of 1867, or any other Acts relating to small debts courts."

Amendment put and agreed to; and clause passed with further verbal amendments.

Clause 2—"Provision for saving existing procedure where not inconsistent with this Act"—passed as printed.

Clause 3—"General saving power of judges"—passed with a verbal amendment.

Clause 4—"Judges of district court empowered to act throughout the colony"—passed as printed.

On clause 5, as follows:—

"The Governor in Council may from time to time by notice in the *Government Gazette* assign such district courts as he thinks fit to each judge or deputy judge of district courts, but the jurisdiction of any such judge or deputy judge shall not be deemed thereby to be limited exclusively to the courts so assigned to him."

The HON. C. POWERS said the previous clause gave the judges of district courts power to act throughout the colony, and that clause gave the Governor in Council power to assign to the judges certain districts to attend. He moved that the words "attend and hold courts" be inserted before "but," in the 45th line.

The HON. SIR S. W. GRIFFITH said he did not see any advantage in the amendment. The clause was quite intelligible as it stood. He might mention that there was a good deal of confusion in the District Courts Act, in consequence of the word "district" being used in two different senses. Sometimes it was used to mean the district round the particular place where the court was held; at other times it meant a division of the colony containing a number of districts, and it was often very difficult to know in which sense the word was used. He did not think there was any necessity for the clause; it had better be left out.

The HON. C. POWERS said perhaps there was no necessity for the clause, as it read in connection with the statute, but if it was necessary at all it should be amended. He was willing that the clause should be negatived.

Amendment, by leave, withdrawn.

Clause put and negatived.

Clause 6—"Judge of district court may perform the duties of other judges of district court"—passed as printed.

On clause 7, as follows:—

"Whenever, and as often as it appears to the Attorney-General or to the Minister of Justice desirable for the more speedy disposal of business that two judges of the district courts should hold courts or sit in chambers concurrently for the disposal of business at the same place or in the same district, it shall be lawful for any two judges of district courts, upon the request in writing of the Attorney-General or of the Minister of Justice, to hold courts and to sit in chambers at the same place or in the same district, and to exercise all or any of the jurisdictions of district courts or of judges of district courts in relation to all or any business at such place either concurrently or at such times as may be convenient for the disposal of such business, and the provisions of this section shall apply equally to any deputy judge or judges of district courts as to any judges of district courts."

The HON. SIR S. W. GRIFFITH said he thought "Governor in Council" should be inserted in the beginning of the clause in place of "the Attorney-General or to the Minister of Justice." He did not think matters of that kind, relating to the administration of justice, should be left entirely in the hands of a single Minister.

The HON. C. POWERS said he had no objection to the amendment. He moved that the words "the Attorney-General or to the Minister of Justice" be omitted, with the view of inserting "the Governor in Council."

Amendment agreed to.

Clause agreed to, with further verbal amendments.

On clause 8, as follows:—

"Notwithstanding anything to the contrary contained in section twelve of the District Courts Act of 1867, any judge of the district court who shall become disabled by reason of any permanent infirmity from performing the duties of his office may retire, or if required by the Governor in Council shall retire from such judgeship; provided that if such judge shall have served as judge for a period of fifteen years he shall, upon his retirement, be entitled to a retiring allowance by way of annuity, to be continued during his life, equal to one-half of his salary at the time of his retirement."

Mr. TOZER said he would suggest that a clause should be inserted giving the judges power to sit in chambers in Brisbane, and it would come in there better than in another part of the Bill. A provision of that kind has been suggested to him by one of the judges as being necessary to carry out the provisions of that measure, and he thought it would be a very salutary arrangement to make Brisbane the particular place where all district court judges might sit in chambers.

The HON. C. POWERS said he did not think such a provision, if adopted, should come in in that part of the Bill. It would come in in connection with the judges. But he would point out to the hon. member that clause 14 provided, in connection with judgment summons, that—

"Such summons must be returnable before a district court judge in the district in which the action would be ordinarily tried, or before a district court judge in Brisbane, or in such other place or places as the Governor in Council may by proclamation appoint as a place where any such summons, issued out of any district courts to be specified in such proclamation, may be made returnable."

And clause 16 provided that—

"Applications by way of summonses for final judgment may be made and determined in court or in chambers."

Mr. TOZER said he had another suggestion to make, which would probably come in there. Clause 5 of the Districts Courts Act of 1867, provided that the country for two miles on either side of the boundary of the district in which a district court had jurisdiction, should be regarded as neutral ground, in which the courts in both districts should have jurisdiction. The consequence was that in some cases men had to travel a couple of hundred miles to get to the nearest court, because they happened to live beyond two miles from the boundary, when they could reach the court in the next district by going twenty or twenty-five miles. If a provision were inserted in the Bill, extending the neutral ground to twenty miles, as in the Justices Act, that anomaly would be removed. One of the judges had told him that such a provision would be very beneficial to suitors who could not go to the court in their own district by reason of the distance. He believed that the judge who went to Torrens Creek, had to try cases arising within forty or fifty miles of that place, and in some instances a suitor would have to travel 200 miles. The 5th section of the District Courts Act provided that—

"For the prevention of disputes as to the jurisdiction of the district courts severally in cases where it may be difficult to ascertain within which of two districts a particular place is situated and in order to facilitate the execution of process including the service of summonses, in such places: Be it enacted that for the space of two miles on either side of the boundary between two adjacent districts the court holden in and for each of such districts shall for the purposes of this Act be deemed to have jurisdiction: Provided that the pendency of a suit in one of such courts or a judgment recovered therein shall be a bar to a suit in the other court between the same parties for the same cause."

He thought, as he had stated before, that it would be wise to extend that two miles to twenty, the same as in the Justices Act.

The HON. C. POWERS said difficulties might arise from the adoption of such an amendment. The Brisbane district was a different district from the Gympie district, the former being in the Southern and the latter in the Central district, and if the suggestions of the hon. member were adopted, a man residing on the border might compel a person to come down to Brisbane

from Gympie. They must fix some limitation, and section 40 of the District Courts Act dealt with the question of jurisdiction, and provided that no defendant should be compellable to appear except at the nearest district court held under the Act to the petty sessions district in which he should be resident. When they came to consider the question of jurisdiction they might provide that a suitor should go to the district court nearest to the place where he lived; that would get over the difficulty of a person having to go a hundred miles to a court when one was held just outside the district. The object in establishing district courts was to make persons go to the nearest district court. If they were going to extend the two-mile area, he hoped the hon. member would defer his amendment, and move it later on if he still considered it advisable.

Mr. FOXTON said he knew that in many instances in which the districts were referred to, they were thought by the judges to be the smaller districts, if he might use the expression, and not the three great divisions of the colony.

The HON. SIR S. W. GRIFFITH: They have no boundaries for the smaller ones.

Mr. FOXTON said he knew of a case where a defendant lived in Ipswich, and he could not be sued in the district court in Brisbane.

The HON. C. POWERS: No; because there was a petty sessions there, and the action must be brought in the nearest district court to the petty sessions districts in which the defendant was resident.

Mr. FOXTON said in that case the petty sessions districts were practically the divisions for the district courts.

The HON. SIR S. W. GRIFFITH said there seemed to be some mistake in the 5th line of the clause. The word "judgeship" should be "office." With reference to the retirement of district court judges, he did not see why a judge who should be so unfortunate as to be disabled after fourteen years' service, should get nothing upon his retirement. That hardly seemed fair.

The HON. C. POWERS said as the law stood at present, if a judge was thirty years in office he did not get anything on retiring, and the Government brought in that clause so that a judge who had served fifteen years and was then compelled through infirmity to retire, should be able to do so on half pay. With respect to the word "judgeship," he moved that it be omitted with the view of inserting the word "office."

Mr. DRAKE said it appeared to him that the benefit of the clause would be given to a judge under two sets of circumstances, either through disablement or upon being required to retire. If a judge was required to retire, it would be because he was not giving entire satisfaction, and he would be put in a position of advantage as compared with a man who had been disabled.

The HON. C. POWERS said he read the clause quite differently. First of all, if a judge became disabled he would retire. Then he could be made to retire for neglect of duty, but he did not get his pension unless he had served fifteen years. There were some cases in which it was desirable that a judge should be called upon to retire. Such cases had arisen, and if he had served fifteen years and was forced to retire he ought to be entitled to a pension. If, on the other hand, he had served twelve or fourteen years and was called upon to retire he would get no pension.

Mr. DRAKE said the hon. gentleman evidently did not understand him. He was taking the case of a judge who had served fifteen years and was given the option of retiring, and taking his pension. But if he was not giving satisfaction, the Governor in Council could forcibly retire him, and he would be entitled to the pension. It was putting a judge, who had served fifteen years and did not give satisfaction, in a position of advantage over one who had served a similar term, and did his work well. A man who had served fifteen years, and desired to retire, might go out of his way to do his work carelessly in order that he might be called upon to retire. It would be very much better to provide that any judge who had served fifteen years, could retire on half-pay. The only way in which a judge, who had served fifteen years, could retire from office, would be by misconducting himself, or by contracting an infirmity.

The HON. C. POWERS said he did not see the difficulty raised by the hon. member. A judge might have served fifteen years, and unless he forced the Governor in Council to make him retire he was not entitled to a pension. They might get over the difficulty by saying, "or if required by the Governor in Council for any reason other than misconduct."

Mr. FOXTON said they really wished to provide for the retirement of the judge with the approval of the Governor in Council. Suppose that a judge had behaved himself perfectly well and wished to retire having, perhaps, served the country for thirty years, it might be desirable that he should retire, although not in ill-health. He would suggest the addition of some words providing for the request for retirement coming from the judge himself.

The PREMIER (Hon. B. D. Morehead) said any such provision must be fenced round with conditions as to age. Some of the district court judges who had been appointed were under thirty years of age, and one about twenty-eight when appointed. It would be absurd to allow such a man to retire at forty-three on half pay.

Mr. FOXTON said it would be necessary to obtain the consent of the Governor in Council to the retirement.

The HON. C. POWERS said the clause was right enough, because by clause 12 a judge might be dismissed for misconduct. He must have some permanent disability before being required to retire.

The HON. SIR S. W. GRIFFITH said the clause was an alteration in the law in this respect, that at present a judge must misconduct himself before being removed, and even if he was disabled by reason of infirmity the Governor in Council could not make him retire, although that might, perhaps, come under the term "inability." The removal of a judge was a disagreeable thing to do. He had known instances in which judges of the district court were not able to do their work very well, but the Government hesitated to remove them. The clause provided that if a judge became disabled he might be required to retire from office, but it did not propose to give him a pension unless he had served fifteen years. It was right enough so far as the frame of it was concerned. The Premier had given an illustration in which a judge appointed when very young could retire at a certain age; but suppose a judge was appointed when rather old, and became very old and incapable of performing his duties, although not having served fifteen years, he would not get any pension. All pension schemes contained inequalities, but no amendment could be made giving larger pensions without a further recommendation from the Governor.

Mr. TOZER said the judges of the district court were cut out of the Civil Service Act and deprived of all benefits derivable from the superannuation fund. They were cut out by there being no recommendation from the Governor to make

provision for them. Supposing a district court judge in travelling through the colony broke his leg and was permanently disabled from resuming his duties, there would be no provision for him at all, though provision was made in the case of every other Civil servant, and they did not even allow the district court judges to make provision for themselves under the Civil Service Act.

An HONOURABLE MEMBER: He can insure himself.

Mr. TOZER said he could only insure against his death; but he was not speaking of that. If it had not been for the fact that it required a recommendation, he had intended to have moved a clause to the effect that if a district court judge got injured whilst in the discharge of his public duty, he should be entitled to such sum as the Governor in Council might allot him by way of pension, in the aggregate not exceeding half his salary. The district court judges would be cut out of that, and he asked what was the good of the clause? The clause provided for the case of a district court judge having served fifteen years, becoming disabled by reason of any permanent infirmity; but where would that arise? It might arise in one case in the colony, and never in another.

The PREMIER said it must be remembered that all the district court judges in the colony had accepted office under less favourable conditions than those contained in clause 8; without pension, gratuity, or anything else. The clause was intended to remedy what some persons considered an injustice which district court judges suffered from, and he had every reason to believe it met with the approval of the district court judges of the colony, and that they had not asked for any more. They might like more, and would no doubt like to retire after three years on full pay, but the clause, in his opinion, went as far as they ought to go.

Mr. GLASSEY said he would like the hon. gentleman in charge of the Bill to give the Committee some information as to why it was proposed to grant these pensions at all. If they gave a pension to district court judges, why should they not do the same for every member of the Civil Service? If district court judges had not been sufficiently well paid in the past, the Government should come forward with a Bill to increase their salaries, if such were necessary, which he did not think it was, or they should insert a clause in the Bill before them that would have that effect, instead of hanging a millstone of pensions around the necks of the people. The Minister for Mines and Works had referred the other night to a number of persons who had obtained pensions under pretence of ill-health and they evidently had a very long life. Their health seemed to improve immediately after they got their pensions, and they continued to enjoy them for many years; perhaps longer than they should enjoy them, though he had no desire to see them die prematurely. It was a pity that in this democratic country they should perpetuate the evils of the old country by granting pensions, particularly to men who were remarkably well paid. He did not say the district court judges were too well paid, but if they were not sufficiently paid, it would be better to increase their salaries, and enable them to make such provision for themselves as they thought proper. He should oppose pensions on every occasion on which they were brought forward, and he should oppose the pension proposed in the Bill, and do everything he possibly could to stop it, unless some very strong reasons were advanced in support of it. If it could be shown that it was necessary to establish pensions, then by all means let the principle be applied to every Civil servant in the colony. Those under the Civil Service Act had to subscribe so much out of their own salaries, and in the event of their being dismissed, or leaving the service voluntarily, they had to leave their contributions behind them for the benefit of those who would enjoy a superannuation allowance, but the proposal in this case was a very different one. He did not say a single syllable against the district court judges, and he did not oppose pensions upon personal grounds at all. He did not oppose the pension in the present case, because a certain gentleman might in a short time participate in it, but he opposed it on principle. He was sorry there was not a greater number of members present to consider the matter. He hoped his legal friends would pardon him when he said that when anything likely to affect their profession in any way was brought on, they could be relied on to be present, and willing to grant anything to members of the profession. They surely formed about the best trades union in the world; compact and solid to the last degree, and no matter how they differed upon matters religious and political, on any question of the law courts, fees, etc., they were unanimous.

The HON. SIR S. W. GRIFFITH: That is not my experience.

Mr. GLASSEY said that at any rate they invariably found them present when any question of the law courts was being discussed, and they were usually united. They were united on the present matter, and that might be for better reasons than he had yet heard. He had not heard a single reason why pensions should be granted to district court judges. They had an instance the other day of a pension being granted to a man before he retired from the service, and now they were proposing to allow men to retire upon £500 a year, and what for? Because they had not been sufficiently well paid in the past? If so, let the Government come forward and provide those men with salaries sufficient to enable them to make provision for themselves. That was the proper way to deal with the question.

The HON. C POWERS said he hoped the hon. member would listen to argument upon that matter, and if he was opposed to it he hoped the hon. member would not prevent it, except by the ordinary course of parliamentary procedure—take a division upon it, and then accept the voice of the majority.

Mr. GLASSEY: I shall certainly take the voice of the Committee.

The HON. C. POWERS said there could be no objection to that course where persons had decided opinions. He hoped the hon. gentleman would listen to argument. First of all the district court judges might serve forty years, and might not get a penny of pension under the clause; but if a Supreme Court judge who got £2,000 or £2,500 a year retired after fifteen years' service he would get a pension. They simply said in the clause that if an officer who had served the country in the position of a district court judge for fifteen years at £1,000 a year, became disabled through permanent infirmity from continuing to discharge his duties, he should get an annuity of half pay. Under the clause a judge could not retire after serving for fifteen years and claim his pension. He could not even retire after twenty or thirty years upon a pension, unless he happened to be permanently disabled, by reason of permanent infirmity, from performing the duties of his office. In such a case the clause would allow a judge to retire, after fifteen years' service, upon a pension; but a man in ordinary health might serve from the time he was thirty years of age until he was sixty or seventy, and he would not get any pension. Surely if a man served the country for fifteen or twenty years, and by reason of permanent infirmity was unable to get a

living in any other way, it was not unfair to allow him to retire on a pension. It was a very difficult thing to get capable men to accept the district court judgeships, because there was no provision of that sort. If there were, it would give a greater number of capable men from whom to select a judge. Capable men looked for nothing but Supreme Court judgeships. That was not entirely owing to the difference in salary, but principally to the fact that Supreme Court judges could retire on pensions after fifteen years' service. In the district court the judges had a great deal of dangerous travelling to do in coaches and buggies—particularly in the Northern and Central districts—and it was not fair to ask highly capable men to fill those positions unless they allowed them the right to retire on pensions when disabled by permanent infirmity from performing their duties.

Mr. GLASSEY said there could not be the slightest doubt that if the clause were passed as it stood the judges of the district court would take good care that when they wished to retire they could make out a reasonable case in favour of them suffering from permanent ill-health. That would fully confirm what had been stated by the Minister for Mines and Works the other evening. That hon. gentleman then said that when men retired from the service on the plea of ill-health, their lives were considerably prolonged as soon as their pensions were granted. That was what would happen in the present case. If a judge, in travelling through the various parts of the colony in the discharge of his duties, met with a serious accident, he might be compensated in some way, but a plea of disability through permanent ill-health was easily set up. He was sorry to say that certificates could be obtained from medical gentlemen on very flimsy pretexts. That was particularly the case when persons who had been highly remunerated wished to retire on the pensions which a very liberal legislature granted. He thought it a very flimsy plea for the passing of the clause. Another argument set up by the hon. gentleman was on the ground of equity—that the judges of the Supreme Court, who were much better paid, could retire on a very substantial pension. It was no argument that because one person received that which was not his due, from his (Mr. Glassey's) point of view, inasmuch as he was extremely well paid for any duties he had to perform, and could unquestionably make provision for himself and his family—it was no argument to induce him to give his assistance to the passing of the clause; nor was the very latest argument, that the judge could only get his pension on the plea of permanent infirmity. It would be much better for the Government to introduce a Bill to increase the salaries of the judges if they were underpaid, so that they might get clear of pensions in the future. By that clause they were perpetuating the evil. He intended to offer only reasonable, not factious, opposition to the present pensions; but he would give no pledge that on some future occasion, when more pensions were asked for, he would not adopt other methods, and use all the forms of the House to defeat them. On the present occasion he would not do so, inasmuch as he feared it would be useless, as a majority of hon. members present seemed to be in favour of granting pensions to district court judges. He did not say that £1,000 a year was sufficient for the district court judges—perhaps it was not; but from his own point of view, a man could not only live remarkably well on such a salary, but he could effect considerable savings out of it, and make a comfortable provision for himself and his family. He intended to take the sense of the Committee on the clause if he could get any hon. members to support him.

Mr. FOXTON said that if it was to be understood that permanent infirmity was to be the condition precedent to any judge taking a pension, whether required by the Governor in Council to retire or not, it seemed to him that the wording of the clause was somewhat defective. He would suggest that it be made clearer by omitting the word "retire," and substituting "and" for "or," so that that portion of the clause would read as follows:—

"Any judge of the district court who shall become disabled by reason of any permanent infirmity from performing the duties of his office may, and if required by the Governor in Council shall, retire."

He moved that the clause be amended by the omission of the word "retire."

The CHAIRMAN said there was an amendment already before the Committee.

Mr. FOXTON said he would ask the hon. gentleman in charge of the Bill to withdraw his amendment for the present.

The HON. C. POWERS said he had no objection to withdraw his amendment.

Amendment, by leave, withdrawn.

On the motion of Mr. FOXTON, the words "retire or" were omitted, and the word "and" inserted in their place.

On the motion of the HON. C. POWERS, the word "office" was substituted for "judgeship," in line 19.

Mr. GLASSEY said he rose for the purpose of moving the omission of the proviso to the clause. In doing so, he might say that if the Government gave a pledge—which he did not think they would—that they would bring forward a measure at an early date granting pensions to all Civil servants—and more particularly to those who were receiving very small salaries, many of whom were employed in very dangerous occupations—there would be very little objection to the clause. Take, for instance, the engine-drivers on their various railway lines. They followed a very dangerous occupation requiring a great amount of care, intelligence, steadiness, and sobriety; and supposing any of them met with an accident, in the discharge of their duty, which disabled them, would the Government state that they would be granted an annuity or pension as long as they lived? Or he would ask whether similar provision would be made for them after they had served a certain number of years in the department. He did not think it would be granted, and why? Simply because those men occupied a very humble position and received very small salaries, from which they were able to save extremely little. Take also the case of postmen. They had often to travel long distances on horseback, sometimes over very hilly rough country, and in the event of an engine or a dog frightening the horse one of those men was riding and causing it to throw and kill him, would the Government grant a pension to those he left behind, and who were dependent upon him for the means of living? Or, if he was permanently disabled, would they grant him sufficient to live on? He (Mr. Glassey) did not want to be rude or impertinent, or to say a disagreeable word to members of the Government on that question; but he would ask them whether the time had not come when even-handed justice should be administered to each person in the employ of the State? Because, as sure as life, there was a wide-spread feeling of irritation, annoyance, and discontent against the granting of those pensions. The people in the old country were perfectly in arms in consequence of the alarming sums that were paid as pensions to persons who had been in the Government service, some of whom had done very little while they were there, and perhaps it

would have been better if they had never been there. By granting those pensions the Committee were simply perpetuating those evils, to a lesser extent certainly, but that was due to the newness of the colony. He did not wish to offer any factious opposition to the Bill, but except pensions were granted all round, he should protest against and oppose them one by one, as they came before that Committee so long as he was there. He moved that all the words after "office" to the end of the clause, be omitted.

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

AYES, 25.

Sir S. W. Griffith, Messrs. Nelson, Macrossan, Powers, Black, Donaldson, Pattison, Dunsmure, Callan, Campbell, Dalrymple, Foxton, Adams, Hamilton, Smith, Stevens, Groom, Stephens, Cowley, O'Connell, Little, G. H Jones, North, Smyth, and Tozer.

NOES, 14.

Messrs. Perkins, Barlow, Unmack, O'Sullivan, Mellor, Glassey, McMaster, Annear, Morgan, Salkeld, Sayers, Watson, Buckland, and Plunkett.

Question resolved in the affirmative.

Clause, as amended, put.

Mr. GLASSEY said he intended to oppose the clause on the main question that the clause, as amended, stand part of the Bill. The least the hon. gentleman in charge of the Bill could have done was to have said something in reply to the arguments advanced by him (Mr. Glassey) as to whether it was the intention of the Government to extend the pension system to all employés in the service of the State. But not a solitary word was said; the matter was simply allowed to go to a division. He trusted they would hear something from other members as to whether they were in favour of those pensions or not. If it was the intention of the Government to extend the pension system to all servants of the State then there could not be so much objection to the clause, but he thought the Committee were entitled to be informed whether the Government would bring in a Bill, not that session, but next session, to give pensions to other men in the service after they had served a certain number of years, and were afflicted with some ailment which prevented them from performing their duties and earning a livelihood for themselves and those connected with them.

The HON. C. POWERS said the clause had been fully discussed, and the hon. member himself said he did not intend to offer any factious opposition to it. He (Hon. C. Powers) accepted that statement, and did not think the hon. member expected him to reply to his arguments, as nothing new had been advanced. Nor did he think the hon. member could expect him to say that the Government would bring in a Bill to give pensions to every person in the Public Service of the colony. That was a question which could not be discussed on the present occasion, and, besides, the hon. member was present when they passed the Civil Service Bill, which made provision for the payment of pensions to everybody in the service who retired at the age of sixty years, and for gratuities to those who were incapacitated by ill-health or accident

Mr. ANNEAR: They pay for their pensions, and why should not the judges do the same?

The HON. C. POWERS said it had been contended during the discussion that the judges did pay for them in one way, by accepting so small a salary. Unless some provision of the kind proposed were made, they would not get men whom the Committee and the country wished to see in the position of district court judges to accept the office at £1,000 a year, because good men could make more than that in the practice of their profession.

Mr. ANNEAR: Pay them a higher salary then.

The HON. C. POWERS said the question of paying them a higher salary was one they could not discuss at the present time, as it had been fixed at £1,000. There was no discourtesy intended on his part in not replying to the hon. member for Bundanba, and he did not think the hon. member could expect him to rise at once and say that the Government intended to do anything more for Civil servants than they had done in the Civil Service Act.

Mr. ANNEAR said it seemed to him that there was one class in the colony who must supersede every other class. If any person took notice of the divisions in that Committee he would find that, no matter on which side of the Committee the gentlemen belonging to that class sat, they would always be found on the same side whenever there was a division on anything that interfered with their interest.

The HON. SIR S. W. GRIFFITH: What class is that?

Mr. ANNEAR said he referred to the lawyers, and that clause seemed to be another provision for hedging round the lawyers a bit more, and giving them what no other class in the community enjoyed. He had read that Parliament had passed a Civil Service Act, under which everybody who would be entitled to receive a pension had to contribute a certain sum out of their salaries towards that pension. Why should the judges not do the same? The hon. member for Cambooya struck the nail on the head when he said that lawyers need not accept the office. There were plenty of men who were anxious to get the position of a district court judge in the colony. The question of pensions, as stated by the hon. member for Bundanba, was a very serious one indeed in the colony. They had recently seen men in the Civil Service, who had been in the receipt of good salaries ever since they had been men, leaving the service in the prime of their lives, and whilst they were still able to do plenty of work, and retiring on pensions at the cost of the taxpayers of the colony. He said it was a great injustice to the people, and the time had arrived when they should more seriously consider the question. Let any hon. member look at the Estimates, and it would be found that a sum of about £12,000 was paid annually to people who had occupied positions in the Civil Service, and mostly were living out of Queensland. Queensland was distasteful to them. They would not stop in the colony and spend a portion of their money in it, but they spent it in Paris, London, Melbourne, and Sydney. Queensland was not good enough for them to live in, although it was good enough to draw money from. A twopenny stamp would send a letter to the Queensland Treasurer intimating that henceforth their money was to be forwarded to London or Paris. The time had come when there should be a different system. If hon. members looked at that list they would see hundreds and hundreds of pounds paid to men who had received good salaries, who had made a competence for themselves, who were independent men, and yet they retired when they chose, on a pension. Hundreds of men could be seen in the colony, and out of it, who had done good service to the country where they lived. The other day only he had the pleasure of talking to a man who had done a great deal for people in Great Britain, a man eighty years of age, and where was his pension?

Mr. GLASSEY: In the workhouse.

Mr. ANNEAR said yes, that was the only pension he would get. The time had come also when they should take into consideration the class

tendencies in the colony. They could not think about it too seriously. He had no desire to offend any person. Talking about unionism among workmen, why, if anyone wanted to see unionism he had only to come to that house and see in the division that took place the worst form of unionism. They heard a few days ago something about pensions—that the present Government were granting them indiscriminately, and that a Bill would have to be introduced to legalise a good many pensions. It was not very often that the hon. member for Bundanba and he agreed, but he agreed with the hon. member heartily in that matter. That hon. member had touched the proper chord, and he trusted the Government and the people would stop that wasteful expenditure in pensions which had been going on for so long.

Mr. BARLOW said, when he was speaking on the Railway Bill last session, he brought under the notice of Ministers, as a representative of a large number of railway employés, the fact that a great many men who had been many years in the Civil Service escaped the benefits of the Civil Service Act, because they were paid by the day. He did not think there was an occupation more trying than that of engine-driver. Any man who realised the difficulties of taking a train up the Main Range would understand the amount of mental and bodily exertion suffered by the engine driver. He very much agreed with the hon. member for Bundanba that those servants should receive some consideration. He hoped the Minister for Railways would carry out his intention of forming some kind of benefit society, so that that great want might be met. He knew several cases where men in advanced life, who had never received enough to enable them to provide for themselves, would, if their occupation were to be taken from them, practically have no other resource but the workhouse. People might say that their children should keep them, but that was not a very fair thing, and he trusted the cases of those men would be considered. The matter was worthy of all the consideration the Government could bestow upon it.

The HON. P. PERKINS said he had frequently expressed the opinion that the present Government should put a stop to a system which had been pronounced to be so rotten, especially by the present Chief Secretary. He did not know of a greater opponent of pensions than the Chief Secretary when he was in Opposition, and when he was his (Hon. P. Perkins') colleague. He felt it a painful duty to oppose that clause, because he knew there was one judge who was entitled to a pension—a gentleman who had done good service to the colony. There was no man, whether Supreme Court judge, district court judge, or police magistrate, more deserving of consideration. He certainly would not exclude him; but he went on the broad policy that such a system should not be continued. He had the pension list before him, and had marked down certain persons whom he knew were in as good health as he was himself. Some of them had fat situations in other places, and yet they were able to get doctors' certificates enabling them to retire and live in other countries. The system was a rotten one, and the country could not afford it. It was nonsense trying to make hon. members believe that district court judges were so hard worked. How many people were in search of those billets? What had Mr. Justice Harding said the other day?—that there were no lawyers in this country. He said that to a gentleman who had acted as a judge, and that was the way he insulted and snubbed him. Possibly his honour was telling the truth, and he (Hon. P. Perkins) would take his statement as being correct. Most of the business done by the judges could be done by police magistrates, if they were given the power; and as the hon. member for Maryborough had said, there was too much hedging—too much fencing in of everything connected with the legal profession. They saw that exemplified that day in the papers, in which a case of embezzlement or something of that sort was referred to as being "in the matter of a solicitor." The name did not come in. They were very mindful of one another, but they were not so careful in regard to the public. They then took care that the names were published in full in some city rag that they were connected with. It was time that the House put its foot down and stamped out that rotten system of encouraging people to live in foreign countries by sucking blood out of this colony. The judges had plenty of opportunity to look after themselves; they were supposed to be wiser than other men, and they could provide for themselves by insurance. His annoyance every day was the visits of insurance agents, who wanted to bring two doctors to inspect him and pass him through, and he had to turn them out. Surely the judges could easily insure themselves, as they had to lead quiet and sober lives. They went to bed at a certain time and got up at a certain time, sober and ready for their business, and there would be no difficulty in their running the blockade and passing the doctors. They should take ordinary precautions as other people did, and he quite agreed with hon. members who had spoken on the other side that it was time the pension system was put a stop to. As he had said, he had the case of one judge in his mind whom he would consider as entitled to something, but beyond that gentleman he would not carry the system.

Mr. HAMILTON said he agreed with hon. members that plenty of men could be found to accept the position of a district court judge at £1,000 a year. There was no doubt about that; but what they required was capable men for that responsible position, and a man capable of filling such a position required to be a man of rare attainments, with high honour, a well-balanced mind, and sound legal knowledge. The point was that men of that kind could easily make more than £1,000 a year at the bar, and some such inducement as was contained in that clause was required to induce capable men to fill that position, which was one of the most onerous and responsible in the service of Queensland. The inducement was that after fifteen years of hard work——

Mr. ANNEAR: I have worked thirty years myself, and who is going to pension me?

Mr. HAMILTON said the Bill proposed that if after fifteen years' of hard work in a most responsible position a district court judge became permanently disabled his future was assured.

Mr. SAYERS said he had a few words to say upon the subject. He had hoped that for the future they would do away with pensions altogether, and he believed the country was against pensions. He was perfectly satisfied that no member of the Committee would go before the country and advocate pensions, and yet they were now asked to pass a Bill to perpetuate the system. It had been argued, and would be argued again, whenever anything of that kind came up, that there were some exceptional circumstances connected with it. The hon. member for Cook spoke of the high attainments men required to have who were appointed to the position of district court judges, and he was not going to say one word against the gentlemen who occupied that position in this colony.

They had accepted the position, however, with their eyes open, and now the Government came down and asked that Committee to give them half their salaries as a pension after a certain number of years' service. Looking at the pension list, he noticed there were six pensions on it for the present year which did not appear on the list last year, and the list involved too large a sum of money for a young colony like Queensland. The point was, that it was only the thin end of the wedge, and they were now being asked to perpetuate the system. He was one of those who thought it would have been much better if the Government had brought down a Bill to increase the salary of district court judges. He would have voted for such a measure, if it could be shown that it was required, because they would then know what they were doing; whilst the pension system was abused. Reference had been made to several gentlemen who had left, or had been allowed to leave the Civil Service, and were granted pensions for life illegally. It appeared from that, that the Government could illegally pension a man who was not entitled to a pension, and yet they had now a Bill introduced to enable them to pension others. They might go on pensioning men, and then come down to the House and ask for a Bill to indemnify them for what they had done. He objected to that sort of thing, as he had heard the names mentioned of several gentlemen receiving pensions, who were a long way from being sixty years of age. No one could take exception to the superannuation allowances provided under the Civil Service Act, because the Civil servants would have to pay for them themselves, and if the judges were obliged to do that, no one would take exception to their receiving pensions either. If the Government desired to do what the country unquestionably wished, they might increase the salaries of the district court judges by £200 a year, and let each judge put that by for the latter years of his life. If that was done there would not be so much objection to it, because the people would know that, so long as the judge retained his position, he would get a certain salary. He had heard it stated that men received pensions when they got certificates of ill health from a doctor, and one case was mentioned of a man who got a pension by swallowing a lot of soap. He appeared to the doctor to be very unwell, and got from him a certificate to that effect. The man received his pension and since that time there was no more soap, and he had been very well for a good many years. Under the clause a man might be appointed district court judge at thirty years of age, and if he had served fifteen years he would be allowed to retire on a pension of £500 a year. Was not that a monstrous thing? They knew that in many other countries the people were groaning under the pension system, and he was surprised that the Government should attempt to perpetuate it in this country. If there was a special reason for the Bill, in order to deal with a special case, the Bill should be framed in that way. They had dealt with the case of one man by a special Bill a few days ago, and if there were special reasons why one district court judge should receive a pension, a Bill to deal with his case might have been brought in, and there would probably not have been much opposition to it. But the Bill before them did not deal with the case of one man alone, but with the district court judges generally, and provided that after fifteen years' service they might retire upon a pension. He could not see why the country should pension judges any more than any other citizens. No man took a district court judgeship who could make more without it, and they did not accept the position for the benefit of the country, independently of any thought of gain. There were men in the Civil Service who had accepted office for the emoluments attaching to it, in the same way as the district court judges had, and they were to get no pensions. He hoped the proposal would be defeated, and he would himself do what he could to defeat it. He would not go as far as the hon. member for Bundanba, and say that a proposal to grant pensions to every officer in the service was not open to so much objection. He would object to such a proposition on principle all the same. There was no doubt that if a district court judge to-morrow saw his way clear to make £2,000 or £3,000 a year at other work he would not remain a district court judge for one week. Those judges should be put on the same footing as other Civil servants if it was thought provision of that kind should be made for them, and by paying so much out of their salaries they should be able to retire at sixty years of age on a pension. Under the Bill a district court judge appointed at the age of thirty might retire after fifteen years' service.

AN HONOURABLE MEMBER: If he is permanently disabled.

Mr. SAYERS said they knew how that happened sometimes, and they knew of gentlemen in receipt of pensions who had been supposed to be permanently disabled when they left the service, and who at the present time were as active as any member of the Committee. He would certainly oppose the clause.

Mr. SALKELD said he had heard the statement made that the clause, if passed, was only to apply to one person; but the hon. member for Burrum had stated that it was brought in because they could not get competent men to take the position of district court judges unless they were entitled to retire on pensions. He objected to the clause, not because it was to apply to lawyers, but because he considered the granting of pensions to persons in the Government service was unjust to other persons who were not in the Government service, who had to support themselves and their families by their own industry. They had to do the best they could; when losses came they had to bear them the best way they could, and if they were disabled or ill they had just to put up with it. A parental Government did not come down and prevent them coming to any harm. They often heard the cry, "He has worked so long and so hard in the Government service that he is entitled to a pension." It was time that all that nonsense should be done away with, as they were tired of it. Where was there any arduous work in the Government service? If they looked at the work which had to be done by thousands of people in the colony, they would see what arduous work really meant. Those people had to work very hard, and had to compete against the whole world. They were not protected by the Government, and if the fruits of their industry were swept away by flood or drought, they could not fall back upon the Government. As long as he had the honour of a seat in that Committee he would raise his voice against such pensions being granted. He was sorry to hear the leader of the Government bringing in a pension scheme, after what he had said against them. The hon. gentleman, though he might not have any special dislike to lawyers, had never missed an opportunity of having a fling at them, and yet he proposed now to grant pensions to district court judges, at the expense of the rest of the community. It was said that they would not put a tax of a farthing a head on the people of the colony, but they had to consider what the outcome of granting pensions would be. Additional taxation was heaped upon

the people of the colony—everything that they ate, drank, or wore, was taxed. It was amazing that the people endured it. He believed in having good Government, and in the Government paying their officers fairly, but he did not believe in plundering the mass of people to provide pensions for Government servants. The mass of the people had not the organisation possessed by the officers of the Government, who could league themselves together, and exert an undue influence upon the Government. He should certainly vote against the clause, and he was sorry that the Government should have brought it forward. He hoped it would be thrown out, and he should do what he could against it, both then and on every future occasion. The question of pensions was one of the most dangerous things they could have anything to do with. In the old country it had led to endless dissatisfaction and abuses. Of course there they had perpetual pensions, which the present scheme did not propose; and it was no wonder that people fancied the old country was honeycombed by republicanism and socialism. He did not believe there were very many republicans and socialists at home, but all the agitation was caused by the people rising against what were known as the privileged classes. They did not want to see that state of things in the colony, or to see class feeling excited; but if class feeling were excited against the class who had really a monopoly of the Government service, it was not to be wondered at. He would not hold his voice, whether it excited class feeling or not, but would agitate against the proposal until the country was thoroughly aroused against it. There would have to be a great reform, and it would be better to stop now than to have a mild revolution in the future. Pensions were the worst kind of things to institute in the colony. The only kind of pensions he believed in at all were those where the men paid for them in a proper way, so that the country knew exactly what they would have to pay. If the district court judges were not sufficiently well paid, let their salaries be increased; but at present it was proposed to give them pensions by a side wind. With regard to the difficulty of finding competent men to act as district court judges, he was sure that for every one they required there were at least half-a-dozen on the lookout for the position. He did not say that they were all competent. He did not know that those who were appointed were always competent. He believed the administration of justice had been dragged in the mire by eccentric judges who had not understood their positions thoroughly. It had been stated that the debates which had taken place in that Committee on several occasions had been the means of dragging the administration of justice in the mire, but hon. members had been compelled by their sense of duty to refer to those matters. He should oppose the clause.

The HON. A. RUTLEDGE said he was quite surprised to hear such strong language used as that which had just been made use of by the hon. member for Fassifern, in alluding to the very moderate proposal of the clause under discussion. The hon. member for Fassifern had fulminated to a remarkable degree against the attempt to provide pensions for district court judges. One would think that the Government were endeavouring to introduce some unheard-of innovation in the legislation of an Australian colony that was calculated to provoke a revolution. The speech of the hon. gentleman certainly savoured of a disposition to engage in a revolution at the earliest possible opportunity, because of the proposal to provide a moderate pension for district court judges when incapacitated for further work, after a service of fifteen years. He had no sympathy with the sentiments of the hon. member, who seemed to think it was something intended to confer benefits on a privileged class, and who spoke about a member of the Government who had no love for lawyers, attempting to provide pensions for officers who happened to be lawyers. Hon. members seemed to lose sight of the main principle contained in the proposal—a principle which was recognised and acted upon all over the British dominions. Quite recently New South Wales and Victoria had not only provided pensions for district court judges, but had very considerably increased their salaries. The object of the clause was not only to provide a retiring allowance for district court judges after they had served a certain period, but to ensure, for the benefit of the entire community, that the administration of justice should be pure, that those who were intrusted with the administration of justice should be placed in such a position that they would be under no temptation whatever to place themselves under any obligation to anybody in a financial sense. There was a very great distinction between a district court judge, or any other judge, and ordinary members of the Civil Service. They were intrusted by the legislature with the most delicate and responsible duties, and it was of the utmost importance that they should be placed beyond the reach of any temptation to discharge those duties in any other way than according to the strictest rules of justice. The system proposed was one way of obtaining that, and it was so regarded in all parts of the British dominion. Hon. members made no objection to the Supreme Court judges having a pension.

The HON. P. PERKINS: But we shall.

The HON. A. RUTLEDGE said it would be a very sorry day indeed for Queensland, or anywhere else, when the legislature placed itself in a position of hostility to the occupants of the bench. It was the duty of Parliament to make the laws, and it was the duty of the judges to administer them; and it was their duty not only to get the best men procurable to administer the laws, but to place them, in a pecuniary sense, beyond any liability to suffer themselves to be warped from the straight and honest path which judges, of all men, were supposed to walk in. That was one reason why it seemed to him that pensions to judges were justifiable. When the law provided pensions for Supreme Court judges why was there any objection to providing retiring allowances for district court judges? The principle was the same in the one case as in the other. They were both engaged in the administration of justice, and now, when they were putting two or three times more work into the hands of the district court judges than they had hitherto performed, was the proper time to recognise a principle of that sort in the form proposed in the section now under consideration. With all due deference to the hon. member for Fassifern, he could not help thinking that a great deal of what the hon. member had said was what was called in common parlance "high-falutin." The opinions he had expressed he held quite apart from any class sympathy or prejudice whatever; hon. members would no doubt give him credit for that. They ought all to be actuated by a desire to promote the pure administration of justice, and the proposition now before them would, in his opinion, tend very materially towards the object they all had in view. His only regret was that the Government had not gone far enough in the matter. He was prepared to support a provision placing district court judges on a par with the Supreme Court judges—that was to say, that if their health broke down before fifteen years they should be entitled to a retiring allowance. He regretted to hear hon. members declaiming against

the principle embodied in the clause, as if they were going to introduce something that was never heard of in any civilised community before. Surely they did not regard themselves so far in advance of the other colonies of Australia, and of all other parts of the British dominion, as to say that what was done everywhere else was wrong, and what they alone did was right. He should certainly support the adoption of the clause.

Mr. SALKELD said the hon. member had heard nothing of the debate before he (Mr. Salkeld) spoke, and therefore was not in a position to take in the situation. They both claimed to speak their honest views on the question. The only difference was that the judges, as members of the legal profession, filled a greater space in the hon. member's eye than they did in his. He was talking about the people he mixed with, who had to get their own living without Government help—who had to work from early till late, and who, when misfortune overtook them, had to do the best they could for themselves. The hon. gentleman referred to all the rest of the world, but he was sure that the great bulk of the people in the rest of the world, inside of the British dominions, held the same views as he did, and not those put forward by the hon. gentleman. It was a point of his (Mr. Salkeld's) argument that 1,000,000 of people in England had more influence than all the rest put together, and that 5,000,000 of them scooped the pool. And in the same way, 12,000 or 15,000 men scooped the pool in Queensland. He knew he could get his opinions endorsed any day by his constituents, who knew very well that he was against the system of pensions. In his opinion the system followed in the old country was wrong, and he wanted the right course to be followed in the colony. The hon. gentleman talked about "high-falutin." He had done no "high-falutin," but the hon. member had made a special pleader's speech in favour of the judges.

Mr. FOXTON said he thought he could afford to pass by the ungenerous insinuation made by the hon. member for Maryborough, who implied that the legal members acted from personal motives in voting as they did in the late division. His reason for thinking so was because he did not think there was a single legal member who would take a district court judgeship if it was offered to him. He felt some difficulty in the matter, because he would have preferred a measure which would have placed all the judges on the same footing, in one respect, as the Civil servants had recently been placed by the Civil Service Act — that was, that out of their salaries they should contribute a fair proportion towards a superannuation fund for their own benefit. He was opposed to the system of pensions, because he believed it would grow; at the same time he would point out to hon. members that the pensions pure and simple, included in the schedule in the Estimates, were not so large as they had assumed, because about half of them were paid to retired Civil servants who had contributed to the superannuation fund. Having said that he would prefer that the judges should contribute towards a superannuation fund, he would go farther, and say that under those circumstances it would be necessary to increase their salaries. There were three ways of looking at the matter—first, with regard to the present occupants of the bench; secondly, with regard to those who had yet to be appointed; and, thirdly, with regard to a gentleman well known to the Committee, to whom reference had already been made—a gentleman who had served the colony well, and who was entitled to a pension, if ever a man was. If the Bill became law it would certainly be necessary to appoint two more district court judges—possibly three—on account of the increased amount of work to be done. He knew very well that the most suitable men in the legal profession would not be willing to accept district court judgeships under the existing terms; and unless those terms were altered there would be pleading before the district court judges, men who were their seniors and superiors, so far as their legal attainments were concerned. That was not a desirable thing. He thought everybody would admit that the nearer they could approach a state of things in which the judges were the most eminent men in the legal profession, the better would be the administration of justice; and for that reason he gave the clause his support.

Mr. MORGAN said he thought it was rather ungenerous on the part of the hon. member for Charters Towers, Hon. A. Rutledge, to come in at the fag end of the debate, and accuse members of making "high-falutin" speeches—speeches which, by the way, he had not heard. He thought that no hon. member was so much given to using superlatives as that hon. member himself; and it was particularly cruel on his part to accuse the hon. member for Fassifern of having made a revolutionary speech. He thought the hon. gentleman in charge of the Bill would be wise if he would consent to the clause being negatived. He thought the clause was out of place in the Bill, which was in other respects a very good one, and one which ought not to be imperilled by the hon. member insisting upon the passage of the clause before them. The clause affirmed a principle to which a number of hon. members were strongly opposed. There was no relation between the principle embodied in the clause and that affirmed in the Civil Service Bill, because in the latter case the different officers had to buy their retiring allowances, while in the former the country was to be made to provide the allowances. They had been told by one or two legal gentlemen that the district court judges were buying their prospective allowances or pensions by serving the country at a very low rate of remuneration. If those judges were underpaid at present, the difficulty ought to be got over by bringing in a Bill to give them proper pay, if it were necessary. There was no doubt whatever that the hon. member for Bundanba had stated what was perfectly true when he said there was a strong and constantly growing feeling against the system of pensions. There was a strong feeling in the Committee against the system, and he noticed that of late they had degenerated into a position of evincing too much desire to "coddle" the Civil servants and judges. If all those gentlemen were allowed to depend upon themselves a little more, the country would be equally well served, and much better satisfied. They were getting into a way of giving too many pensions. Who would provide a pension for their chairman? Would anyone bring in a Bill with that object? He was sure that hon. gentleman would have to depend upon his own exertions, like most other people. It had been said that there was a particular case in the minds of hon. members, but to that he replied that it was not wise to deal with particular cases by general legislation. When the necessity arose, a special measure should be brought in to deal with that particular case, and if the facts were as they all believed them to be, the Committee would be prepared to do justice to that case. He strongly objected to the clause which would apply to all judges at present occupying seats on the district court bench, and to those who would follow them. The principle of pensions embodied in the clause was a pernicious one, and one which they should set their faces against. They had a pension list which was already too large. It contained the name of a

gentleman who had had a tap on the head from a tomahawk, and the legislature voted him a pension of £600 a year for life. That gentleman was now drawing the money of this colony whilst living in luxury in another. There were too many of those cases, and the list was constantly mounting up. He did not see why they should pass a clause which would commit them to a great number of retiring allowances of £500 a year. It was too serious a matter to be allowed to pass without a great deal of discussion; and if the hon. gentleman in charge of the Bill wished to see the remaining clauses passed he should consent to have the one efore them negatived.

The HON. SIR S. W. GRIFFITH said he felt he must speak with a certain amount of diffidence upon the matter, because he was a member of the trade union which had been spoken of. However, he supposed he might express his opinion. The clause did not contain any such dangerous provisions as the hon. member for Warwick seemed to think. It provided that judges of the district court who had been on the bench for fifteen years, if at the end of that time they were disabled by permanent infirmity from doing any more work, might be pensioned. How often would that occur? It would not occur very often. It was the practice in most countries to offer such encouragement as would enable them to obtain the best men as their judges that could be found; and he did not believe there would be one of those pensions drawn in thirty years. Some hon. members wished a separate Bill to be brought in to deal with each case; but he thought that it was most objectionable to pass Pension Bills, as they did in the American Congress. Amusing stories were told of the way in which such Bills were passed there. Persons applied for pensions on the ground that they had been in some battle or other, when probably they had never seen the place. He should be very sorry to see such Bills introduced in Queensland. They had adopted the principle that officers in the Civil Service should have retiring allowances, and he thought, if there were any objection to the clause, it was that it did not go far enough. Of course he was aware that all he said would be taken with a certain amount of discount, and he might be accused of desiring to have that £500 a year himself. But he was willing that that discount should be allowed. If hon. members looked at the matter from a common sense point of view, they would see that there was no great injury to the constitution in allowing the clause to pass. Pensions were part of their system, and the position of these judges was an anomaly. There were some portions of the Bill which would prove very useful, and it would be a great pity if they were prevented from being passed by the discussion on that clause.

Mr. MACFARLANE said he hoped the hon. gentleman in charge of the Bill would take the advice of the hon. member for Warwick and withdraw that clause. He (Mr. Macfarlane) had always been and he hoped always would be opposed to pensions. The very first year he was in that House, he did what he could by his voice, his vote, and by division to show that he was opposed entirely to pensions. They knew what the effect of pensions had been in the old country. So anxious were the Government there to get rid of them that they were purchasing them up, compounding with the pensioners by giving them lump sums instead, in order to try and quiet the great amount of agitation that was getting up against those pensions. He hoped to see the same thing in those new countries. He would like to know why a lawyer, who happened to be appointed a district court or a Supreme Court judge should be entitled to a pension? There was no argument in favour of it, except that he had been appointed a judge. Why should not doctors, and farmers, and bootmakers, and members of Parliament get pensions? He did not advocate such a thing for a moment, but he contended that there was as much justice in one case as in the other. Because a man happened to be employed under the Government he must have a pension! There was no reason whatever for it. No commercial man, unless he happened to be very generous, would give an employé a pension on arriving at the age of sixty, or after serving fifteen years, and why should it be done in the Government service? There was neither rhyme nor reason for it; and notwithstanding what had been said by the hon. member for Charters Towers and others in support of pensions, it was all bunkum. If a lawyer was appointed a judge at thirty years of age, when he reached forty-five he would not be able to do any more work. According to the statement of the leader of the Opposition, he would be able to do nothing after serving fifteen years.

The HON. SIR S. W. GRIFFITH: If he is permanently disabled.

Mr. MACFARLANE said under that clause a judge would get a pension after serving fifteen years, whether he was able to work or not.

The HON. SIR S. W. GRIFFITH: Oh! no.

Mr. MACFARLANE said that did not matter, because it was very easy to get a doctor's certificate. The doctors always helped the lawyers, and it was very easy to get over that little difficulty. He should be very glad to hear some reason or some logic why a lawyer who was appointed a judge should be entitled to a pension after a certain number of years, any more than a shoemaker who had been working for the benefit of the country for perhaps more than fifty years. The only reason that could be given was that good men could not be got unless they paid more for them, but how was it they could get good men in other professions? Was not a doctor as good as a judge any day? He did all he could to prolong life, and if any men were entitled to pensions it was doctors. But they did not give pensions to anybody but Civil servants and judges, and on one occasion to the widow of the late President of the Legislative Council. Those were the favoured persons. He should like to hear some strong reasons why judges should be pensioned more than anybody else.

The HON. SIR S. W. GRIFFITH said he would state the reasons why he thought it desirable to grant pensions in some cases. Pensions used to be granted because it was the pleasure of the Crown to make a present to a friend; and the arguments used nowadays against pensions were based very much on that old theory. No doubt the system of pensions used to be most shamefully abused, and for that reason the objections to that system had become somewhat indiscriminate. The view he took was this: That pensions could only be justified in the public interest. The question was simply, was it in the public interest that pensions should be given? The office of a judge was one which withdrew the man who accepted it altogether from the chance of earning a livelihood in his business. As it took away from men their means of making a livelihood by their ordinary profession or business, they hesitated to accept the position unless some provision was made for them when they got advanced in years or became disabled. That was the only reason he knew of why pensions should be given to judges—because the

man who accepted the office was cut off from the means of earning a living at his profession. If a man did that for the purpose of serving the country, the State should see that he should not be reduced to penury when he was no longer able to earn a living for himself. He could not support the granting of pensions on any other ground than that.

Mr. SALKELD said the hon. the leader of the Opposition had stated that a man who occupied the office of judge could not go back to work at his profession, but he knew that judges in America frequently left the bench, and went back to their profession; and he could see no reason why they could not do so here. He supposed it was a piece of legal etiquette that after a man had sat on the bench as a judge, he should not go back to practise at his profession, but why should not it be a recognised thing that after a judge retired from the bench, he could go back to his profession if he wished? If a man drew £1,000 a year for fifteen years, that was £15,000, he ought not at the end of that time to be reduced to penury. What did those people do who did not make £1,500 in fifteen years, and received no pension? He failed to see that any really good reason had been given why judges should receive pensions. As soon as they applied the arguments which had been used to the rest of the community, it was seen how inconsistent and untenable they were. The granting of pensions had gone on hitherto, because attention had not been called to the subject, but he hoped it would not be so in future. In England many pensions were held by persons to whom they had not been granted, having been bought in the market like any other marketable commodity, and the holders of them were now becoming alarmed because the people were rising up against the payment of pensions. He was present in the House of Commons when the Secretary for the Treasury, Mr. Fowler, promised Mr. Bradlaugh that no more pensions should be commuted until the House of Commons had had an opportunity of expressing its opinion on the subject. There had been a great deal of talk in that Committee at one time and another about administering their railways on business principles. Why could they not administer the whole of the affairs of the State on business principles? Where was the merchant, or manufacturer, or employer of labour who would do what the State had done in the matter of pensions? There might be a case where a very wealthy person had pensioned an aged servant who had served him a long time; but, as a rule, all the workers in the social hive outside those in the Government service had to provide for themselves and their families in their old age, and those were the persons who had to pay the taxes out of which pensions were to be provided. The present Government had imposed fresh taxation, and the late Government had intended to do the same; but if the affairs of the country were administered on business principles, they could do without additional taxation. He quite agreed with the Hon. Minister for Mines and Works, who had said that the Government had too much money to spend on the Government service. Yet the Government were increasing expenditure in all directions. There was £6,000 a year for Railway Commissioners, £2,000 or £3,000 for Civil Service Commissioners, and there was to be a comptroller of prisons at £1,000 a year. If that kind of thing went on, they would have to impose still further taxation. It was time that those who were really opposed to the increase of the public expenditure should stand up and speak out. He would do so, no matter what might be said by the leader of his party, or by the party itself. He was willing to accept the advice of his leader, and the party with whom he was associated, on most questions; but there were some matters in which he refused to be bound by them, and that was one of them. The way their expenditure was increasing by leaps and bounds was a crying evil, and he was sure that if proper business economy was exercised in that direction, they would be able to promote settlement on the land much more satisfactorily than they had done hitherto, increase the industrial wealth of the country, and have prosperity spread over the whole community, instead of being in such a position that they were not able to pay the interest on the public debt, because their funds were frittered away in the objectionable manner he had indicated.

The HON. C. POWERS said the matter had now been fully debated, and the arguments for and against the clause fully stated. The hon. member who moved the amendment on it stated at the time that he did not intend to offer any factious opposition to the clause, and he had shown that he had no desire to give it a factious opposition. If they discussed the question three or four days, which every hon. member would admit they could not do at that stage of the session, they could not debate it more fully, and he would therefore ask hon. members to let it go to a division and negative the clause, if the majority of hon. members were of opinion that it should be negatived. Let them decide the matter now, and get on with the Bill. Everyone's mind must be made up, and no good could result from prolonging the discussion. He thought there were decided and honest objections to pensions, but what was provided for by that clause was not a pension in the ordinary acceptation of the term. It was simply proposed that judges who had served the country for at least fifteen years, should be allowed to retire on half their salary if they were incapacitated from getting a living in any other way. Surely no one would like to see gentlemen occupying that position entirely dependent on the State after they had served fifteen years. It had been generally admitted that the Bill would take a great deal of work from the Supreme Court judges and put it on the district court judges. If that was so, they would want good men for the position of district court judges, and they would not get such men, unless they offered some further inducement than was given at the present time. He trusted that members would allow the clause to go to a division, and not delay the progress of the Bill.

Mr. O'SULLIVAN said he refused to accept the dictum of the hon. gentleman. He did not care how much the question had been debated; it was not a good proposition to put before the Committee. But because there was a majority in favour of it it was to be carried, whether it was right or wrong. The explanation given by the leader of the Opposition had not given any satisfaction to the Committee. What did the hon. gentleman say? He stated that there were very good clauses in the Bill, and that the granting of pensions was justified in the public interest? But what argument was that? Surely any good thing done for the colony was in the public interest. The contention of those opposed to the clause was that it was not in the public interest. There was no doubt that there was, and had been for years, a growing feeling in the colony against the granting of pensions. Although he (Mr. O'Sullivan) might sometimes disagree with the hon. member for Bundanba, still he thought the hon. member had done good service in opening up that question, and he would support him in his objections to the clause. He was not a general or long talker in that House, but he believed there was nothing more

corrupt than pensions. As for the remark of that great lawyer, the hon. member for Charters Towers, that the statements made by hon. members were "high-falutin," he reminded him (Mr. O'Sullivan) of a paragraph he read in the *Courier* a few years ago about two women who were fighting. One had a little girl with her and she said to her mother "Make haste and call her 'thief' first, before she call it to you." The very term that the hon. member applied to others applied to himself, only he escaped it by using it first. He liked to hear the hon. member talk. There was scarcely any member of the Committee he liked to hear better, because he talked so big and so loud, and his words signified nothing. He never could catch a proposition properly or logically laid before the Committee by the hon. member, and yet he liked to hear him talk; he liked to see his ability to make so much noise with so little effect. He could tell the hon. member in charge of the Bill, that there was a growing desire to do away with pensions in the colony. They were notoriously corrupt in the old country. Ladies stooped to conquer for pensions in the old days. They were actually so corrupt that the whole country would have a voice in the matter. Would it not be better to follow the advice of the hon. member for Warwick. That hon. member always brought in something new when he spoke. Why not do as he suggested, and increase the salaries of the judges and thus get rid of pensions. He (Mr. O'Sullivan) claimed his perfect freedom in committee to vote as he liked. It was unquestionable that he was faithful to his party; but, like the hon. member for Fassifern, there were some things he could not and would not swallow. He did not like the proposal before the Committee, and on that occasion he was perfectly free to express his own opinions. He would go with the hon. member if he would increase the salaries of the judges, but let them have done with pensions. They had seen too much of those pensions, and he was certain the country would stand no more of them. Reference had been made by the hon. member for Bundanba to the question of giving some assistance to railway employés, engine drivers, gatemen, and such like, who had been years and years in the service of the Railway Department, but he did not wish to go into that subject at present, for the reason that the Minister for Railways had promised to do something for those men. He was waiting for the fulfilment of that promise, and the hon. gentleman could take his word that he would keep him up to his promise.

The HON. C. POWERS said as there were a great many members who had apparently decided to talk the question out, he moved that the Chairman leave the chair, report progress and ask leave to sit again.

Mr. UNMACK said if the hon. member for Burrum thought he was going to stifle discussion by proposing such a motion, he was mistaken.

The HON. C. POWERS: We want to get on with the Estimates.

Mr. UNMACK said he did not care what the Government wanted to get on with. They on his side wanted to discuss a matter worthy of discussion, and they would talk as they liked. He was not one who would be choked off. He did not believe in the gratuitous advice of the hon. member for Burrum, when he told the Committee that the matter had been sufficiently discussed, and that they should hold their tongues and go on with business. The hon. member should be perfectly satisfied by that time that there was great objection to the granting of pensions, and instead of trying to stifle discussion it would be well for him and his party to remember that a certain number of hon. members represented a large number of heavy taxpayers who objected to pensions. The hon. member made a great mistake if he thought it to the advantage of his party to stifle discussion and the expression of the feelings of those hon. members who represented so many taxpayers. They had heard a great deal about that business, but he for one had not heard any tangible reason why it should be settled in the way proposed. He considered that the granting of pensions out of the consolidated revenue or out of the moneys which, in a manner of speaking, were ground out of the people, was wrong in principle and practice, so long as they could find another means of effecting the same object. Other ways and means were at their disposal. Therefore it was a matter well worthy of discussion and very serious consideration before they committed the country to a step which he was sure, on full consideration, every right thinking man would object to. The money which was being collected from the taxpayers of the colony was not to be devoted to feeing men, and to be given to those who had served a few years, to spend in luxury in living out of the country, not even contributing to those taxes which others had to raise to defray ordinary expenditure. They had something better to do with the money. He thought it well worthy of the consideration of the Government, whether some action could not have been adopted in order to meet the strong wishes of those who represented a large number of colonists, and who had spoken against the measure. He had carefully endeavoured to find reasons for justifying pensions to be given to the judges under the Bill. He had heard three. The first reason had been given by the junior member for Charters Towers, who said it would tend to purify the administration of justice. Did that hon. member mean to insinuate that the administration of justice was not pure at the present time? Did the hon. gentleman mean to insinuate that the prospective pension held out by the Bill to judges of the district court after fifteen years' service would tend to purify the administration of justice? The hon. member could not make the Committee believe any such thing, nor did the hon. gentleman himself believe it. It was all very well to bring forward special pleading of that kind, but there was nothing in it. The leader of the Opposition had given the Committee two reasons. The hon. gentleman had said, first, that the pay at present was not sufficient to induce the best men or good men to accept the position. As against that they knew that whenever the position of a district court judge was vacant, there had been a scramble for the billet, and if that was considered an exaggerated expression he would say that there were at least ample applications for the position. In any case the present district court judges had accepted their present positions knowing the salary and conditions attaching to them, and they had expressed themselves satisfied with them, and congratulated themselves, and were congratulated by their friends, upon their appointment to so good a position. Where, then, was the occasion now to give them anything additional? He could not see any reason for an alteration on that ground. The other reason given by the leader of the Opposition might possibly carry some weight. The hon. gentleman said that a judge who had been in occupation of a seat on the bench for a number of years was, in a manner of speaking, entirely withdrawn from the ordinary course of practice, and he would be comparatively unfit to resume the ordinary duties of a practising barrister. There might be something in that but it was not a serious objection to surmount. If a man felt he had ability which

would enable him to fill a higher sphere, he would naturally resign a position like that. A man who would be influenced by such circumstances as those would hardly be influenced by a paltry pension of £500 a year because he would be in a position to earn a large sum of money by private practice. There were various ways in which to accomplish what was sought to be accomplished by the Bill, and he could point out a way in which the judges could be placed in a better position than the Bill would place them in, and that without the colony being put to any expense. The first way he would suggest would be to alter the clause to the effect that those gentlemen should place themselves, the same as other Civil servants, under the Civil Servants Act superannuation clauses. Every officer, except those in the Railway Department, would be compelled, when the Civil Service Act was brought into force, to contribute towards the superannuation fund established under that Act. Those who had been ten years in the service could pay up certain back contributions, and they would be entitled, in five years from now, to a pension. That was to say, that after fifteen years' service, they would be entitled to a pension of half their salary. After that, for every subsequent year they served, they would get an additional sum given to them, and if the district court judges were brought under the superannuation clauses of that Act, and served twenty-five, instead of fifteen years, they would be entitled to a considerably larger amount than the £500 proposed to be granted under the Bill before the Committee. Looking at the matter in that way, it was clear that the judges would be placed in a more advantageous position by being brought under the Civil Service Act, than they would be under that Bill. Then, again, the judges would have another additional advantage. Supposing that a judge, the day or the week after his appointment to the bench, became disabled through any accident, he would get compensation under the compensation clauses of the Civil Service Act. That was an additional advantage, because under the Bill the judge must wait for fifteen years before he could get anything. He (Mr. Unmack) would be quite willing to follow the suggestion made by other hon. members, and agree to an increase of salary being granted to the district court judges. If it was contended that gentlemen of the legal profession would not accept the position of district court judge at £1,000 a year, they might give them £200, or £300, or even £500 more, if that was thought necessary; but they should not burden the State with any more pensions, as they were most objectionable, and were liable to be misused; and under such a system they would never know the country's liabilities. They had been assured by Ministers that the fund proposed to be established under the Civil Service Act would be sufficient to serve the purposes for which it was established, so that there would be no danger in bringing the judges under its provisions. Another advantage in bringing those gentlemen under the superannuation clauses of that Act would be found in the fact that the more subscribers they got to that fund, the more it was likely to be solvent and able to carry through. His proposal, therefore, was to bring the judges under the Civil Service Act; it would be of greater advantage to the judges themselves, it would relieve the country of the burden of pensions, and he was quite sure it would give satisfaction to every member of the Committee. There was only one other point to which he desired to refer, and it was this. He had been informed that the clause was specially intended to be made applicable to the case of one senior district court judge only. If there was such an idea as that, why did not the Government come straight out with it and tell them so? He, for one, would not oppose the granting of a pension to that gentleman, as there were special circumstances connected with his case, and he could justify a vote in favour of that to his constituents, because that gentleman had been an able and zealous administrator of justice. He, for one, would cheerfully and gladly give not only that pension but a little more, if necessary, because the gentleman in question was fairly entitled to it. If such an intention was lurking in the minds of the framers of the Bill they should have said so in a straightforward manner. If the hon. gentleman in charge of the Bill had taken them into his confidence, the matter would have been agreed to, but that clause went further. It would apply to all future district court judges. He did not object to the pensions given to the Supreme Court judges, because there were many reasons to be advanced in favour of them, but he could not see why those pensions should be made applicable to all future district court judges, when a better scheme was open, and one which would be more profitable to the judges, and certainly more satisfactory and easier to the tax-payers of the colony.

The HON. P. PERKINS said he would not offer any further observations on that question that night, but he wished to call attention to the fact, that Ministers seemed to claim a priority of right to stand up as often as they liked, no matter whether another member might stand up at the same time or not. He had called upon the Chairman four or five times that evening, and each time some member of the Government had stood up, and notwithstanding that the Chairman had seen him (Hon. P. Perkins), he had in every instance called upon the Minister. That was not the first time that had occurred. The other day the hon. member for Warwick was in the chair, and he (Hon. P. Perkins) had stood up at the same time as the leader of the Opposition. He had given way on that occasion to the leader of the Opposition, and although that was known by a member of the Government, when the hon. gentleman had finished, he stood up, and the hon. member for Warwick had called upon that member of the Government to speak. He did not know what license members of the Ministry had to stand up time after time to address the chair. Ministers had no more authority in that Committee than any privat member, and the Chairman had just as much right to pay attention to him or to the youngest member of the Committee as to any member of the Ministry.

The CHAIRMAN: The hon. member will allow me to interrupt him. I have only seen the hon. member rise twice, and not four or five times, as he says. I have never shown any favour to any hon. member, but it has invariably been the custom when a Minister and another member have risen at the same time, for the private member to courteously give way, and sit down until the Minister has spoken. For my part I have never shown favour to any hon. member of this Committee.

HONOURABLE MEMBERS: Hear, hear!

The HON. P. PERKINS said that notwithstanding his desire to believe in the Chairman's love of fair play and impartiality, he could tell the Chairman that he had that night gone a little beyond that. He (Mr. Perkins) had risen four or five times to speak, and each time he had been obstructed by a Minister, although that hon. gentleman knew that he had something to say.

The CHAIRMAN: I must repeat that I only saw the hon. member rise twice under the circumstances I stated before. I did not see the hon. gentleman rise four or five times.

The HON. P. PERKINS said he did not hear what the Chairman said, but he maintained that Ministers had no right to start up and obstruct other hon. members who wished to address the chair. He wished to refer to some of the remarks made by the leader of the Opposition. Notwithstanding the hon. gentleman's desire to hedge in, by that legal Bill, the fraternity of which he was the shining star, he had let a little light in through the roof that evening. The hon. gentleman had told them that pensions had been initiated in by-gone days by royalty to corrupt the House of Commons. He supposed the hon. member referred to the times of George II., George III., or George IV. He was glad the hon. gentleman had given them that information, and he was glad the hon. gentleman had had the candour to admit so much. That admission should be sufficient to condemn the system, which was wrong in its initiation, and it was a system which the people of the colony would not submit to. One of the tribunes of the people, the junior member for Charters Towers, who happened to have a license to go into the courts and plead before their honours the judges, had spoken in favour of granting those pensions, but if the hon. gentleman had not that cloak upon him, and was not licensed to plead before the judges, but wore some other mantle, what would he say in connection with the proposal? As the hon. member for Stanley had said, he would make more noise than he had done. No one would be louder in denouncing that rotten system—that encroachment upon the rights of the people—than the junior member for Charters Towers. Not a member of that Committee would make more noise, or talk more rant and bunkum than the hon. gentleman. He had felt when the hon. member was speaking that he was doing violence to his feelings, and that he was speaking against what he believed in his soul. He knew the hon. gentleman was doing violence to his feelings, because he had only been speaking half the truth. He did not know what the hon. gentleman in charge of the Bill proposed to do, whether he merely proposed to move the Chairman out of the chair, or to abandon the measure. While not opposing the Bill entirely, he would take good care that no more pensions should be voted by the Committee so long as he was a member of it.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said the hon. member had taken the trouble to lecture Ministers about getting up before he had a chance of saying anything. He (Minister for Mines and Works) had not spoken a word upon that question that evening, while the hon. member for Cambooya had spoken several times.

The HON. P. PERKINS: Only twice.

The MINISTER FOR MINES AND WORKS said when the hon. member had had an opportunity of speaking he had not taken advantage of it. He had heard the Chairman call "Mr. Perkins" when the hon. member for Toowong and the hon. member for Cambooya had stood up together. He did not think the hon. member had any more right to lecture Ministers than Ministers had to lecture hon. members. Ministers did not lecture hon. members; but he certainly thought that the Minister in charge of the Bill was entitled to be allowed to speak in preference to any private member, when he had anything to say. No member of the Ministry had spoken that evening upon the subject under discussion except the Minister in charge of the Bill, so that the hon. member might have spared them the lecture. The fact was the hon. member had lost his temper about something else.

The HON. P. PERKINS: I have not.

The MINISTER FOR MINES AND WORKS said the hon. member had lost his temper about something else, and he thought Ministers were fair game to fly at. The Minister in charge of the Bill had moved the Chairman out of the chair, to report progress and ask leave to sit again. That was the question before the Committee. The hon. member for Toowong had made some very sensible suggestions about assuring the judges of the district court, and other hon. members had made a sensible suggestion about increasing their salaries, but they could not do anything at present on that clause. The Chairman must be allowed to get out of the chair in order that the clause might be reconsidered. If the Minister in charge of the Bill chose to introduce the Bill to-morrow or on Friday, he could do so, together with any amendment which he might think fit to adopt. The hon. member for Toowong said the Minister in charge of the Bill should be conciliatory. He had been conciliatory in moving the Chairman out of the chair. Was that not a conciliation?

Mr. UNMACK: He advanced no reasons for his motion.

The MINISTER FOR MINES AND WORKS said he had given his reasons before. When the hon. gentleman said his suggestions were not adopted, when he saw there was a large minority opposed to the passing of the clause, he did perfectly right in moving the Chairman out of the chair. There was no other course open to him except withdrawing the clause, which the Committee would not allow to be done. He hoped the Chairman would be allowed to leave the chair, so that they might get on with other business; and, if necessary, the clause could be amended, and re-introduced the next day.

Mr. McMASTER said the reason given by the hon. member for Burrum for moving the Chairman out of the chair was that the Government wanted to get on with the Estimates. They all knew what that meant. Had the hon. gentleman said he wished to withdraw the Bill to reconsider the clause and introduce it in another form, he did not think there would have been a single word said against it. Was it intended to shelve the Bill because that particular clause was opposed? There were some very good things in the Bill, and the Committee desired to see it passed, but not with that clause unless it was amended. The Minister in charge of the Bill said it was a pity he could not explain fully the reason why that clause had been introduced. Every member of the Committee knew perfectly well what judge he was alluding to, and if he would introduce a clause that would apply to that judge only, he (Mr. McMaster) would willingly support it. That gentleman was worthy of it, and he did not believe there was anyone who would not cheerfully allow something to be granted to him for the services he had rendered to the colony in his judicial capacity. It was known that the health of that judge was not good, and that he ought to retire; but the clause as it stood did not apply to him only, but to the other district court judges as well. It was the introduction of the thin end of the wedge; it meant that every judge could retire at the end of fifteen years if he was infirm. Who were to decide when a judge was infirm? The Government of the day; and the Government of the day might say to a judge, "We believe you are infirm; you had better retire, as we have somebody else to put in your place." He was totally opposed to any further increase of the pension list, the first two items on which amounted to £1,850, and both the gentlemen

to whom they were paid lived out of the colony. One of them was imported, and immediately after he had served his fifteen years and became entitled to his pension he went home. No doubt that gentleman did good work; but he was very well paid for doing it. If the judges were not sufficiently paid, increase their salaries. The Government had power under the Act to do so, with the sanction of the House. The salary must not be under £1,000, but it might be as much more as the House thought fit to give. If the Government were really anxious to give the judge alluded to a retiring pension, why did they not come before the Committee in a straightforward manner and ask for it. If the object of moving the Chairman out of the chair was to enable the Government to reconsider the clause, with a view of introducing it again in an amended form, he did not think the discussion would go much further; but if it was simply to enable the Government to get on with their Estimates, he did not think they were likely to get on with them very fast.

Mr. ANNEAR said they could not spend their time more profitably than in discussing that question. The hon. member for Burrum should take a lesson from the veteran politician sitting alongside of him, the Minister for Mines and Works. Some years ago, when that hon. gentleman sat on the Opposition benches, the Treasurer of the day, the Hon. J. R. Dickson, said, during the discussion of a question, "Let us go to a division," when the hon. gentleman got up and said, "Are you going to apply the clôture to this House? I object to it," and the debate was continued for a considerable time longer. The question before the Committee was of the utmost importance to the people of the colony, and it must be thoroughly discussed before they went to a division upon it. The truth seemed very unpalatable to some hon. members. He had stated the truth earlier in the evening when, without wishing to be personal, he had pointed out how, in divisions of the House on questions affecting the legal profession, the lawyers always stuck together. He wished the working men would stick as well together as the lawyers. There were no "blacklegs" among the lawyers, as there were amongst his own class; but he hoped that in time, when they got more working men in the Assembly like the hon. member for Bundanba and himself, they would be found voting as solidly as the legal profession now did. He agreed with the hon. member for Toowong, that if the Bill was intended to meet the case of a certain judge, that ought to have been stated; and he believed that any sum asked for that gentleman would have been voted unanimously, because there was no one who had done better service for the country. The objection he had to the Bill was that it applied to all district court judges. Speaking of those outside Brisbane, he might say that the district court judges, with £1,000 a year and all their travelling expenses paid, had good fat billets; and if one of them were to die to-morrow there would be plenty of applications for the billet from men well qualified to carry out the duties. After fifteen years of that luxurious life it was proposed that they should be pensioned. He had worked as hard as anyone in the colony, and he did not want one; but he wondered if he did, who was going to give him a pension. He would now ask what was being done in Queensland in connection with pensions, and what was being done in the other colonies? The most eminent man in New South Wales, Sir Alfred Stephen, who did good service as Chief Justice, retired on a pension, and New South Wales was good enough for him to live in. He took an interest in everything that tended to the welfare of the public institutions of that colony, and everything that took place for the benefit of the masses. And in Victoria there were judges who had retired from the bench. But in Queensland a Chief Justice who had drawn £2,500 a year, for fourteen or fifteen years, left the colony as soon as he received his pension of £1,250 a year. The second name on the pension list was that of a gentleman who met with an accident.

The HON. SIR S. W. GRIFFITH: His skull was split open with a tomahawk.

Mr. ANNEAR said the name of that gentleman was A. W. Manning, and he received a pension of £600 per annum; but anyone who saw how he enjoyed himself in Sydney would not think he had been incapacitated from doing some work for the colony. He did not blame that gentleman, but he blamed the Parliament, who not only granted that pension but also provided that in the event of his death his widow should have a pension of £300 per annum. A more outrageous system never existed in any part of the world. The judges of the colony were to be held sacred. No one must breathe a whisper against them—that was what the legal profession said. In the United States of America, at the time of a presidential election, if the democrats were turned out of power by the republicans, what was the result? Ten thousand Civil servants had to be replaced in one day. While he was in Washington some of the judges had to be replaced by other judges; and he knew very well that Judge Norton, of Indianapolis, who held office under the democratic Government, had to leave his judgeship and settle down to his profession like any other lawyer when the republicans got into power; and that was not the sort of thing that would happen if the proposed Bill became law. At the expiration of fifteen years, or earlier, if any judge could get a doctor's certificate as to inability or failing health, he would be entitled to a pension. He could recollect when there were only six or eight names on the pension list of the colony. Now there was a page and a quarter of pensioners, and there would be more next year, which was a great injustice to the taxpayers. All persons had been pinched more or less during the last eighteen months, and taxes had to be levied. He did not blame the Government for the present tariff; they all had a good deal to do with that tariff, and he was not ashamed to say so. He hoped the time would come when they would be in the same position as America—when they would be able to produce all they required for themselves, and export to every other part of the world. He hoped his friend the hon. member for Carvarvon would not for one moment think that he had been personal towards him, or to any member of his profession; but he noticed that all the members of the legal profession acted together upon all occasions where the law came in. Had he known that the clause was only to refer to one gentleman, he would not have said so much as he had; but he thought it would have been much better if a measure had been brought forward to deal with that particular case, as he was certain that all members of the Committee would have voted for it unanimously.

The HON. C. POWERS said in reference to the questions asked by the hon. members for Fortitude Valley and Toowong, about the Bill coming on again, he had moved that the Chairman leave the chair, report progress, and ask leave to sit again. He certainly thought the Bill should be brought up again, and was under the impression that several other hon. members wished to speak. That was why he had moved that the Chairman leave the chair; they could go on with the Bill to-morrow.

Mr. LITTLE said he had one or two words to say. He should support the hon. member for Burrum, because he thought the clause before them was just and fair. He had seen the district court judges in places where many hon. members had never been, and could thoroughly understand that it was the duty of the country to select the most able men to administer justice that could be found. It was all very well in the South, where there were railways and coaches; but he had seen district court judges in the North walking along, leading their knocked-up horses, and up to their knees in mud. Those gentlemen deserved well at the hands of the country, and did not receive the salaries they should, considering the amount of training that was necessary, and the fact that if they chose to live in the centres of population they could earn twice as much as they were paid. He was no advocate for the legal profession as a rule; they had knocked him pretty hard; but he would not condemn them all because there were one or two black sheep amongst them. Some concession ought to be made to the district court judges in the North and West, where they had great difficulties to encounter. He had seen a district court judge camped under a tent with only a blanket and a sheet of bark. The hon. member for Maryborough seemed to think that he was the only working man in the Committee; but what about him (Mr. Little)? He could tell that hon. member and the hon. member for Bundanba that he had worked here before either of them ever saw Australia, and he supposed he would die in harness. It seemed as if there was going to be some stonewalling, if so he should recommend the Government to stay there and give them a fill of it. He was willing to stay; he was always "on the job." There was another thing he wished to speak about. The Chairman had not treated him fairly. When he was on his legs to speak, the leader of the Opposition was allowed to speak before him, and then when that hon. gentleman had sat down, he rose again; but that bald-faced old joker, the hon. member for Ipswich, was called——

Mr. ANNEAR rose to a point of order. He wished to know if it was Parliamentary to call an hon. member a "bald-faced old joker"?

The CHAIRMAN said the hon. member was decidedly out of order in using such language.

Mr. LITTLE said he apologised. He was not going to detain the Committee any longer, but he simply wanted to refer to the treatment he had received at the hands of the Chairman. It was not the first time the same thing had happened; and he hoped the Chairman would get a pair of spectacles so that he would be able to see him as well as other hon. members. He, the Chairman, had no right to allow the hon. member for Ipswich, Mr. Macfarlane—he hoped the hon. member was not offended with what he had said—to get up and speak after the leader of the Opposition, as he (Mr. Little) was on his legs before either of those hon. members.

Mr. GLASSEY said he had previously stated that he did not intend to offer any factious opposition to the clause, and he simply desired now to ask the hon. gentleman in charge of the Bill whether, after hearing the numerous speeches that had been made against the clause, he would bring in such an amendment of the law as would put an end, once for all, to those obnoxious pensions? It would be very much better for all concerned to increase the salaries of the judges as they had the power to do under the existing law, without any new legislation, that is if the judges were not sufficiently paid, than to have those discussions from time to time, because they would occur whenever those pensions were asked for. He would like to hear from the hon. gentleman whether he would make some alteration in the law, which would satisfy the wishes of hon. members by putting a stop to pensions.

The HON. C. POWERS said so many suggestions had been made that he could not say at present what amendments would be brought in, but they would be duly considered before the clause was presented to the Committee again.

Question put and passed.

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

ADJOURNMENT.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—I move that this House do now adjourn. The first Government business to-morrow will be Supply.

Question put and passed.

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