

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 1 OCTOBER 1896

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

ORDER OF GOVERNMENT BUSINESS.

The PREMIER: By permission of the House, I propose to take into consideration the message from the Legislative Council regarding the Australasian Federation Enabling Bill after 7 o'clock this evening.

GRANT OF LAND TO JOHN MACKAY.

Mr. CHATAWAY, in moving—

That, in the opinion of this House, it is desirable that a Bill be introduced to authorise a grant of 1,000 acres of agricultural land to John Mackay, by way of consideration for his discovery of the heads of the Pioneer River and Port Mackay—

said: The proposal contained in this motion has been submitted to this House twice before. In 1882 a motion was passed without a division, for the purpose of awarding Mr. John Mackay 1,000 acres of land in recognition of his discoveries of the Pioneer River and the land on which the present town of Mackay stands. The motion was afterwards carried through committee, and but for the prorogation, and shortly after the dissolution of the Parliament, there is very little doubt that it would have become law. In 1887, a similar motion was brought forward. At that time there was a good deal of strong party feeling in the House, and that motion was lost on division by two votes. On the first occasion it appeared to be recognised by all the speakers—and a large number spoke upon the motion—that the motion was one which ought to be adopted and eventually carried into effect. Under these circumstances I shall be very brief in alleging the reasons which have induced me to hope that the House will pass this motion. In 1860, Mr. John Mackay was appointed leader of an exploring expedition which left Armidale in New South

Wales. Having got to Rockhampton, which was then the outpost of settlement, they travelled northwards along the coast. Touching the coast at certain places, and exploring the country to the head of the Isaacs, they went over the range into what is now known as the district of Mackay. The expedition suffered a good many hardships; fever and ague was the lot of every member of it, and one member of it, I believe, succumbed to disease, and was buried at the head of the Isaacs. Mr. Mackay, after returning to Rockhampton, and having traced this river to its mouth, at his own expense chartered a small boat and made his way up the coast, and discovered the not easily ascertainable mouth of the Pioneer River. Everybody knows the difficulties of getting into the Pioneer River even in these days, and they were very much greater then. Having discovered the river, Captain Mackay went up it as far as he could in his boat, and then landing he went up along the banks of the river. Besides that, he prepared plans and a rough sketch of the river at its entrance, and of the natural features which surround it. Those plans were lodged in the Lands Office, and it was on those plans that, shortly afterwards, the Government of the day declared Mackay to be a port of entry. It is admitted that we should reward our discoverers, although I think this colony has not done sufficient in that way. It is true that the Mining Act provides that rewards shall be given to those who discover new goldfields, but it seems to me that a reward such as we give in that case—£1,000 was given for the discovery of Croydon—is a very poor reward for a discovery of such vast importance. There is no need for me to bring forward precedents for this sort of thing. I need only mention the £2,000 awarded to Mr. Landsborough for his explorations, and the various rewards that have been paid for the discovery of goldfields. The work done by John Mackay was work which has brought him no reward whatever, although it has brought to the colony a very large revenue. It was the first step towards opening up a district from which the Treasury has gained an immense amount, both from the sale of land and from Customs revenue. I have worded the motion in this way—That John Mackay be given a grant of 1,000 acres of land—because those were the terms of the former motion. But what the petitioner really asks the House for is some place where he can make a home and settle down, some agricultural land which is fit for cultivation. Whether, if the motion is passed, the House will see fit to make it 1,000 acres is a matter I need not discuss at present; but some sort of reward or acknowledgment should be made to Mr. Mackay for his explorations and discoveries and for the assistance he gave gratuitously to the Treasury and the Lands Office in mapping out and opening up that port. As I believe other members will speak on the subject, who perhaps have a more intimate knowledge of it than I have, I will say nothing more, but conclude by moving the motion standing in my name.

Question put.

Mr. DUNSFORD: Unless I hear further and better reasons for granting this reward to Mr. Mackay I shall certainly not think of voting for the motion. The hon. member said that other speakers were prepared to give the House better information than he could give, but that information does not seem to be forthcoming. And as you, Sir, were just about to put the motion without any statement being made by any Minister—although this means a grant by the State representing a substantial amount of money—I think it is as well to give the Premier or some other Minister an opportunity of speaking upon it. I have always been given to understand that Mr. Mackay, who is harbourmaster

at Brisbane, and has been in receipt of a salary of £360 per annum since 1883, had that position given to him as a reward for his discoveries.

HONOURABLE MEMBERS: No, no!

Mr. DUNSFORD: That is my information, and if it is so, Mr. Mackay cannot plead poverty and throw himself on the mercy of the House. I understand also that a previous application was made for an additional award, and that after the matter was thoroughly thrashed out, the House refused to give it.

Mr. McMASTER: No.

Mr. DUNSFORD: I understand the only reward the House thought necessary was the reward he received in the shape of an appointment in the Civil Service. The mover of the motion says there is a system of giving rewards for the discovery of new goldfields. That is so, but it is not the person who merely rides over a goldfield who gets the reward. A certain time has to elapse, and the goldfield has to be proved payable, and there has to be a certain amount of population before the reward is given.

An HONOURABLE MEMBER: Is not that the case with Mackay?

Mr. DUNSFORD: What was it that made Mackay? A man merely entering the mouth of the Pioneer River? Not a bit of it. The true pioneers of Mackay were Mr. Davidson and Mr. Fitzgerald, who grew the first sugar and erected the first sugar-mills. They not only proved that sugar-cane could be grown there, but they suffered all the hardships of pioneers, and put their capital into the place and lost it. Those are the men who deserve the reward for the discovery of the Mackay district. For whatever Mr. Mackay did, the reward he has received and is still receiving is, in my estimation, full and ample for the services he has rendered to Queensland.

The Hon. J. R. DICKSON: All those who know Captain Mackay will admit that in the post he at present occupies he is a most capable and efficient officer. Anything I say, therefore, will not be in his disparagement, or with a desire to prevent his receiving from the State that recognition of his services which may be his due. But when an application is made to this House for a grant of 1,000 acres of land, which is equivalent to money, although it may have been debated in previous Parliaments, it is incumbent upon the Government not to allow such a matter to go to a vote without expressing their opinion upon it. I must express my astonishment that the hon. member for Charters Towers was not anticipated by a member of the Government, either to defend the Treasury or to recognise the claim of Captain Mackay. I think the claim has not been very well proven. I quite admit the benefit accruing to the colony from the discovery of Mackay, but, as has been well said, if Captain Mackay had not discovered the Pioneer River someone else would have done so later on. But this is the point I wish to impress upon the House: That if the discovery of Mackay has been such a great boon to this colony it has been a still greater boon to the people of Mackay, and why should not the recognition of Captain Mackay's services come from the people of Mackay themselves, some of whom have made large fortunes there? Those are the men who should have initiated the movement, and then perhaps they might have come to the State. It seems amazing that a vote of 1,000 acres of land, although it has been debated formerly in this Chamber, should be about to pass on the voices without a single member of the Government rising either to approve of it or to point out the weakness of the scheme.

The PREMIER: Hear, hear! The wicked Government.

The Hon. J. R. DICKSON: Well, the hon. gentleman has been very lethargic, and I trust

he will express his opinion, because his opinions are always received by the House with great respect, even though we may at times differ with him. This is a matter that ought to be well considered. I claim to be a personal friend of Captain Mackay, and I would do all I could to legitimately advance his temporal interests, even by giving my vote to secure a recognition of his services by giving him a larger salary; but when an application is made for 1,000 acres of agricultural land to be given to a person who has been paid for performing certain duties in connection with the exploration of the country, I think it is incumbent upon this House to be thoroughly satisfied that the applicant is entitled to it, and that we are not establishing a precedent which may be unduly extended in the future. Unless there is a much stronger case made out, although I shall exceedingly regret having to vote against the motion, yet I believe my duty to the State compels me to do it.

The SECRETARY FOR PUBLIC LANDS: As Minister in charge of the administration of the Lands Department, which is proposed to be raided by the motion of the hon. member for Mackay, it devolves upon me to state what attitude the Government propose to take in regard to it. The hon. member for Bulimba has twitted the Government with not having expressed an opinion immediately the hon. member for Mackay resumed his seat, and of allowing it to go upon the voices. There was no such intention at all. Had some other hon. member not anticipated me, it was my intention to rise and express the opinion I am now about to express.

Mr. DUNSFORD: It would have gone to a vote if I had not risen.

The SECRETARY FOR PUBLIC LANDS: The hon. member is entirely mistaken. I was watching very carefully to see that it did not go through. The hon. member was a bit too hurried.

Mr. DUNSFORD: The question was put before I rose.

The SECRETARY FOR PUBLIC LANDS: The hon. member has a lot to learn yet in this House. I am not addressing myself to the hon. member for Charters Towers. I do not think he threw much light on the subject. What I was waiting for was more light. I was waiting for someone to give further reasons why this motion should be passed, because it seemed to me that the reasons given by the hon. member for Mackay were not as full and ample as they might have been. The hon. member for Bulimba says that the claim has not been proven, and I was simply waiting for it to be proved. The hon. member for Mackay has put the matter before the House very briefly, but I do not doubt that the brevity of his remarks was due to the fact that the matter has been discussed in previous years—once since I have been in the House, and, I believe, once before that. In 1878 a somewhat similar motion was fully discussed, and was lost by only two votes. On that occasion Sir S. W. Griffith was at the head of the Government, and he, on behalf of the Government, opposed the motion on the sensible and practical ground that if this claim was allowed it would prompt others who had discovered, say, Townsville, Bowen, the mouth of the Burnett River, and other places, to put in similar claims. Bundaberg is a very thriving place, and is very much on the same lines as Mackay. It owes its prosperity to the energy, perseverance, and enterprise of the people who first settled in the district. My history may be at fault, but I do not know who discovered the mouth of the Burnett River; but I do not doubt that if this resolution is agreed to we shall have a large number of discoverers coming forward asking for similar concessions. Under those circumstances,

although the Government fully recognise the fact that Captain Mackay probably bestowed an inestimable boon upon Queensland by the discovery of that magnificent stream, the Pioneer River, yet he is one of very many who have conferred similar benefits upon the colony, and it is impossible to accede to the request even in the case of such a deserving gentleman, perhaps not altogether because 1,000 acres asked for is of greater value than the benefits which his discovery conferred upon the colony, but simply because it would open up a very large question indeed, and give rise to a large number of claims which possibly might not be so valid or so entitled to respect as that of Captain Mackay. That being so, the Government are reluctantly compelled to oppose the motion.

Mr. CALLAN: The hon. member for Mackay stated that Captain Mackay started with others from Armidale in the year 1860, but it was altogether a private enterprise with a view to taking up country. Hon. members may not be aware that in those days the land laws were totally different from what they are now. I went to Rockhampton in 1860, and the rule was to take up country under the old Orders in Council when you discovered it. Those gentlemen, I suppose, went out intending, if they found any good country, to take it up and afterwards sell it to others. Some men made a great deal of money in that way. That system was subsequently done away with by the Government, and the country had then to be stocked within six months. That, of course, did away with the reason that influenced men to go out as Captain Mackay did to Port Mackay. At the time I refer to Rockhampton was the furthest out settlement. The furthest out station was some fifty miles north. All the land about Mackay was available for the gentlemen who discovered it. So far as I can see a private enterprise of that sort, which no doubt paid those gentlemen, should not be brought forward in this House. I do not know Captain Mackay, but I am speaking as one who had a knowledge of the laws in those days, and as one who availed himself of the laws and made a little money out of them. I do not consider that Captain Mackay deserves any further reward than he ought to have obtained if he had been a sharp man at the time of that expedition. Now as to the discovery of Mackay, whilst I have the greatest regard for the people who inhabit that place, I cannot see that it is at all in favour of any man that he should have discovered that horrible sandy river. There is Port Newry, twenty-five miles distant, which would have made a much better port. The hon. member for Enoggera is interested in that place, and I can say from personal knowledge that it is a magnificent port. On the other hand the place which Captain Mackay discovered is one of the worst ports in Queensland, and that is saying a good deal for it. If Captain Mackay is to get a grant of 1,000 acres for discovering the Pioneer River, why does not someone come forward and claim 2,000 acres for discovering the Mary River? There must have been far more trouble in discovering it than the Pioneer. I may say from late experience that that river has not been properly discovered yet, because two months ago one of the steamers tried a new track and went ashore, not in the river but in the straits. Another man who might come forward and ask for a grant is the discoverer of Lake's Creek, Captain Lake. He discovered that creek thirty-six years ago. If the House once admits claims of this sort for discoveries which were made in the dark ages of Queensland history, there will be no end to the claims. I shall decidedly vote against the motion.

Mr. MACDONALD-PATERSON: I regret to see a note of hilarity in regard to this claim.

It is said that light is wanted upon the subject, and if the House will bear with me I will read the speech which I delivered when the matter was dealt with in 1882. The Secretary for Lands says that darkness enshrouds the question, and as far as he is concerned he is right. The mistake one or two speakers have made, and notably the last speaker, is that this is a claim for a reward for the discovery of a sandy river. We know what the Pioneer is. The tide rises there as it does in other parts of the world, and it forms a very good means of communication with the outer world. But the claim of Captain Mackay, as alleged by his friends, is not that he discovered the river, but that he discovered the magnificent land in that vicinity and drew the attention of the Government to the fact, which resulted, without a single sixpence of profit to himself, in the opening up of the best sugar district in the colony. The Secretary for Lands says why was not the discoverer of the mouth of the Burnett rewarded, but we do not know who he was.

The SECRETARY FOR PUBLIC LANDS: We will soon find out, if you pass this motion.

Mr. MACDONALD-PATERSON: I know that the district of Mackay was well settled before a steamboat came into the Burnett. I have gone up and down the coast frequently between the Fitzroy, Port Curtis, and Brisbane, and we knew from hearsay that there was a very good river there, but understood that the land at the back was totally unfit for settlement, and that the river at the bar was only crossable by a jolly boat at high tide. That was the condition of the Burnett for years after Mackay was discovered.

The SECRETARY FOR PUBLIC LANDS: Who rectified that?

Mr. MACDONALD-PATERSON: That would be a matter of historical interest to the Secretary for Lands.

The SECRETARY FOR PUBLIC LANDS: Apparently you are no better off.

Mr. MACDONALD-PATERSON: The hon. gentleman admitted that he was historically deficient with respect to Captain Mackay's claim.

The SECRETARY FOR PUBLIC LANDS: No, I did not.

Mr. MACDONALD-PATERSON: The hon. gentleman said he wanted more light.

The SECRETARY FOR PUBLIC LANDS: Yes, and I still want more light.

Mr. MACDONALD-PATERSON: When this matter was before the House in 1882 there was more light, and if hon. members will listen to these few words which then fell from me they will have a better idea of the subject. After pointing out that it was not at all to Mr. Mackay's prejudice that he had not preferred his claim till that time, because it was only recently that Mr. Landsborough's claims for his explorations had been recognised, I said—

"Mr. Mackay was a similar man to Mr. Landsborough, and he was a man of vigour, pluck, energy, and indomitable enterprise. He saw Mr. Mackay when he started from Rockhampton to Mackay, and he seemed the very picture of what a bold explorer should be. The result of that exploration was not so trivial as some hon. members seemed inclined to make it out to be, and his work should be recognised, as had been done in other cases. According to the hon. member (Mr. Beattie), his acquaintance, Mr. Sinclair, discovered Port Denison at his own expense, and was badly treated with a reward in the shape of a billet worth £100 or £120 a year. But Mr. Mackay did not get a billet of £120 a year. If Mr. Sinclair was badly treated, how much more badly treated was Mr. Mackay? Reference had been made to pensions for services performed to the colony, which services had always been paid for. Was there not much greater reason in recognising, in the shape of a reward, great and unpaid services to the colony?"

Hon. members must remember that many of the explorers to whom reference has been made, and possibly will be made this afternoon, were paid explorers; but Mr. Mackay was an unpaid explorer.

" . . . Mr. Mackay brought capital with him, and lost every penny of it in taking up land at Mackay. The district was at that time infested by blacks, and during the years of 1862-4 there was a flood every season. After encountering such troubles as those, Mr. Mackay came back to Rockhampton a perfect wreck in mind and body, and it was years before he recovered from the fever and regained a fair state of health.

. . . There was not the slightest doubt that the great development and settlement that had taken place was to a great extent due to the fact that Mr. Mackay, in addition to being a bushman and an explorer, was also a master of the art of navigation and a plucky sailor. Those qualities together had combined to enable him to bring that district into a prominence which it would not, under ordinary circumstances, have attained until years later. . . . Having rewarded paid explorers, he thought the House might give some little reward to a gentleman who was an unpaid explorer. Mr. Mackay had contributed his mite towards the settlement of that district, to the great benefit of the colony; and he now sought a very humble reward."

I think Mr. Mackay deserves the greatest credit for having enabled the Government to utilise a territory which has become renowned in Australia as the best sugar-producing country we have. He might have kept his information to himself for his own benefit, but he immediately placed the whole of it in the hands of the Government, with the result that we have there a prosperous township, and one of the most prosperous districts in the whole coast of Queensland.

Mr. HAMILTON: It has been said that Mr. Mackay was not paid for his work. But not only did he discover that country at his own expense, but he also chartered a barque at his own expense, travelled by sea, and made a chart of the coast and the river, and presented it to the Harbours and Rivers Department, by whom it was subsequently used. In 1882 a motion was introduced by Mr. Stevenson, the then member for Clermont, to the effect that 1,000 acres of land should be granted to Mr. Mackay, and it was carried unanimously. The hon. member for Bulimba and the present Secretary for Lands were members of the House at that time, and they offered no objection to the motion. Subsequently Parliament was dissolved, and the McIlwraith Government could not carry out the resolution which was passed. During the subsequent Parliament the hon. member for Carpentaria, Mr. Palmer, introduced a motion requesting the then Government to confirm the action of the McIlwraith Government, but after some argument it was lost by a majority of one. We must remember that not only did Mr. Mackay discover this country, but that he opened it up to settlement. It has been argued that if he had not discovered it somebody else would have done so. The same argument might apply to goldfields; but that is a very ridiculous argument. I do not think the representatives of farming districts would say that just as great a benefit is not conferred on the community by the discovery and settlement of agricultural land as is conferred on it by the discovery of a goldfield. And Mr. Mackay has certainly conferred a benefit on the community by discovering Mackay and district, and opening it up to settlement.

Mr. KEOGH: What about Nash and the discovery of the Gympie Gold Field?

Mr. HAMILTON: Nash was afraid that somebody else would discover that field. His only reason for giving notice was that the mailman had an inkling of the matter, and he thought that he would in a week or two give notice of the discovery.

Mr. KEOGH: What reward did he get?

Mr. HAMILTON: £1,000.

Mr. KEOGH: The reward he got was a billet at £100 a year.

Mr. HAMILTON: The £100 a year has nothing to do with the reward, and he did not get that till very many years afterwards. The man is working for what he gets, and I do not suppose that because a man discovered a goldfield many years ago he is to be ostracised, and not allowed to take a billet.

Mr. DUNSFORD: We say that it is not sufficient reward for a man like that.

Mr. HAMILTON: It was not argued then that Nash should not have got £1,000 because if he had not discovered the field somebody else would have done so. That was recognised as an absurd argument, just as absurd as it is in this instance, and just as absurd as the argument of the hon. member for Fitzroy when he stated that it was a matter of private enterprise. Is it not a matter of private enterprise with the prospector? Does he not go looking for gold for his own benefit? Of course he does, but by the discovery of a goldfield he confers a benefit on the community; therefore the community rewards him. Mr. Mackay has conferred a benefit on the community by the discovery of this country, and it is therefore proposed to reward him, and I for one shall confirm the vote I gave on the subject in a previous Parliament.

Mr. MURRAY: I am rather pleased that the Government have announced their intention to oppose this motion, because I fear that if it were accepted it would lead to no end of complications. The fact that Mr. Mackay was the first person there is no reason why he should have this grant of land, especially as he went there in his own interests. There is not an acre of land throughout the colony but what there was a first man upon it, and if they were all to be rewarded the thing would be carried to an absurdity. I do not know Mr. Mackay, but I do not think there can be any credit due to him for being the first man there, nor is any special credit to be given to him for discovering the Pioneer River, which has been a source of considerable expense to the Government, and will be a considerable expense in the future. If he recommended that as the port he ought to be condemned for doing so.

Mr. HAMILTON: What about the Fitzroy?

Mr. MURRAY: When the tide is out the Pioneer is simply a sand-bed. If this sort of thing is to be called a discovery, then every pioneer in the colony ought to be rewarded, although they went out in their own interests. I would have a claim upon the Government myself, because I think I was the first to see miles of country. The hon. member who introduced this motion referred to the fact that Crown grants were given for the discovery of the Croydon Gold Field, but I am not aware that the fact of giving that £1,000 led to the discovery of that field. I do not believe that any reward offered by the Government has been the means of discovering a goldfield. Private enterprise has discovered all the goldfields we have. None of the fields in Victoria or New South Wales or Queensland were discovered in consequence of rewards being offered. Men have gone out, and will continue to go out, in their own interests, and they will discover goldfields. I am convinced that if this motion is carried, or even favourably received, we will be deluged with similar applications. I do not know Mr. Mackay, but I am sure there are hundreds of our fellow-colonists who are equally deserving of similar rewards.

Mr. SMITH: The hon. member who has just spoken says there are hundreds of our fellow-colonists who would make similar applications to the Government if this request were acceded to.

But the position of Mr. Mackay differs from that of other people who went out to discover land. They kept the land for themselves, whereas Mr. Mackay reported his discovery to the Government, and all the colonists then in Queensland could have taken advantage of it.

Mr. MURRAY: Could he have prevented that?

Mr. SMITH: When he made his discovery he reported it to the Government, and in that respect it differs considerably from the discoveries of others who went out on the quiet and spied out the land, and took advantage of it themselves. Mr. Mackay has derived no benefit from his discovery, and another reason why his services should be recognised is that in 1882 a similar motion to this was carried without a dissentient voice. In the ordinary course the Government should have taken cognisance of that resolution and have rewarded Mr. Mackay, who has a grievance upon that account. The Government ought to recognise claims of this kind, especially as they are not asked for money. They are only asked to allow a man to make a home upon the land.

Mr. KEOGH: It is the best land in the colony.

Mr. SMITH: The hon. member who introduced this motion does not stick hard and fast to the provision of 1,000 acres of land. He said all Mr. Mackay wants is sufficient to make a home for himself. I would point out also that Mr. Mackay lost all he had in making this discovery. He went to a great deal of expense in making this discovery, and all these things ought to be taken into consideration. Why the Government which succeeded that of 1882 did not take cognisance of the resolution passed by their predecessors I cannot understand. It looks something like repudiation. I might refer to a case which should also be recognised by this House in all justice, and that is the case of the man who discovered Port Denison. That man went upon that expedition under a distinct promise for the Government of New South Wales. His name is Mr. Sinclair, and he was promised by the New South Wales Government a reward for the discovery of a port north of Rockhampton.

The SPEAKER: I must ask the hon. member not to bring in a new case. He should confine himself to the case before the House.

Mr. SMITH: I referred to it incidentally because other speakers mentioned parallel cases. I do not know whether Mr. Mackay has preferred his request to the Minister in a formal way, but if he has not he should do so before coming to this House. I know that has been done in other instances, and just claims like this, preferred by men who have conferred such a benefit upon the State, should be recognised.

Mr. McMASTER: It is to be regretted that the Government are opposing this motion, and so far as Captain Mackay is concerned, it is to be regretted that he has allowed his claim to lie over for so long. The claim ought to have been pressed forward some years ago, because it is evident that a new Pharaoh has arisen who knows not Joseph. From the speeches I have heard this afternoon I conclude that there are very few members in the House who know Captain Mackay. The most extraordinary speech of all has been that of the hon. member for Normanby, who says that if we allow this claim we will be inundated with similar claims. It is a remarkable fact that though this claim was passed in this House on the voices fourteen years ago, no other claim of the kind has been made since.

Mr. KEOGH: He receives £360 a year.

Mr. McMASTER: If he does he has to work for it, which is what some hon. members on the other side do not do for their £300.

The SPEAKER: Order, order!

Mr. McMASTER: If he has received £300 a year he has given an equivalent for it in his labour. It is fourteen years since this claim was brought forward, and there were then pioneers in the House who spoke highly of Mr. Mackay, and supported his claim. The Minister for Lands at the time was the Hon. P. Perkins, and this is what he said in supporting the claim—

"He happened to know something about the case of Mr. Mackay, who wrote to him a letter, although he was not personally acquainted with him, in much the same strain as that read by the hon. member for Normanby."

The motion on that occasion was moved by the then hon. member for Normanby, and I am sorry his successor is not supporting it.

"He remembered the letter because he was particularly struck with one paragraph in it in which Mr. Mackay said he did not want a Government billet, but that he would be content with the smallest recognition that the colony would accord to him. In that letter he narrated his adventures in connection with the discovery of Port Mackay by land and afterwards by water, and of his going up the Pioneer River."

I do not wish to inflict the whole of the speech upon hon. members, but they will do well to look it up.

Mr. TURLEY: Most of us on this side have read it.

Mr. McMASTER: Perhaps you did not understand it. This is not a precedent, because there have been grants of land given to pioneers here before. One gentleman, who was a member of the other House, the late Captain Hope, got 2,000 acres of land for growing a few sugar-canes. I regret that hon. members of the rising generation and the powers that be now are not so generous and open-hearted as members were in those days. They seem to be more ready to put money in their pockets than to do something for the benefit of those who were pioneers and opened up this colony for those who came after them. Possibly Mackay would have been found even if Captain Mackay had not discovered it, but the House should certainly not say that Captain Mackay has no right to be rewarded because he happened to go there first. I suppose that even Australia would have been found if Captain Cook had never come here. I admit that when the case came up a second time, in my ignorance of the facts I voted against the motion. I am not ashamed of any vote I have given in this House, and I am not going to hide anything I have done. I should say, however, that between 1882 and 1887 there was a change of Government.

Mr. MURRAY: And a change of opinions.

Mr. McMASTER: Yes; Normanby has very much changed its opinion.

The ATTORNEY-GENERAL: Fortitude Valley has changed too.

Mr. McMASTER: I admitted at the outset that in my ignorance of the case I voted against the grant, but I have gathered information since, and I have come to the conclusion that I did what was wrong on that occasion, and I am going to rectify my mistake by supporting the motion now. The Attorney-General on the one hand, and the senior member for Charters Towers on the other, are trying to get me off the track, but I am going to support the motion brought forward by the hon. member for Mackay. I only regret he did not go more fully into the question, for there are many members on both sides who do not know very much about it or they would not talk and interject in the way they are doing. I will not detain the House any longer. I believe Mr. Mackay has a fair and just claim on the House to recognise what at that time was a great boon to the colony, and has proved to be a boon to the colony ever since. As the hon. member for Cook pointed out, Mr. Mackay did not take possession of that land as many other pioneers have done. The hon. member for Normanby

says he has discovered no end of land. If it was good land I presume he has stuck to it; if it was inferior land I dare say he got rid of it at a profit as soon as he had the chance. Mr. Mackay reported to the Government that he had found a large tract of good agricultural land, and that he had found a waterway. Where would Mackay be only for the waterway? Granted that the river is not the best river in Queensland, it has been the means of taking thousands and thousands of pounds' worth of sugar out of the district and distributing it all over Australia. Mr. Mackay, instead of settling down and taking possession of that land, as he might have done under the land laws in force at the time, reported it to the Government, and they took possession, and the colony is reaping the benefit of Mr. Mackay's explorations to-day.

The ATTORNEY-GENERAL: I really had no intention of speaking, and I do so merely by way of self-defence. The hon. member for Fortitude Valley has accused me of trying to draw him off the track. I do not think that imputation can be fairly put upon me. No hon. member would have done so excepting the hon. member for Fortitude Valley, who has reminiscences of a certain drain at Booroodabin, in which I was professionally concerned, and in which he came second. That must be actuating the hon. member. I can assure him that my professional career is spent, not in trying to get people off the track, but in trying to keep them on the straight path. I am pleased with this debate in one way: the hon. member for Fortitude Valley has admitted that for once in his life he was wrong. That shows that after all there is some virtue in humanity. It has taken him fourteen years to find that out, and is another instance of the truth of the saying that it is never too late to repent. Possibly, as time goes on, we may find members on both sides repenting in after years of what they may have done in their previous careers. He rather twitted the hon. member for Normanby, because he had departed from what his predecessor had said. I would advise the hon. member for Normanby to get the permission of the House to speak again, and follow the example of the hon. member for Fortitude Valley—it would be a much easier thing to do—and say, "I was right, but my predecessor was absolutely wrong in holding the opinions he did then." If he followed that course he would put himself entirely on a level with the hon. member for Fortitude Valley. I have another ground of complaint against that hon. member—somehow or other I cannot get away from him—he has compared me with Pharaoh. I object to that altogether.

The HOME SECRETARY: Perhaps you would like to be Joseph.

The ATTORNEY-GENERAL: No. There is only one member in the Ministry who can fill that rôle—that is the Home Secretary; and I have no desire to jump his claim. I certainly think I cannot be compared with Pharaoh. On a recent parliamentary visit I had the privilege of introducing a lot of members to a representation of various incidents recorded in Scripture. It was in a town situated on the Darling Downs with which I have some acquaintance. We saw a picture of Pharaoh in his chariot pursuing the children of Israel. After seeing that, I should consider it a gross libel to hear any member of this House described as Pharaoh; and in future I hope the hon. member will not designate me by that name. I have the disadvantage of not having taken part in this debate before. The hon. member for North Brisbane has not only spoken to-day, but he has quoted from a previous speech he made on the subject. I listened to him carefully, and I do not think he has advanced the case one bit either by what he read or by what he said. I

have nothing but the most kindly feeling towards Mr. Mackay, a man whose explorations deserve recognition; but we must look at the thing as it presents itself to us to-day. The claim on the face of it is a stale one. It is over thirty years since the work, whatever its nature may have been, was done, and surely it is immediately after work is done that a man should ask for his reward.

Mr. HARDACRE: It is barred by the Statute of Limitations.

The ATTORNEY-GENERAL: It is wonderful how this legal spirit is spreading. Since the hon. member consolidated the land laws he has done nothing else but talk law. The Statute of Limitations does not run against the Crown, and it should not run against persons who think they have rights against the Crown. All the same, the time when a man is entitled to his reward is immediately after he has performed his work. Why was the claim not pressed then?

Mr. MACDONALD-PATERSON: He had to leave the colony, and was away many years.

The ATTORNEY-GENERAL: But surely, although he left the colony, he could prefer his claim. The first time the matter was brought forward a period had elapsed quite out of all keeping with what should be time within which men should seek for their reward. But although I have not spoken in any debate on this matter before, I can speak on it as a very old pioneer. I suppose I saw the Pioneer River, to my sorrow, at as early a date as any member of the House, excepting my hon. colleague, the Secretary for Public Instruction. I remember it shortly after its discovery. It was really a most difficult thing to discover at that time that there was a river there at all. The vessel went in, but when the tide went out the sands that surrounded her were very much like the sands of the Sabara desert. There certainly was no water. It seemed to be an insane sandbed with lucid, or, rather, liquid, intervals. It did not strike one as being a river. It may be said it is a great pity there is the Pioneer River there at all; there would be a great deal more valuable land instead of this sandy waste, and very likely the trade of Mackay would filter through some avenue far more suitable to the exigencies of the place than the present. We know that the Mackay people are insisting that there should be a large expenditure of money in order to create a port, and now we are asked to reward a gentleman for discovering a valuable adjunct to the commercial enterprise of the community. Looking at it from that point of view, I can only say that the discovery of this river has been the means of possibly locating that place in the wrong spot after all, and of discovering a mild sort of waterway which will be a perpetual source of expense to the people of the colony as well as to the inhabitants of that particular district. This may seem a harsh way of looking at things, but I cannot view it in any other light. Now look at the motion itself. It asks that this gentleman shall be rewarded by a grant of 1,000 acres of agricultural land. Where is the land to be located? Is it to be Mackay land?

Mr. CHATAWAY: Not necessarily.

The ATTORNEY-GENERAL: Where is it to be? Is it to be in the river itself?

Mr. DAWSON: At Camooweal.

The ATTORNEY-GENERAL: Is there any agricultural land at Camooweal? If there is to be a reward at all, I had far rather see it fixed in money, so that we would know exactly where we stood. I do not believe in our lands being parted with in this way. Possibly it may be some of the land recently purchased for the agricultural college in the Rosewood district. I believe the hon. member for Fassifern says there

is nut-grass there, and that might be a reason why the reward should not take this particular form. Why should 1,000 acres of agricultural land be given by way of reward to a sailor?

AN HONOURABLE MEMBER: Give him the "Lucinda."

THE ATTORNEY-GENERAL: I do not know that the "Lucinda" would be a profitable investment. My experience has been that it has always cost me something. The hon. member for South Brisbane has some experience of the sea, and I would ask him whether he would like to have 1,000 acres of agricultural land given to him, say, up on the Russell River? I am sure he would far rather be down in South Brisbane. I had a colleague once who said, "If I had an enemy, I would give him a farm." I may say he was the representative of a mining district. I had another colleague who responded, "If I had an enemy, I would give him a mine with about 10s. to pay up on a share, and with about 100,000 shares." I think the form of reward proposed in the motion is quite inappropriate. If the Mackay people wish to celebrate their founder, there are many fitting ways of doing it. If they gave him an acre apiece amongst the large number of landholders there are there, a very nice holding could be got for this gentleman. Or there might be a subscription, or various other forms of reward might suggest themselves to the people of Mackay. I take this as a fine opportunity on the part of the junior member for Mackay to advertise Mackay. It happens that in this instance he proposes to do what is the law in China. There they do not confer rewards upon posterity, but honours are heaped upon a man's ancestors. Mackay proposes by this motion to heap honours upon its godfather, whose name it bears; but the question is whether this should be done at the expense of the whole country. With every wish to help Captain Mackay, and to aid explorers, I do not see how we can subscribe to this motion. If it is carried, probably my colleague, the hon. member for Cunningham, or myself will introduce a motion proposing that 10,000 acres of land be granted to the man who discovered Warwick, and other members may act in the same way. Really the discoverer of Warwick has done just as much good to civilisation as the discoverer of Mackay. The man who really discovered Mackay is not the man who discovered the heads of the river, but the man who first planted sugar-cane, and discovered that it could be profitably grown there. The true explorers of this country have not been those who have merely discovered the surface of the soil. We might give a reward to the man who first discovered artesian water in the West. I should say that the man who by his enterprise and by the expenditure of his money discovered artesian water, was a far greater man than the man who first traversed the soil.

MR. MURRAY: The Government did it.

THE ATTORNEY-GENERAL: Then thanks be to the Government! I believe this Government is the legitimate successor of the Government which did that, and I would ask the hon. member for Flinders to give some thanks to this Government, because this Government put down a bore in his district near Hughenden. Joking apart, I should say that the real discoverers of this country are the men who have developed the industries and resources of the country, and not the men who accidentally discovered the superficial features of the country. With every desire to recognise the work done by Captain Mackay, I cannot bring myself to subscribe to this motion as being either fitted for the purpose for which it is intended or one that the country can approve of.

MR. CASTLING: I intend to support the motion. I know that at Townsville and other places the people who first went there received large grants of land. At Townsville Mr. Towns got about 4,000 acres of land for planting a little cotton and a few bananas. It may be true that, if Captain Mackay had not discovered the Pioneer, someone else would have discovered it; but the Government might have had to subsidise a party to do so, like they have had to do in other cases. Look at the Palmer! A subsidised party was sent out. Look at Landsborough's party! That was subsidised by the Government. But Captain Mackay went out and discovered good land at his own expense. He received no benefit from his discovery, whilst the Government saved the money they would have had to expend if they had sent out a party. I consider that the man is well entitled to a reward. The Attorney-General says that Captain Mackay rested on his rights for a number of years, but why should that put him out of court? I do not see that that is any loss to the Government. If he had got this land thirty years ago it would make no difference now to the Government, and very likely he would have lost the land. Although I do not think the reward should take the form of 1,000 acres of agricultural land, I think he is entitled to some consideration.

MR. FRASER: Some fault has been found with the hon. member for Mackay for the modest motion he has brought forward, but he put his motion in a precise manner and without taking up much time. I have no doubt that this motion would have been carried fourteen years ago if it had been pressed. When the claim was urged at that time, some of the Ministry said, "We have no money, but we can give you land. If you will get someone to move it in the House we will support it." The motion was passed on the voices, and the Secretary for Lands was one of those who supported it. Under the circumstances it is a pity the Government have made this a party question.

THE HOME SECRETARY: They have not.

MR. FRASER: At any rate they say they will vote against it. I hope it is not a party question. Although the claim is an old one, that is no reason for ignoring it, and I am going to support the motion.

THE HOME SECRETARY: Everyone of these motions I have opposed. I oppose them all on principle. The Government are entrusted with the administration of the affairs of the country, and claims of this sort, if good, should be presented through them to the House. I do not speak personally against this claim; but I say that all claims of an isolated character leave behind them such a number of other claims that it is wise to oppose them all. As a general rule, if a man has a claim he buttonholes members of Parliament and asks them to support his claim. Members who wish to get rid of importunate persons of that sort say, "Oh, yes; I will support it," and then the matter comes before the House. I do not say that that is the process in this case; but that is the general practice. I know nothing about the merits of the case or the man; but, speaking on a specific case such as this, I shall record my vote against it. I have been in the colony since 1859, and I know there are hundreds of men who have rendered as much service to Queensland as Mr. Mackay in various ways. So far as the actual discovery is concerned, we know that nearly every point on the Queensland coast was discovered by Captain Cook, and the mere investigation of a particular part of the coast is a much smaller matter. Someone might discover the existence of a new river in the Peninsula, but it would be of no particular importance to us. In the case of appeals to Parliament for grants

of money members have often said to me, "I have given way on the matter simply to save the bother of being appealed to," and that is a principle I decidedly object to. If the man has got any claim, either legal or moral, that claim should be presented to Parliament with the authority of the Government and endorsed by the Government.

Mr. GLASSEY: This man was promised something. If the district became of any importance he was to be rewarded.

The HOME SECRETARY: I presume that work given to the man at a high salary was all he wanted, and that is full compensation for all he did. Many persons say, "He works for his salary," but after all it is work that he wants. If he had been granted the land in 1882 he was to have settled down upon it and permanently occupied it. That was one of the conditions upon which the House in 1882 would give the land. In fact, it was to be a grant in fee-simple on the homestead conditions, without the payment of the 2s. 6d. an acre, which was the price in those days. By the debates it is shown that he promises to live upon the land and become a settler upon it. Well, I am one of those who would be disposed to give him that for his discovery, because if a man will turn 1,000 acres to a useful purpose he deserves to get it free if he has rendered some previous service. But that time has past and gone. He does not say now that he wants the land to live upon. In fact he can get 640 acres at 2s. 6d. an acre, provided he lives upon it. I assure the House from the experience I have had during the past eight years, that if they once admit a claim of this kind they will be inundated with claims. My idea is that if a man has a claim against the Government and we say, "We will put you in enjoyment of that which will enable you to get a good living," that is the best answer that can be given to the claim. Whenever I have recognised that there has been injustice in the past, I have always said, "I will never support your money claim, but I will do what I can to get you work." In this case the person concerned has got good work at good remuneration, and that is fair compensation for any services he has rendered over and above others who have never been compensated.

Mr. LORD: Judging from the speeches this afternoon I consider that instead of the Government being abused for opposing this motion they ought to be congratulated. I think they are taking up the right position.

Mr. McMASTER: Who has abused them?

Mr. LORD: I think the hon. member for Fortitude Valley for one. If this claim is admitted you will find no end of other claims of all sorts coming in. There are plenty of pioneers in the country who have made valuable discoveries, and they will want compensation for their trouble too. I know nothing of the merits of Port Mackay or the Pioneer River, so it is useless for me to say anything about them, but judging from what has been said here this afternoon I intend to oppose the motion.

Mr. GRIMES: I have some recollection of a similar claim being put before the House in 1882, and I think I am correct in saying that the reason why the matter was not pressed to a division then was that some arrangement was come to with the Government that Mr. Mackay should have some billet given to him.

Mr. McMASTER: That was a subsequent occurrence.

Mr. GRIMES: I think my memory is not treacherous in the matter, and that what I have stated is correct. Subsequent to that Mr. Mackay did receive an appointment in Mackay, and I believe he recognised and accepted the position as some compensation for his discovery,

and after that his claim was abandoned. Hon. members have compared the services of Mr. Mackay with the services of Captain Towns in opening up Townsville, and with the services of the Hon. Louis Hope in connection with his sugar-growing experiments at Cleveland. There is no comparison between those cases. Captain Towns spent thousands of pounds in opening up Townsville, and the Hon. Louis Hope spent thousands of pounds in his experiments in sugar-growing at Cleveland; the little bit of land given to him was nothing compared with the amount of money he had spent in the interest of the colony. I am not prepared to support this motion. If there was any merit in the discovery of the Pioneer River, I think Mr. Mackay has been well paid for his services, as he was placed in a position which was a mere sinecure at the time, has received a good salary, and has been in the employ of the Government ever since.

The SECRETARY FOR PUBLIC INSTRUCTION: I scarcely think it is fair to consider the office which Captain Mackay has filled a sinecure. He was, I believe, harbour-master at Mackay, and is still in the Government service, and, from all that I have heard, he is a very good and industrious officer, and renders excellent service. It has been said by the hon. member for Fitzroy—I should say Mount Morgan—why did he not discover Port Newry? I may here say that at the time Captain Mackay was in Mackay it would have been impossible for him in the then state of the land laws to have secured agricultural land, even if he had been disposed to take it up, or for a long time afterwards. With regard to the question why did he not discover Port Newry, there appears to be an impression in the mind of the hon. member for Mount Morgan that Port Newry is an excellent port. It might be made one, but it is not a good one now, and it is not connected with the mainland. It certainly would be of no use for the purpose of taking produce away from the mainland, and it would not be of any use as a port for the Mackay district unless a large amount of money were spent upon it, and it was connected with Mackay by railway. I was surprised to find the hon. member for Charters Towers take a novel view of the question of giving rewards for the discovery of gold and other purposes. On that question it has always been held by representatives of mining constituencies, and by members of Parliament generally, that it was a reasonable thing to offer a reward to a person who discovered gold, not, in all probability, because the discoverer of gold deserves a reward, but because it is advantageous to the colony that people should look for gold. For every one person who finds payable gold there might be 100 who were unsuccessful in their search, and for that reason it is considered desirable to encourage prospecting by the offer of rewards. But the hon. member told us that the discoverer should not have any reward, but that it should go to the man who subsequently mines and puts up machinery. With regard to Mackay, he told us that it was Mr. Davidson, a sugar-planter, and others who had undoubtedly contributed to the progress of the district, and that if reward was justified—he did not seem to deny that a reward might be justified—it should not be given to the discoverer of the district, but to the persons who subsequently erected machinery there. In that case the system we have on our statute-book of offering a considerable amount as a reward to persons discovering goldfields would have to be removed. I am surprised at such a doctrine being put forth by a member representing a mining constituency, because the majority of

mining members have always been advocates of the system of giving rewards for the purpose of encouraging people to look for goldfields. And if it is advantageous to find gold, it is also advantageous to have districts which will serve as fields for progress and enterprise in other directions. When Mr. Mackay went up to the Mackay district it was in the early times, and it was not a case of marching fifty or sixty miles to look for it. He came up from New South Wales, and had a very long journey, and, I presume, incurred considerable expense. If rewards are given for other purposes, then rewards might also be given to encourage people to push out and prospect the country. It has been said that rewards of this sort have not been given; but, if I am not mistaken, a reward was given to Captain Towns for discovering Townsville. I believe he obtained 4,000 acres of land.

THE SECRETARY FOR PUBLIC LANDS: Not for discovering Townsville.

THE SECRETARY FOR PUBLIC INSTRUCTION: Well, for opening up the port of Townsville. Some hon. members have said that because Mackay will not be a good port unless a considerable amount of money is expended upon it, Captain Mackay, so far from being rewarded for its discovery, ought to be punished. From what I was able to gather, one member thinks that nothing less than six months' imprisonment would be sufficient to give him for discovering that particular port. There may be some members—probably the hon. member for Bowen and others—who consider that the discovery of Townsville was a great misfortune to the colony, because if it had not been discovered in all probability the railway would have gone to Bowen and have suited the wants of the people of the North, not only as well, but better. The Government, as a Government, is opposed to the passing of this motion, and I am not prepared to differ from them. I am not opposing it upon the ground that it is a very old debt, because if it were a good and equitable debt I do not think it would be the proper thing to plead that it is too late. But I object to it upon the ground that if we accept claims that are thirty years old it will be quite impossible for us to examine all those which will inevitably be brought before us. The time is too long to ascertain the circumstances in each case, and it would become dangerous to rescind opinions which have been arrived at by the House upon previous occasions. Whatever may be the merits of this case I am not disposed to quarrel with the opinions expressed by the Attorney-General and the Home Secretary, and I do not think it is advisable, whatever may be the merits of a case thirty years old, to open up the question.

MR. CHATAWAY, in reply: I take exception to the way in which the Home Secretary opened his speech in opposing this motion. I take exception entirely to his reference to "button-holing" hon. members, and I take exception to the "Hear, hear," of the hon. member for Rosewood. Has that hon. member been button-holed? Has anybody asked him for his vote? I have not spoken to a single hon. member who has not spoken to me upon the subject, and the reference which was made to the matter is nothing but an insinuation that hon. members have been button-holed to try to get their votes.

THE HOME SECRETARY: I particularly said I made no reference to this motion.

MR. CHATAWAY: The hon. member elaborated that argument for three or four minutes. The Attorney-General made a strong and pertinent objection to this claim, and that was that it lay so long dormant. The objection seems to be a very good one, but as a matter of fact it is

not in accordance with the facts. The matter has not lain dormant for a great length of time, and it is not resuscitated after thirty years. Within two years after the time when Mr. Mackay made this discovery he was taken by Mr. Gordon Sandeman to Sir George Bowen, and he then made his claim for compensation, and this is what Sir George Bowen said at that time—

"Should the Government at present acknowledge your services, less deserving applicants would come forward for places of minor importance, but you can rest assured, Mr. Mackay, that if the place ever becomes of any importance it will be the bounden duty of the Queensland Government to compensate you."

That was in 1864. At that time the place was of no importance, but afterwards it became important. Ten years afterwards Mr. Mackay wrote to the Chief Secretary in Brisbane from Levuka, in Fiji, making a claim for consideration in the terms that were promised by Sir George Bowen, and he opened his letter by stating—

"As Port Mackay has now become a place of considerable importance, and the centre of an extensive sugar-producing district, I am desirous of knowing whether the Government intend to grant to me any compensation for the discovery of the said port and the surrounding country."

From 1874 onwards, Mr. Mackay has at intervals pressed his claim; he did not allow it to remain dormant. He preferred his claim immediately after his discovery, and he was then told that when the place became of sufficient importance, then his application would be considered. The Governor said he would be undoubtedly rewarded as soon as it became of any importance, and in 1874 the claim was again made. I say that the statement of the Attorney-General is not correct. The Home Secretary took the point also that the claim was not brought in in the proper form, and said that upon principle he always voted against anything of this sort. It is perfectly notorious that twice in one session the present Home Secretary refrained from voting against money grants to individuals. A grant was proposed to the widow of Mr. Jordan, who had been an immigration lecturer, and the hon. member did not speak against it or vote against it.

THE HOME SECRETARY: I went outside.

MR. CHATAWAY: I can quite believe it. I say the hon. gentleman has not been always opposed to these grants. He did not oppose that one. I do not think I need refer to all the objections that have been taken. Those taken by the hon. member for Normanby were quite ludicrous. His main objection was that the river was a very shallow one—a mere sand-bed. Does he not know that it is more difficult to discover a small river than a big one? He has had some experience in the bush, and is not entirely ignorant upon this matter. He knows that it is much more difficult to discover a small waterhole than a lagoon five miles long. He said Mr. Mackay had reported that he had seen what he called a river, and there would be no difficulty in discovering that. The Attorney-General took exception to the form in which this motion is brought in. It was discussed at some length years ago as to whether this was the correct form, and it was then decided that a motion of this sort must precede the bringing in of a Bill. I have said that I do not in any way insist upon the 1,000 acres. If the Government could see their way to bring in a Bill to give Mr. Mackay a homestead it would be sufficient. Under the new Land Bill, as mentioned by the Secretary for Lands, a homestead of 640 acres can be obtained at 2s. 6d. an acre, and I do not think it would be a very great stretch of generosity if the House could see its way to forego the 2s. 6d. an acre and let Mr. Mackay take up 640 acres.

He would fulfil the residence and improvement conditions as required by the Bill. I shall detain the House no longer.

Question put; and the House divided:—

Ayes, 15.

Messrs. Macdonald-Paterson, Hoolan, Fraser, Collins, Corfield, Stephenson, Philp, Hamilton, Annear, Petrie, McMaster, Chataway, Bell, Smith, and Castling.

Noes, 33.

Messrs. Tozer, Foxton, Byrnes, Dickson, Dunsford, Keogh, Grimes, Kerr, McDonald, Leahy, McCord, Turley, Dawson, Fitzgerald, Sim, Battersby, Bridges, McDonnell, Stephens, W. Thorn, Browne, Cribb, Dibley, Hardacre, Jackson, Cross, Thomas, Daniels, Callan, Kidston, Lord, Stewart, and Murray.

Resolved in the negative.

THE CASE OF HENRY WALKER.

Mr. STEPHENSON, in moving—

That the House will, on Thursday, 5th November next, resolve itself into a Committee of the Whole, to consider of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for the present year the sum of £250 to Henry Walker, in compensation for the loss of his two hands when firing a salute from a gun in 1871—

said: It is hardly necessary for me to rehearse at any great length the circumstances connected with this case. On the night of the 31st December, 1871, or the morning of the 1st January, 1872, a man named Walker, who was then a member of the battery of volunteer artillery stationed in Ipswich, had his two hands blown off in consequence of an accident which occurred in the firing of a salute with which it was customary in those days to usher in the new year. Walker, although a member of the battery, was also a member of the band, and it was not, strictly speaking, his duty to have taken part in the firing of the salute. I mention this because I do not want hon. members to be under any misapprehension regarding the case; I like to state the facts as clearly and concisely as possible. He was asked by a man named Fuller, who at that time officiated as sergeant-major or drill instructor, to assist in doing so, and he did so. I am not sufficiently conversant with the firing of salutes to explain in detail how the accident occurred, but it appears that Walker understood that he had got the order to "load," and was about to place a charge in the gun when the man in command gave the order to "fire," and as Walker proceeded to the mouth of the gun to place a charge in it the other man pulled the lanyard, and the consequence was an explosion which deprived Walker of both his hands, and came very near indeed to depriving him of his life. While Walker was in the Ipswich Hospital, the late Hon. W. H. Walsh, who was the Minister for Railways, gave it as his opinion that, as Walker was practically in the service of the State at the time the accident occurred, he would be fairly entitled to receive some compensation from the Defence Department. Strictly speaking, at that time the Defence Department had no existence, but what was meant was that, seeing that the man met with the accident in the performance of a military duty, some compensation was undoubtedly due to him from the funds then available for carrying on military operations in the colony. Mr. Walsh, while kindly relieving Walker's necessities, to some extent, from his own pocket, promised him that if he could he would obtain a suitable situation for him if he were fortunate enough to recover. Walker did recover, and he was afterwards supplied through the kindness of friends with two artificial arms and hands. Mr. Walsh was as good as his word, and subsequently Walker was appointed as a messenger in one of the Government departments at a salary of £80 a year, which was afterwards raised

by gradations to £150. Walker, although a fairly shrewd and sensible man, undoubtedly possesses some peculiarities, and it would have been wiser, I confess, if he had taken care of the position he held instead of attempting to dabble in other matters. An hon. member says "Hear, hear!" and I quite agree with him, but it does not follow that because we may think a man has acted foolishly in one matter, he is not justly entitled to compensation in another. As the hon. member (Mr. Annear) said, Walker has undoubtedly developed a lot of pluck and energy. To a man who has been used to earning his living with his hands—Walker was a fitter engaged in the railway yards before he lost both hands and a considerable portion of both arms—one would think it would have taken away all his energy. And so it would from most men. But in Walker's case it seemed to instil new energy into him. Before the accident he wrote an execrable hand. After he was provided with those artificial limbs he practised calligraphy so successfully that at the present time, I venture to say, he writes a better hand than a good many members of the House, including myself. I mention this to show that the man was possessed of indomitable pluck. Some time after going into the service of the Railway Department Walker became possessed of, or interested in, some coal land near Ipswich; and, tenders having been called for a supply of coal to the Railway Department, Walker put in a tender for the supply in his wife's name. He says he previously asked the advice of the late Mr. A. O. Herbert, the then Commissioner for Railways—that is, of course, Walker's own statement, but I have no reason to doubt it—and that Mr. Herbert said he could see no objection to the course pursued. I told Walker myself that I considered it an ill-advised thing, while in the employ of the Government, to be in any way interested in a contract with the Government. The result was that Walker's wife did not secure the contract and that Walker's connection with the railway service was severed. Although his wife's tender was some 2d. per ton lower than that of the successful tenderer, it was not accepted, and Walker, in consequence, lost not only his billet but the railway coal contract as well. After having been engaged in various occupations for some time, Walker was again admitted into the Government service as an employee in the Stores Department. He joined the department at a salary of £72 per annum, which was eventually increased to £150—sufficient evidence, I take it, that he was performing his duties to the satisfaction of his superiors. But again wishing to engage in outside business—whether immediately before or immediately after severing his connection with the Government service I am not sure—he went, very foolishly as I think, into a newspaper business. According to the *Hansard* report of the debate when this matter was brought before the House by the late Mr. John Macfarlane, then member for Ipswich, in August, 1892, it would appear that Walker was absent one day from his office. They were particularly busy at the Stores Department at that juncture, and Walker, who had applied for a short leave of absence, did not await the answer to his application, but absented himself for a portion of a day and one full day. He was called upon to report the reason for his absence, and the reason he gave was that his arms were very painful, and that it was necessary for him to have a rest, but he wound up his letter by resigning his appointment; and since that time he has not been further employed in the Government service. He has followed a variety of occupations with more or less ill-success. Members may say, as they said this afternoon in the case of John Mackay, that this matter should have been brought up at

an earlier date, twenty-four or twenty-five years having elapsed since the misfortune occurred. It has been before the House on two or three occasions, the last time it was definitely before the House having been the occasion I referred to, when the late Mr. Macfarlane moved a motion in precisely similar terms to this. In the matter just disposed of the Attorney-General said that, although he was not prepared to support a motion for a grant of land, if a sum of money had been asked for he would have been much more inclined to consider, if not to support, it. The Attorney-General's objection has been met in this instance, inasmuch as it is a grant of money that is asked for. Some members may be inclined to think that because Walker has had two chances in the Government service, and did not keep either of them for any length of time, he does not deserve consideration; but I think that was satisfactorily answered by the Secretary for Public Instruction, who contended that the fact that Captain Mackay now holds an appointment in the Government service is no reason why a reward should not be granted to him for discovering the Pioneer River. Therefore I ask hon. members to consider this matter carefully. Walker is at present in very indigent circumstances, and he has six children besides his wife to keep. I am quite prepared to admit that the man has faults, and that he has acted foolishly, as I told him, but I do not think that that can fairly be advanced as a reason why justice should not be done. If hon. members agree with me, as I hope they will, that some compensation is due to Walker for the loss of his limbs, I hope they will speak and vote on what they believe to be the strict merits of the case, and not be led away by any irrelevant arguments. I quite understand that as a general rule members of the Government regard it as their duty to conserve the interests of the Treasury, and to prevent hon. members from putting their hands too deeply into the Treasury chest in such matters, and I am not going to find fault with them for doing so; but I would ask hon. members not to attach too much importance to the arguments advanced by members of the Government, but to judge the case strictly on its merits, without regard to the fact that Walker practically voluntarily threw up two billets in the Government service, and without regard to the fact that sometimes I believe he acted foolishly in connection with electioneering. I have come to the conclusion that his claim is a fair one, and I have every confidence in submitting it to the House. I beg to move the motion standing in my name.

Mr. THOMAS: In seconding the motion, I would like to say that I had this case in hand last session, but unfortunately I was not able to get it before the House. There is no doubt that Walker threw up Government billets, and that in doing so he was wrong; but he did so thinking, like many others, that he could better himself. He is not the only man who has gone to the wall. He is now in such circumstances that the least we can do is to render him some assistance. If he chooses to turn round, he can go to Dunwich to-morrow; and he would have every right to demand admittance, and the country would have to keep his family. Looking at the question merely from a business point of view, the House is perfectly justified in giving some assistance. I shall be most happy to support the motion.

The HOME SECRETARY: One of the most unpleasant duties connected with the position of Home Secretary is that on every occasion he is expected to inform the House as to these claims. In dealing with such matters as this, I have always had in my mind others with equally strong claims which are not recognised by the

House. As a member of the Government I am always prepared to recognise a just claim, and to do what I can when the person comes to me. When this man was unsuccessful in several positions, even although he had attempted to do me the most serious injury that possibly could be done—after he had done this—I promised him that, in consideration of the fact that he was destitute, and that he had been suffering for years from the loss of his arms, I would endeavour to find him what is far better for Walker than money—namely, employment.

Mr. HARDACRE: He has a business now, and he cannot leave it to take employment.

The HOME SECRETARY: If he has a business, why does he want to come here for money?

Mr. HARDACRE: It is a struggling business, and he wants money.

The HOME SECRETARY: If hon. members knew all the circumstances in connection with these cases, they would know that when the Government passes them by there is very good reason for doing so. This House is a most inconvenient tribunal, because how can hon. members judge of the merits of a case? It is not a pleasant thing for a Minister to stand up and get the censure which I got a few minutes ago from the member for Mackay for simply doing my duty. I never refer to a particular case, and in what I say I never intend to reflect upon members of Parliament I only desire to assist them. I know they are generally placed in an invidious position by persons whose claims have been rejected by the Government, asking them to present them to this House, and I know that generally good nature rules when judgment would not come in. If this man has employment outside I hope it will be profitable; but I ask the House to accept my promise made to this man, which is now at the point of performance. I have always had in view the placing of Walker as caretaker in one of the institutions under my charge, where he will have no laborious work, and where for the rest of his life he will have ease and comfort.

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY: I promised him that. He knows the difficulty I have had in trying to get a suitable position for him. That will be far better for him than money, and if I am in office I will carry out that promise.

HONOURABLE MEMBERS: Withdraw the motion.

At 7 o'clock, the House, in accordance with Sessional Order, proceeded with Government business.

AUSTRALASIAN FEDERATION ENABLING BILL. COUNCIL'S MESSAGE.

The PREMIER: I beg to move that you do now leave the chair, and the House resolve itself into committee to consider the message of the Legislative Council.

Mr. McDONALD: I think this is rather an unusual procedure for the hon. gentleman to follow. The hon. gentleman was in such a hurry to have this Bill shelved that last night he moved the adjournment before you, Sir, had time to read the second message. The hon. gentleman in moving his motion now should have followed it up with some explanation of his conduct last night. It is all very well for the Secretary for Lands to laugh, but it is no laughing matter when such a high constitutional authority as the Premier comes down here and makes such a terrible blunder. I quite understand the hon. gentleman feeling a bit hurt at the Council's insistence on their amendments, but he is not the only Premier in the world who has been treated in the same manner by Legislative

Councils. One of our Standing Orders distinctly states that when a message is read it is imperative that a day should be fixed for the consideration of the message. Standing Order 221 says—

“Mr. Speaker shall immediately read the message to the House, and, if necessary, the House shall fix a future day for taking, or shall forthwith take, the message into consideration.”

There were certain amendments in the Bill, and therefore I maintain that it was necessary to take it into consideration on a future day. Therefore the hon. gentleman should have fixed a day at that particular time. If a message had come from the Council agreeing to the amendments, or not insisting upon their amendments, it would not have been necessary to fix a date for its consideration, but in this case a message came from the Council disagreeing to certain action on the part of this House.

The SPEAKER: I would remind the hon. member that he is quoting a Standing Order referring to messages from the Governor and not messages from the Legislative Council. There are other Standing Orders dealing with messages from the Legislative Council.

Mr. McDONALD: Standing Order 220 deals with messages from the Governor, but this one deals with messages from the other House.

The SPEAKER: Standing Orders 220 and 221—the one which the hon. member has quoted—deal with messages from the Governor. Nos. 222 and 223 deal with messages from the Legislative Council.

Mr. McDONALD: That may be so. I will not dispute your ruling upon that point; but there is another point of order that I particularly got up to raise, and that is whether the hon. gentleman is in order in moving the motion he has moved without giving notice.

Mr. McMASTER: He did give notice this afternoon.

Mr. McDONALD: The hon. gentleman gave no notice. I ask your ruling whether the hon. gentleman is in order in moving the motion without notice.

Mr. LEAHY: Don't ask that.

The PREMIER: I understood, when I mentioned the matter at half-past 3, that the House agreed to go into committee at 7 o'clock. There was certainly no solitary objection raised. However, if the hon. gentleman insists upon his point of order I am in no hurry to proceed with the matter, and will give notice, if required. Personally, I do not care one way or the other. I put the matter fairly before the House at half-past 3; no objection was raised then, and that is the reason why I moved the motion just now to go into committee. But if this objection is maintained, and time is to be wasted, I will withdraw my motion and give notice for Tuesday.

The SPEAKER: With regard to the point of order which has been raised—

Mr. McDONALD: I will withdraw any objection I have.

The SPEAKER: If the hon. member withdraws the point of order, of course the Premier will proceed with his motion.

Mr. McDONALD: Just so. I will withdraw it.

Mr. GLASSEY: Certainly the Premier is quite right in saying that when the House met he intimated his intention of proceeding with this Bill at 7 o'clock, and there is no doubt that from the silence of hon. members the hon. gentleman thought the House was pretty unanimous in granting the request, but I think after fuller consideration—and what I say now is not with the view of delaying business, as the Premier suggests—but considering the serious nature of the disagreement which has taken place between the Council and this House it would be wise and prudent on the part of the House to permit this matter to be postponed until Tuesday.

HONOURABLE MEMBERS: No, no!

Mr. GLASSEY: I am now expressing my own opinion, that it would be better to postpone the matter till Tuesday, by which time members can make up their minds what course they will pursue. We shall, at any rate, have ample time for reflection, and the House might then approach it a little more calmly.

The Hon. J. R. DICKSON: I think it was pretty well understood to-day that this matter would be submitted to us after tea, and although some of us would have been better pleased to have had notice of the intention to proceed with it, still there is nothing whatever to prevent the Premier in committee placing before members what action he intends to take with regard to the amendments made by the Council. I am not prepared to forejudge—in fact, I have no knowledge of what the hon. gentleman intends to do, and it may so happen that when we get into committee we may think it desirable to have time for fuller consideration. I claim for myself the liberty, then, to suggest whether a little longer time for reflection would not be prudent in connection with the very important question which will be opened up by our action in connection with the amendments made by the Council in this Bill.

Mr. BROWNE: Hear, hear! Let us get finished with it.

Question put and passed.

COMMITTEE.

The PREMIER: There was no one in the House, or perhaps in the colony, who regretted more than he did any friction that might arise over that Bill or any other Bill between that Chamber and the other co-ordinate branch of the legislature. He felt very diffident, indeed, to be the means of creating any friction between the two Houses. He had always held that the Council was one of the pillars of the Constitution, and one that they looked to to maintain the rights and privileges of the people of the colony. But he was in this position, that although he was exceedingly anxious to avoid friction of any sort, yet he could not conscientiously advise the Committee to accept the Council's amendments. If he could he would be very happy to do so, and it was with the greatest reluctance that he stated to the Committee that he felt it to be his duty to oppose any such agreement. He also deeply regretted that the Upper Chamber should have for one moment supposed that he would be the vehicle of any attempt to infringe their rights and privileges. Nothing would induce him to take any action in that direction. He was one of those who believed that the rights and privileges and the constitutional status of the Council should be maintained for the benefit of the colony, and although he thought the Council was mistaken, still he could not help expressing his deep regret that they should have taken any such view of that matter. He believed there never was any intention on the part of any member of that Committee to interfere with their sacred rights and privileges. When the Bill was under discussion there was no intention of that nature either expressed or implied, and he deeply regretted, therefore, that such a view of the case should have been taken in the other branch of the legislature. Now, they were in this position, that they had unfortunately to criticise the reasons that had been sent down by the Council for disagreeing with the Assembly. The first reason they gave was that—

“The Constitution Bill to be prepared by the proposed Convention will effect vital changes in the Constitution Acts of this colony, and will greatly restrict the powers now exercised by this House.”

that was by the Council. He thought the Council had taken a very wrong view of what

the functions of the Convention were. The Convention, by the Bill they sent to the Council, was in no way authorised to effect any vital changes in the Constitution Acts of the colony. They had no authority to make any changes whatever. All the Convention had to do was to submit a proposal to that Parliament and to the electors of the colony for ratification; but they had of themselves no power whatever to effect any changes in the Constitution Acts; no such changes could be effected without the consent of both Houses of Parliament, as well as the electors of the colony. That was well provided for in the Bill they sent to the Upper House. With regard to their second reason, that—

"The representatives to a Convention charged with the duty of preparing any such Bill ought not to be elected by the Legislative Assembly alone, but should be either elected by the people or appointed by both Houses of Parliament"—

there might be some foundation for that. It would have been better if they had avoided the abstract word "people," because in these days the people did not elect as the Athenians did on the Areopagus. The people were represented by the electors. What they meant was that either the Convention ought to be elected by the electors of the colony or be appointed by both Houses of Parliament. Supposing there was something in that—and he was assuming that there was—it was a very extraordinary thing that the Council did not see it at an earlier stage of the proceedings. They ought to have had it in view when they passed the second reading of the Bill. It would have been a sensible procedure upon their part if on the second reading they had announced that they insisted upon the members of the Convention being elected by the electors of the colony. If they had done so at that stage of the proceedings, then probably it might have happened that something would have been done, but the Council did not seem to be imbued with these democratic or popular opinions until the Bill was nearly finished, when it was too late. If they had sent the Bill down in that shape some other course might have been taken; but it was too late in the day after they had passed the second reading of the Bill the Assembly sent to them, and had sent it back without inserting the principle that they now contended for. It was too late now to amend the Bill in that direction. The Assembly was in this position: They had nothing before them but this message of the Council; they could agree to their amendments or the Council could withdraw their amendments at the request of the Assembly. The same reasoning applied to the 3rd clause of their message—

"The main principle of the Enabling Bill—the election of the Convention by the electors of the Legislative Assembly—passed by the several Parliaments of the other colonies is not embodied in the Bill now before this House."

That was the case when the Bill went up there, and if they then held such democratic opinions as they now apparently held, it was strange that they did not discover it in time to amend the Bill accordingly. Instead of doing that they passed the second reading of the Bill, and did not amend it in the way they said it ought to be amended. They did not insert the principle that they said was the proper principle, but they sent the Bill back without giving the Assembly an opportunity of dealing with the principle they wanted to insert; in fact they wanted to amend it in a direction entirely contrary to that. They amended it in such a way as to make themselves part of the electorate for voting for the members of this Convention. But even if they had done that in a practicable and workable way it would have been worthy of consideration. For instance, if they had said they had a perfect right to vote

for the members of this Convention and had stated in the Bill that they as a body should elect three members out of the ten, say one for the South, one for the Centre, and one for the North, that might have been done; but they sent it back to the Assembly in a way that could not be worked. Instead of acting as one body representing the whole colony they divided themselves into three arbitrary parts, and there was the same flaw in it as he had mentioned upon previous occasions. Hon. members must be aware that the number of members in the Council was not like the number of members in the Assembly—fixed by statute. There was no statutory number of members in the Council. He thought he was right in saying that at this time last year there were forty-one members in the Council, while at the present time there were only thirty-eight. Three vacancies had occurred. It was against all ordinary practice to fill up vacancies during the time Parliament was sitting, but was it not highly possible that the Governor would fill up those vacancies before the Bill came into operation? In that case, instead of there being thirty-eight members when the Bill came into operation there might be forty-one, and what would happen then? Only thirty-eight members would be allowed to vote under the Bill; and why should three members who held the Governor's commission, and were full members, be debarred from their rights and privileges? If they inflicted an injury upon one member of the Council they inflicted it upon all. But, even by their own contention, it must be evident to hon. members that there was every probability, not to say possibility, that some two or three members who held the Governor's commission would be debarred from their rights under this Bill, because only thirty-eight would be allowed to record their votes. The thing was not workable, and it had evidently been done upon the spur of the moment, without reflection. The proper course to be adopted if they were to be represented was, as he had said, that the whole Council should have voted for a certain number of members. Then, again, the Council were very strong in their ideas of the rights of the people, or what they called "the people." But if they followed out the analogy of their own House—of their own constitution—they would have recommended that the Governor in Council should nominate the members to this Convention, because that was the constitution under which they themselves existed. If the Governor in Council could nominate members to the Council, then, by analogy, they should have recommended that the members to the Convention should be nominated.

MR. TURLEY: That would be a better way than the present.

THE PREMIER: The principle of the Bill was that the representatives of the people should elect the members of the Convention. That had been so often stated that it was surprising any hon. member should not be aware of it.

MR. TURLEY: This House knows what a farce it is.

THE PREMIER: He proposed that they should send a further message to the Council asking them to reconsider their decision in this matter, and in the hope that they would see their way to agree to the Bill as it was originally passed. He thought the reasons he had stated were very strong, especially when it was seen that the plan they proposed was not one that could be worked. He could say a good deal more upon the Bill, but he thought he had said sufficient to intimate to the House what were his views upon the subject. He proposed to disagree to the reasons given to the Council, and

that the Assembly send them a message which would embody the views he had stated, and which he would now read—

The Legislative Assembly having had under consideration the message of the Legislative Council of date 30th September, relative to the amendments made by the Legislative Council in the Australasian Federation Enabling Bill, beg now to intimate that they insist on their disagreement to the amendments made in clauses 2, 16, 17, 20, and 21, and to the proposed new clause to follow clause 16; because—

1. The Constitution Bill to be prepared by the proposed Convention cannot, as supposed by the Legislative Council, effect any changes in the Constitution Acts of this colony, and cannot in any way restrict the powers exercised by that House. The first reason offered in the message of the Legislative Council is evidently based on an erroneous conception of the real functions of the proposed Convention, as nothing done by the Convention can bind either House of Parliament without its subsequent ratification;

2. The grounds advanced by the Legislative Council as their reasons for insisting on their amendments are merely arguments directed against the main principle of the Bill, which has been already affirmed by that House, and, if of any validity, are more effectual against such amendments than they are against the Bill itself.

My motion now is that the Committee insist upon their disagreement to the amendments made in clauses 2, 16, 17, 20, and 21, and to the proposed new clause to follow clause 16, as submitted by the Legislative Council.

Mr. GLASSEY did not rise to oppose the motion, but he did not consider that some of the reasons the hon. gentleman had given in support of it were very strong. The strongest argument the hon. gentleman had advanced against the position taken up by the Council was that it now only numbered some thirty-eight members instead of forty-one, that in the meantime the Governor in Council might appoint the other three, and those appointments being usually made in the recess the hon. gentleman concluded that there was a possibility that the three members so appointed would have no say in the election of the delegates to the Convention if the amendments made by the Council held good. There was not much in that argument, as it was well recognised that the Governor in Council was the Premier of the day, and if the Premier of the day desired to appoint three members to the Legislative Council, and did not desire to shield himself behind that little matter, he would simply not make the appointments at all.

The PREMIER: Why should he not?

Mr. GLASSEY: The matter was entirely in the hands of the Premier himself, and if he were anxious to take up the constitutional position which he had usually taken up that little difficulty could be very easily overcome. That was his answer to that argument. If the Premier had no stronger argument to support the false position into which the hon. gentleman himself had undoubtedly got himself into—for it was not the Council that had got him into the false position—it was a very weak one. Although he was not there to advocate the claims of the Council, he said the Premier, of all men, was responsible for the difficulties which had arisen between the two Houses. The Council had taken up a very strong position indeed, and they had let the Assembly know the conditions upon which the difficulties might be overcome—the reference of the matter to the people in accordance with the agreement of the Hobart Conference.

The PREMIER: Why did they not do it on the second reading?

Mr. GLASSEY: That was the position of the Council, and, as hon. members were aware, he had never yet stood there as an advocate for the Legislative Council.

The ATTORNEY-GENERAL: You are now.

Mr. GLASSEY: So long as it was there as a part of the legislature, in accordance with the

Constitution of the country, it was perfectly justified in insisting upon its full rights being conserved.

The ATTORNEY-GENERAL: Wait till the *Worker* gets hold of you for that.

Mr. GLASSEY: He wanted the Committee clearly to understand that he would support the Government in the course they were taking, but he said that any difficulties that had arisen were entirely the fault of the Premier himself, and he was strongly supported in that by the leading journal in this colony, which had never hesitated to put a spoke in for the Ministry in season and out of season.

The SECRETARY FOR PUBLIC LANDS: Strange bedfellows!

Mr. GLASSEY: In season and out of season the *Courier* newspaper was an advocate of the Government, but on this occasion it assumed a higher attitude than, unfortunately, they had known it to assume in the past. It now took the right course in charging the Premier first and foremost with failing in his duty, as head of the Government, in refusing to carry out the contract to which he was a party. They heard a good deal of freedom of contract, and here was a contract entered into by the head of the Government, in the most solemn and complete terms, that he would abide by the decision of the Hobart Conference to remit the choice of the delegates to the people.

The PREMIER: Were you there?

Mr. GLASSEY: Was he there? Did the Premier imagine for a moment that he had not read the whole of the proceedings?

The PREMIER: Yes.

Mr. GLASSEY: So far as they had appeared in print he had. If the Premier would pardon him on this occasion he would say that he declined to believe that the hon. gentleman was absolutely right and that the Premiers of the other colonies were absolutely wrong, notwithstanding his respect for the hon. gentleman and particularly for the high office which he filled. The Council took up a strong position from their standpoint in paragraph 2 of their message. It also showed where the weakness of the Government came in, and where the Premier had placed himself in an extremely false position. The Council would prefer to have the matter remitted to the people. But the Premier, who had always been a great stickler for the Constitution, was afraid to trust the people. Why? Because certain persons would be chosen by the people, whom the Government did not want as delegates to the Convention. Read some of the speeches delivered at Hobart! Read the speech of the late Secretary for Lands, Mr. Barlow. It was a most discreditable utterance. That gentleman said, "Do not refer this matter to the people. If it is referred to the people in my colony, a carpet-bagger will be chosen instead of some of the ablest and most intellectual men in the colony." Who was the carpet-bagger?

The ATTORNEY-GENERAL: He did not say that with reference to Queensland only; he referred to the colonies.

Mr. GLASSEY: He referred to Queensland.

The ATTORNEY-GENERAL: I heard him; it was an interjection.

Mr. GLASSEY: He had that paragraph very carefully preserved, and would use it at the proper time. The Government were afraid to trust the people in the choice of delegates to frame a Constitution under which they would have to live. The present Attorney-General was afraid of the people.

The ATTORNEY-GENERAL: I am not afraid of that one who is talking now.

Mr. GLASSEY: Then why did he not broaden out and widen his measure, and refer the choice of those delegates to the people; and he (Mr.

Glassey) would go against the hon. gentleman in any part of the colony he liked. If the Attorney-General and his friends were not afraid of the people they would have had a better Bill before Parliament than that. And now they tried to shield themselves behind the subterfuge raised by the Premier that three other men might be appointed to the Council, and that it would not do to deprive those three gentlemen of their choice of the delegates. What a flimsy, miserable pretence! Although he was not going to oppose the motion, no one could charge him with having ever departed from true democratic principles and his trust in the people. He charged those on the other side with having resorted to every device to restrict the suffrage, to purge and split the rolls.

The CHAIRMAN: I would remind the hon. member that the Bill itself is not before the Committee, but a motion that the Committee insist on their disagreement to the Council's amendments in certain clauses of the Bill.

Mr. GLASSEY quite understood what was the question before the Committee. The whole subject of the rights of the people was embodied in it; and he knew of no party in the whole of Australasia, holding positions of trust and responsibility, and who had reaped splendid emoluments from the taxpayers, who mistrusted the people more than the hon. gentlemen sitting on the other side of the House. Every possible device had been resorted to to prevent the voice of the people from being heard on all occasions. Men had been deprived of their rights and privileges; it was being done daily. And when a most solemn agreement had been entered into between the Premier of Queensland and the Premiers of the other colonies to remit this great question to the votes of the people, they found the most shameful mistrust of the people, and a solemn contract broken by the head of the Government. It was a most dishonourable transaction, and one which the people would not easily condone.

The ATTORNEY-GENERAL always felt a certain amount of sympathy with an hon. member, even though he sat opposite, when he saw him placed in the extremely humiliating position of the hon. member for Bundaberg. The hon. member, in something of his old 1888 or 1889 style, had denounced the Government in unmeasured terms, accusing them of being absolutely dishonest persons. They mistrusted the people, although it was a curious thing that the people trusted them, judging from the large number of members who sat on that side of the House. And he wound up, after all his fire and fury and storm of words, by saying that he was going entirely to support the Government on that occasion. The hon. member was in Queer street; he was on the horns of a dilemma, and would be impaled whichever way he turned. The hon. member did not love the Council, and yet he said the Council were perfectly right. His speech was one which would ensure the speedy transmission of the Assembly's propositions through the other House.

Mr. HOOLAN: He may be amongst them shortly.

The ATTORNEY-GENERAL: It was quite possible that if certain eventualities came to pass a seat might be found for the hon. member in the other House.

Mr. GLASSEY: Will you assist me to get there? The ATTORNEY-GENERAL: He would assist the hon. member to get to a great many places; but the Upper House was a sort of ark of the covenant, and must be kept sacred. It was remarkable to see the old Toryism that had been developed by the hon. member ever since he was returned to represent the aristocratic constituency of Bundaberg,

which he believed, since the hon. member's election, had been called "Blunderberg." The hon. member, since his association with black labour, had developed Tory instincts, and he had shown it to-night. They had seen a spectacle that was often witnessed at home—a Liberal Government with a Tory Opposition supporting a Tory House. The present Government was Liberal—in fact the hon. member for Fassifern, who supported the Government, declared that they were a Democratic Government, and they were in the true sense of the term. At any rate the hon. gentleman had shown strong Tory proclivities by saying that the other House was absolutely right in the message they had sent down. They had not to discuss the Hobart conference. They had not to discuss the sins of the Government, though the serious sins of the Government, leaving the venial ones out of consideration, were so few that they could be dealt with in a very few minutes. What they had to decide was whether the motion of the Premier should be assented to or dissented from. It was no use going into the past. Hon. members opposite and the Government had wrestled over this particular subject. Discussion had been worn threadbare. They had voted on it, and it had been decided by the majority that the election of delegates to the Convention should be conducted in a certain manner. That was the expression of the Assembly as a corporate entity. That went to the other House, which had its privileges. It had the right to move that the Bill be read that day six months or to reject the Bill on the second reading. That was the proper course for them to adopt if they disputed the principle affirmed by the Assembly, and that was the sincere and strictly honest thing to do. In those amendments they did not get the real opinion of the other House, which they had a right to expect. They merely got an accumulation of opposition to the scheme of the Government, based upon various reasons. They had the objections urged by the opponents of federation. They had the objections of a few members who, he believed, were really opposed to the principle of the Bill, and who would rather have election by the people at large, or who possibly would prefer to see the delegates named in the Bill or chosen by resolution of both Houses. Then, he believed, they had the objections of another class. There was no necessity to refer to them, but there were always people prepared to embarrass the Government, particularly if it was in connection with a matter by which the Government might be discredited not only within the confines of the colony but outside its borders. But they had to deal with the reasons given by the Council for insisting on their amendments, and to consider whether they were valid. They had no right to rake up past differences amongst themselves, because the question did not now resolve itself into a question between the two sides of that Committee, but into a question between the two Houses, and that was the spirit in which hon. members on all sides should regard it. They had their own contentions, but they had settled their internal disputes. The majority had ruled one way or the other, and the message was a challenge thrown down to them by the Upper House, in which challenge the Upper House advanced reasons why their view of the matter was sounder than that of the Assembly. He was going to analyse those reasons, and see whether they were such as should commend themselves to hon. members on both sides. The first reason urged was this—

"The Constitution Bill to be prepared by the proposed Convention will effect vital changes in the Constitution Acts of this colony, and will greatly restrict the powers now exercised by this House."

That reason had been advanced in order that it might catch the sort of people who would be represented by the hon. member for Bundaberg if he got into the Upper House, because he believed that if the hon. member got into the Council he would be one of the greatest sticklers for the prerogatives of the Council.

MR. GLASSEY: You were a great Tory when you were there.

THE ATTORNEY-GENERAL: When he first went to the Council he was looked upon as a sort of emissary of Satan, sent there by the Premier of the day simply to destroy all the institutions of the House. He had had to take part in taxation measures; he had nearly always been in a minority, and altogether he had not had a cheerful time there. He had just about as many supporters as the hon. member for Bundaberg had at the same time in the Assembly, and as many as he was likely to have in three years if he went on as he was doing at present. In their first reason the Upper House had advanced a reason that was no reason at all. They professed to say that the Constitution Bill to be prepared by the Convention would effect vital changes. The Constitution Bill prepared by the Convention would effect nothing. The Convention would really meet to negotiate. If it did anything, it would merely settle the heads of the agreement, which would have to be afterwards submitted to Parliament, and subsequently to the electors of the colony. The reason was based on an utterly wrong conception of the functions of the Convention. Then the Council had ventured on a prognostication, and it was very stupid to predict unless you knew. The Council went on to argue that the Constitution Bill to be prepared by the Convention would greatly restrict the powers now exercised by the Council. If that was going to be the result of the Convention, possibly some people—and he should think the hon. member for Bundaberg amongst them—would not share the views of the Council in objecting to the Convention. But it was improper for the Upper House to predict what the result of the Convention would be. Further it was unwise for them to do so. He certainly would not like to predict what the result would be, if there was any result at all. The first reason was based on an erroneous assumption as to the functions of the Convention, and it ended with a mere speculation as to what the result of the work of the Convention would be. Were they to solemnly support reasons like that? That reason had been put in to catch the timid Conservative men in that place, who in every change apprehended some danger to the Constitution of the Upper House. Whatever effect it might have in the other House, it should have none in the Assembly, because the reason was not based on fact; it really wandered away into the realm of what might possibly happen hereafter. That reason would go to the wall. Besides, if there was anything in the argument at all, it was an argument directed against the Convention, and not against the constitution of the Convention; and if that was the view really held by the other House, the most honest thing would have been to reject the Bill on the second reading. What was the use of affirming the principle of the Bill that it was desirable to hold the Convention, affirming that it was desirable to hold it on certain lines to deal with certain subjects, and then at the tail end come forward and say, "We object to everything because this Convention may bring about legislation that will not be particularly suitable to us?" He was sure this House would scout such a reason at once. The first reason as he said was to catch the timid, cautious, and conservative element; the second and third reasons were entirely inconsistent with

that, and most absurdly inconsistent with the amendments proposed by the Council themselves. The second and third reasons were intended as a bait to catch the hon. member for Bundaberg, and they had caught him. When one went schnapper-fishing he occasionally got a bite, and succeeded in hauling the fish up a certain distance, and then he got off the hook. They had hooked the hon. member, or had partly hooked him. Unlike the Legislative Council, he was not going to speculate upon futurity, and the movements of the hon. member for Bundaberg were so entirely uncertain that he was not going to stake his reputation as a prophet as to what would happen if they succeeded in hooking the hon. member. The second and third reasons breathed the combined spirit of the Trades and Labour Hall, the Labour party, and the leading columns of the *Courier*. That was a most magnificent mixture, a mixture that he should think combined altogether ought to make as disagreeable a compound as anyone could imagine. That coming from the Upper House, which had admitted on the second reading the principle of the election of delegates by the Assembly, was most inconsistent. They said that not only should the members of the Assembly elect themselves but that they, not as a House but as individuals, as nominees of the Government, should have "a finger in the pie," and elect delegates also. And they further said that they should assign themselves to such divisions of the colony as they thought fit. Practically the members of the Upper House and not the Lower House should be the turning point upon which the delegates should be elected. Those were the "fine strong reasons" which the hon. member for Bundaberg admired the Upper House so much for. The second and third reasons might be bracketed together. The first damned the Convention altogether, the second condemned the present form of electing members to the Convention, and those were given as reasons for insisting upon amendments providing that members of the Convention should be elected by members of both Houses of Parliament. And what was their reason for saying that they, as individual members, should have a say in the appointment of delegates? Nothing more inconsistent was ever heard. They said, "because the representatives to a Convention, charged with the duty of preparing any such Bill, ought not to be elected by the Legislative Assembly alone; but should be either elected by the people or appointed by both Houses of Parliament"—an absolutely and entirely different thing to what they approved of themselves. They did not believe that they should move as a House; but as a sort of units, and that they should be allotted to certain divisions of the colony.

MR. HARDACRE: As they do in America.

THE ATTORNEY-GENERAL: The hon. member for America reminded him that when they wanted to carry a slave State in Kansas so many men came over from Missouri and took up a position at the polls and they had a slave constitution; and they did the opposite thing with regard to Missouri.

MR. HARDACRE: If you read American history you would know more about it.

THE ATTORNEY-GENERAL: If he read American history he might find out more about the hon. member and some of his associates.

MR. HARDACRE: I have a better record than you have.

THE ATTORNEY-GENERAL: The hon. member had a longer one. He had talked more than he had, and probably would continue so until the end of the chapter. At any rate, that was beside the question. He did not believe that hon. members had carefully scrutinised the proposed amendments. They should look at the

wording of the amendments suggested. If hon. members would turn to the new clause 17 they would see it said, "Before the day appointed for the polling the Council may by resolution assign members," etc., and then it went on to say that on the day appointed for the polling the members of the Council and Assembly should vote according to their respective districts. So that after all it was, purely permissive. The Council might never pass the resolution, and they might have delegates elected under a Constitution which was absolutely obscured by uncertainty. There was no certainty at all in regard to the Upper House. It depended upon whether they passed a resolution. If that resolution was not passed they could not vote, and hon. members were asked seriously not to object to these amendments on the ground that what the Council believed in was election by the people. Surely the hon. member for Bundaberg, putting party considerations out of the question altogether, could not believe that the Upper House in advancing that reason did so with the slightest degree of sincerity, because their actions were entirely contradictory of their professions. Had they objected to the Bill on the second reading—rejected it absolutely—or had they amended it in that way, there would have been some ground for saying that they were sincere. But they did the very opposite. They kept to the principle embodied in the Bill, and to it they added themselves. Surely if the members of the Assembly, the representatives of the electors, were objected to by hon. members opposite as those who should choose the delegates, the inclusion of the members of the Upper House could not make the electoral body more acceptable. The third reason was altogether out of place; it was advanced altogether too late in the day, and was absolutely inconsistent with the action of the Council itself.

"The main principle of the Enabling Bill—the election of the Convention by the electors of the Legislative Assembly—passed by the several Parliaments of the other colonies is not embodied in the Bill now before this House."

Well, if the Upper House ever deserved the stigma of being called Rip Van Winkles that was sufficient justification for the stigma. The Bill was discussed and passed; it was sent to the Council; it came back again and was debated again, and then on the 30th September, 1896, under the signature of "Frederick T. Brentnall, Presiding Chairman," they found the Upper House had discovered that the same principle as agreed to by the other colonies was not embodied in the Bill.

Mr. HOOLAN: Better late than never.

The ATTORNEY-GENERAL: Quite so. Hon. members opposite might find some comfort in the fact that the Upper House showed some signs of amendment in their direction. They said those principles were not embodied in the Bill. If that was a valid reason now, it was a valid reason on the second reading of the Bill, and they should have taken exception to the Bill then and cast it out, or have remoulded it on the lines of the Bills passed in the other colonies providing for such elections. The hon. member for Bundaberg said that the Upper House had risen to the occasion. Their duty as members of the Assembly was to rise to the occasion too. They should not have shoved down their throats reasons of that sort, in the sincerity of which none of them believed, and in the sufficiency of which they did not believe. Under those circumstances they should insist upon disagreeing to the amendments of the Council, and the reasons which the Premier proposed to give in their message would, he believed, be found sufficient for that purpose.

Mr. DRAKE: Whatever might be the outcome of this discussion, it was very satisfactory that they were going to have the matter thoroughly discussed on the present occasion. It would have been better had a little more consideration been shown to the Council, and a little more attention been given to the reasons they gave for the amendments they proposed to make in that Bill in the first instance. The Premier had said that the action of the Council was taken in haste, upon the spur of the moment, but the hon. gentleman would find great difficulty in justifying that remark. The Council had acted with the utmost deliberation in the matter, and there was no reason whatever to say that they had been hurried or hastened in any way. The probability of the Council making a claim to have some voice in the selection of those delegates was mentioned by himself in that House on the 21st July, and he then suggested a scheme by which the Council might have some voice in the election of delegates, which was not at all unlike the proposal that had fallen from the Premier this evening. His suggestion was that the number of delegates should be increased to fifteen, and that the Council, as representing the colony as a whole, should have the exclusive election of five of the delegates. He understood the Premier to say that the present difficulty might perhaps have been got over if the Council had proposed that they should have the exclusive election of three out of the ten delegates—one for the North, one for the Centre, and one for the South. At any rate, seeing that the matter had been brought before that Committee some time ago, he failed to see how it could be alleged that the Council had made their amendment in haste or on the spur of the moment. The Attorney-General had made a great appeal to that House to fight as a House against the Council. They were to forget now all the differences between parties in the House, and unite to fight the Council, or, to use the hon. gentleman's own words, it was to be this House against the other House. It was most interesting to hear the hon. gentleman soothing on the Labour party against the Council even to the extent of rolling out in a sonorous voice the name of the Presiding Chairman, Frederick T. Brentnall. He was not going to look at the matter from that point of view. He failed to see how legislation in any country could be carried on under a Constitution based on the bicameral system, if every difference which occurred was to be made a fight between the two Houses. Such differences should be settled by an appeal to the judgment and reason of hon. members, and not by exciting their unreasoning prejudices against the other House. The whole claim of the Council now arose in consequence of the Government, and especially the Premier, having departed from the agreement come to by the Premiers at Hobart in January and February, 1895. They found that all through the reasons given by the Council. If the Government had adhered to that agreement, and framed their Enabling Bill on the same basis as the Enabling Bills of the other colonies, there would never have been the slightest justification for the Council to have put in any claim, nor would they have put in any claim, as was shown by their reasons. But when the Government departed from the obviously correct way of having the delegates elected by the voters of the colony, the question arose, what was the next best way of electing delegates; and the position the Council had taken up was only the position taken up by some members of the Opposition in this House—that if they could not have the delegates elected by the electors of the colony the same as was to be done in the other

colonies, the next best thing was to have them elected by the Parliament. Then, the matter not being one of finance, the Council had an equal right with the Assembly. Members of this House had no mandate from the constituencies to deal with the matter, and, as he had said on a previous occasion, the members of the Council were as individually fit as they were to pick out the ten best men to represent them at the Convention. The Premier, in dealing with the first reason given by the Council, substituted, perhaps unintentionally, the "Convention Bill" for the "Constitution Bill." What the Council stated was that the "Constitution Bill" would effect vital changes in the Constitution Acts of this colony, and if the Convention met, as he sincerely hoped it would, it was clear that whatever Bill might be passed for the purpose of federating the colonies must effect vital changes in the Constitution of this and the other colonies. That was the point the Council took, and that being so, the persons who were being sent to take part in the Convention ought to go down elected by the people of the colony. He did not know why the Premier should have such a fearful down on the word "people." He found it was used by writers on English history. In his history of the Reform Bill, Macaulay used the word, and he did not know why it should offend the hon. member. He held strongly to the opinion that the delegates should be elected directly by the electors of the colony. No other delegation would be satisfactory, or productive of any good results. If they went away from that principle they left it open to the Council to put in a claim which was just as good as the claim put forward by the Assembly. There was very great justification for the third reason, because the contention of the Council was that if they were not going to send delegates who were empowered to take up a position equal to that of the delegates from the other colonies it was no use sending any at all. He would rather see the colony unrepresented than see it represented, or misrepresented, by the ten gentlemen who would go down with an authority not equal to the representatives of other colonies. The Premier had said something about what the Council ought to have done, but they had nothing at all to do with the debates that took place there, and he confessed he had not read them. But the Council had assumed a certain position; they had claimed certain rights, had given reasons, and the Assembly could not go beyond those reasons. The question was, was their claim justifiable, and under all the circumstances the Council had an equal right with the Assembly to participate in the election. Some minor points had been raised to bolster up very weak arguments, to make an appearance of strength by covering up weak points in the Government case. It was urged that two or three more members might be appointed to the Council, but what on earth had that to do with the matter? If two or three more were appointed after the Bill was passed they would not participate in the election, and would have no claim at all. The Government had the absolute choice as to whether they would appoint those gentlemen or not, and it would not matter if they had no rights as electors for this purpose. The Attorney-General urged that the Council might assign members to the different divisions of the colony in such a way as to bring about a different result from what was contemplated by the Government. That meant that the Government had rigged up this scheme so that they could elect ten particular persons, and they were afraid that if the Council had a right to assign members they might upset the Government apple-cart, and appoint ten different members. If that were an argument for not accepting the amend-

ment, it was a very strong argument against the original scheme of the Government. The scheme of the Government was absurd and fantastical, and it was an untruthful scheme. They wanted to have the power to send down ten men to the Convention in order to make a pretence that Queensland was represented, and at the same time have ten men there who would represent their views. The Government claimed most unusual rights for the Assembly, and the Council claimed the same rights by a scheme which was certainly not more absurd and unreasonable than the one sent up to them. There were sixteen Northern members, but what had the North done that out of those sixteen nine should be sitting on the Government side, or sufficient to return any three persons they liked? The hon. member for Charters Towers wished to know why the Council should interfere with the scheme in order to change the proposals of the Government.

Mr. DAWSON: I asked what had the North done that six councillors should be assigned to it?

Mr. DRAKE: What had the North done that the Government should have power to send three members to represent it? All through the debate there had been gentlemen going round saying that it would be all right; that if it were agreed to matters would be arranged somehow. He was going by the Bill, and not by any private secret understanding. By the Bill nine members on the Government side and seven members on the Opposition side would have the election of three delegates to represent the North; that meant that the Northern members on the Opposition side would have no say in the matter at all. Surely then they would be in no worse position if the Council assigned six of their number to the North.

Mr. DAWSON: They have no authority to do it.

Mr. DRAKE: The members of the Assembly had no authority to send delegates to the Convention. He would like to know how many of the members of the House addressed their constituents on the subject at the last election? No member could say that his election had turned upon any question connected with federation, or that he had got any mandate from his constituents upon the subject. With regard to the reasons given by the Premier, the first was that the contention of the Council that the Bill to be prepared by the Convention would effect vital changes in the Constitution Act of the colony was erroneous, as it could not restrict the powers exercised by the other House. In that the hon. gentleman was distinctly wrong, as any Constitution effecting the federation of the colonies must have vital effects upon the Constitution of this Parliament, and therefore upon the other House.

The ATTORNEY-GENERAL: With the consent of both Houses here.

Mr. DRAKE was glad the hon. gentleman reminded him of that, because in the Bill they provided that the Constitution was not to be remitted to the people until it had been approved of by this Parliament.

The ATTORNEY-GENERAL: That answers the contention of the other House.

Mr. DRAKE: The Bills passed by the other colonies made no such provision; the Constitution was to be submitted to the people at once, and considering that our delegates would have to meet delegations from the other colonies they had a right to consider the feelings of the people of the other colonies. Looking at it as an Australian matter, and taking into consideration the interests of the other colonies, the reason given by the Council was a good one. The hon. gentleman's second reason was that the arguments of the Council directed against the principle of the Bill would have more validity if

directed against the amendments than against the Bill itself. The view he took of it, and he thought the Council had taken the same view, was that if they could not have it done by the best method—direct election by the people—the next best thing was to have the election by the Parliament. Whether they considered that the next best thing or not, the Assembly had no authority from their constituents to elect the delegates. To give them that power the Bill had been brought in, and the Council were then justified in insisting upon the same rights as the Assembly.

THE HON. J. R. DICKSON: It was obvious from the debate that members would support the Government on diametrically opposite grounds to those upon which the Government supported the motion; and on the other side those who approved of the amendments would be supported by other members for reasons quite different to those which they had advanced themselves. He asked what progress they were likely to make by endorsing the action of the Premier? Were they advancing the Bill one iota in that direction without first endeavouring to see that the difficulties which presented themselves in another place were likely to be removed? He believed the Government were sincere in their desire to pass the Bill, but it had occurred to him, would it not be better to come to a conference with the other Chamber with the view to see how far a compromise might be effected? Even if it were necessary to drop the Bill in its present form another Bill might be introduced and passed in which both Houses could join. Beneficial results had at times arisen from conferences between the Houses. Obstacles which seemed very formidable had been removed, and matters had terminated to the satisfaction of all parties. The question had arrived at that critical period that he could not see how either side could give way without a certain amount of humiliation. While not approving of the language employed in support of the stand taken by the Council, he fully sympathised with their position; and although he might stand solitary in the view he took, yet he would say that as long as the Council existed as a co-ordinate branch of the legislature it had equal rights with the Assembly. Their claim was unanswerable that as a branch of the legislature they had a right to have a voice in the election of delegates to prepare a federal Constitution.

THE HOME SECRETARY: Why did they pass the second reading of the Bill?

THE HON. J. R. DICKSON did not think they had any right to question the Council's mode of procedure in its own Chamber. If they chose to pass the second reading of a Bill, and subsequently to amend it in committee, that rested with them. All the Assembly had to do was to deal with the results of legislation as they came before them in the present form. Holding those views about the rights of the Council, he was almost disinclined to support the views of the Premier in objecting to the amendments the Council had introduced into the Bill. Without going back to what took place at Hobart, he would say that the Government themselves were largely to blame for the present predicament by departing from the principles laid down in the other federation Bills, without providing that the election of delegates should proceed from Parliament as a whole. Both Chambers should have been the electoral authority; and, holding that view, he did not see his way to support the disagreement with the Council's amendments insisted upon by the Premier. If the hon. gentleman desired to extricate the legislature from the embarrassed position in which it was now placed, and from which neither side could

recede without loss of dignity—the Council had spoken in no uncertain voice; it had approved of the retention of the amendments by a decided majority—instead of insisting upon their disagreement, let there be a conference between the two Houses for the settlement of the question.

MR. DAWSON: The hon. member for Enoggera seemed to have misunderstood an interjection he made. When the hon. member said he failed to see how the North would be any worse off under the proposed amendment than it would be if they adhered to the original scheme of the Bill, he interjected that the North would be considerably worse off, and that he was not aware of any particularly sinful act the North had been guilty of that six members of the Council should be assigned to it. There were only three members of the Council from the North. Under the proposed amendment nine Councillors would be entitled to vote for the Northern delegates; and that would mean that there would be six men coming from the South or the Centre who had no Northern interests at all, and no Northern sympathies, and possibly an absolute ignorance of the conditions of life in the North. Such men were not fit and proper persons to elect delegates representing that portion of the colony. Whatever the members of the Assembly might be there was one thing certain, and that was that in three years at most the electors could deal with them if they did an action they disapproved of. But the electors had no control whatever over the members of the other House. By confining the election strictly to the members of the Assembly, they got as electors men who understood the country and were in full sympathy with its interests, and who could be dealt with by the general body of electors afterwards. Under the proposal of the Council all those safeguards were taken away; and that was why he made the interjection. He, as a resident of the North, and as the representative of a large number of Northern electors, objected to the Council, or even the Assembly, assigning several masters to that portion of the colony.

THE HOME SECRETARY: On a previous occasion it had been commented upon that only one or two members of the Government had spoken on this question; that the silence of the others meant that they had nothing to say, or were weak in regard to the arguments advanced by the Government. It was because they believed in the strength of those arguments that they had not spoken. He was really in the same position again. The Attorney-General had taken the reasons of the Council one by one; his comments upon them commended themselves entirely to his (Mr. Tozer's) reason, and he hoped they would also commend themselves to the members of the Council. He saw no reason why two Chambers, honestly endeavouring to legislate for the public good, should come into friction because they differed. He believed that both Houses were actuated by a desire for the public good, and if, when the members of the Council saw that their reasons, after being submitted to the scrutiny of others, were not strong enough, surely they would listen to the views of the Assembly. There was nothing in the Bill which was intended to in any way restrict the powers of the Council in regard to any matters in which the Council had powers at present. If it were sincerely desired that there should be some representation of the colony at the Convention, the matter rested with the Council. They had sent the Bill back to the Assembly, and the cause of disagreement had been created entirely by the Council. Their Standing Orders provided—and the same rule applied now in the old country—that all conferring between the two Houses should be by message, but it did not

follow that because they sent messages that there was necessarily friction between the two Houses. All through, the Bill had been regarded as a non-party measure. It was possible that the Council had got the impression that the Bill was intended as the first step towards curtailing their privileges, but that was not correct. Under the Constitution Act, all matters affecting the internal welfare of the colony had to be determined by the two Houses, and it might be that the Council had thought that the Assembly had taken to itself the right to deal with a matter in which they had co-ordinate powers. If that was so, they might have been entitled to reject the proposals of the Assembly. Of course, it was necessary for the purpose of determining the question to see what was the main principle of the Bill, and he could not state that better than by quoting the words of the Council. The Council said—

"The main principle of the Enabling Bill—the election of the Convention by the electors of the Legislative Assembly—passed by the several Parliaments of the other colonies is not embodied in the Bill now before this House."

Mr. DRAKE: They say that principle is not in this Bill.

The HOME SECRETARY: They said that the main principle was the election of the Convention. Their whole argument was not whether there should be a Convention, but who were to be the electors. When the Bill was sent to the Council they knew that the vital principle of the Bills passed in the other colonies was election by the electors, and that it was on the basis of one man one vote. It had never been contemplated by the Constitution Act that the Council had the right to deal with such a question. That was a matter never contemplated in our Constitution, and there was no logical reason why it should be referred to any particular person. It was purely a question of what might be considered the best result to arrive at.

Mr. DRAKE: We have no right to make ourselves the electors.

The HOME SECRETARY: They had no right to send it to the electors. The other colonies had sent it to the electors in different ways. In one colony it was sent to women electors. They had no inherent right to do anything in the matter at all.

Mr. DRAKE: Parliament can deal with it.

The HOME SECRETARY: Parliament had no inherent right to deal with it. This was something entirely outside the Constitution, and there was no inherent right to deal with it either by sending it to the electors or anyone else. It was all a question of expediency—what would bring about the best results. The Council's argument might have been that they must first of all alter the basis of election to the same principle as the other colonies had done, but they did not do that. They affirmed the principle of the Bill, and the vital principle was the electoral college. It was quite within their power to have treated the matter in this way: "We think that the representatives ought not to be elected by the Legislative Assembly." If the Assembly differed with them, what was the honest and logical thing to do?

Mr. DRAKE: Amend the electoral college.

The HOME SECRETARY: Amend the electoral college in the direction which they indicated? That would mean that the representatives should either be chosen by the people or by the two Houses. But they had not attempted to do either. The Assembly sent up a Bill providing for election of the representatives by members of the Legislative Assembly; the Council said practically, "The election ought to be either by the people or by both Houses of Parliament; but as it is neither,

we will make it something worse than either." That showed entire inconsistency on the part of the Council. Granting that they were a co-ordinate branch of the legislature and had their rights, then the way to exercise their rights, if they did not agree with the principle of the Bill, was to throw it out, but not affirm it and afterwards amend it. He had never been able to see any inherent right in anyone to demand that the matter should be referred to the people. It might give the best results, but supposing they came to the conclusion—as they did after long discussion—it would not give the best results, then they had to look round for another system, and they had inserted it in the Bill. They could only find out by actual working what would give the best results, and they had come to the conclusion that the Assembly was quite competent to choose delegates to go south and negotiate a Constitution. They had done that, because they were the representatives recently returned by the people.

Mr. DRAKE: The Council did not agree with that.

The HOME SECRETARY: Then he could understand them saying, "We are of opinion that this is not the best principle." The Council had, however, absolutely left intact the Assembly's portion of the Bill, and had added to it something which was quite at variance with the principles of the Bill. The Council gave as a reason for insisting upon their amendments that the work of the Convention would effect vital changes in the Constitution Act and restrict the powers of the Council. He had never gone so far as to say that the work of the Convention was simply drafting, but he would say that it was simply negotiatory—bringing to a point the various matters which a federation would have to deal with, and trying to focus them for submission to the separate Parliaments. The first reason, therefore, seemed to be based on an entirely erroneous idea of the functions of the Convention. He therefore endorsed what had fallen from his hon. colleagues the Premier and Attorney-General. With regard to their second reason, the Council might be perfectly right in their opinion, but, if so, it was an argument against their own amendments; it was simply begging the question. The question was whether the amendments they had made were within the principle of the Bill—a principle which they had affirmed—or whether they were absolutely opposed to it. He held that they did not come within the scope of the Bill, and that the second reason was opposed to their own amendments. As to the third reason, the main principle of the Bills passed by the other colonies was known to the Council when they agreed to the second reading, and it was no reason why they should put an entirely different principle into this Bill. The reason they gave was one for throwing the Bill out altogether, and not for amending it as they proposed.

Mr. DRAKE: They tinkered with your Bill instead of trying to make a better Bill.

The HOME SECRETARY: If they thought that the Assembly had sent up a bad Bill they ought to have thrown it out and not have added to it and made it worse. Now, the main principle of the Bill passed in the other colonies was that the delegates should be elected on the principle of one man one vote.

Mr. DRAKE: No; not in all of them.

The HOME SECRETARY: At any rate if they did what was suggested in this colony and referred the election of delegates directly to the people, the delegates must necessarily be elected on a different suffrage from that on which the delegates from other colonies must be elected, unless the rolls were compiled on the same basis in all the colonies. It had been argued that the

logical thing to do was to adopt one of two alternatives—to go either to the people or to the Parliament. He did not see that there was any logic at all in that contention. The question was in what way would they get the best results? He did not know that under any Constitution anybody was compelled to go to the Parliament or to the people. There was no Constitution which said that they should go direct to the people, and when members spoke of going to the people they would only go to the adult males. It had been said that the Premier had agreed at the Hobart Conference that he would go to the people. Assuming that it was so agreed, he was always driven back on this fact that somebody made the people something different from that contemplated at the time. He was not going to argue as to the wisdom of going to the people, but he wanted to know what ground there was for any person saying that the Government were illogical in not going to the people or to Parliament. If they could get any better results by leaving the people and Parliament out of the matter, they would be justified in doing so. Why should they not have the delegates nominated by the Governor in Council, as was done on a previous occasion, if by so doing they would get any better result? The proposal made by the Government was that, as they had just come from the country, and as the Convention would be merely a negotiatory tribunal, they could get as good results by having the delegates elected by members of the Assembly as in any other way. That might not have been a wise proposal, and the Council had a right to say that they did not think it was wise; but instead of doing that, they affirmed the principle of the Bill, made certain additions to it, and then gave three reasons for their action. Those reasons, he contended, were entirely at variance with their amendments, and he could not accept them.

Mr. HARDACRE: The other night he voted against the Council's amendments, because he believed they should not go further from the people than they could possibly help. To-night he intended to vote against the motion of the Premier, because if they insisted upon their disagreement with the Council's amendments the Bill would necessarily be dropped.

The PREMIER: Why

Mr. HARDACRE: Because the Council's amendments would not be agreed to, and until the Assembly did agree to them they could not pass the Bill. The only way for the Government to get out of the difficulty was to bring in another Bill.

The SECRETARY FOR PUBLIC INSTRUCTION: Do you want to kill this Bill?

Mr. HARDACRE: He hoped this Bill would be killed, so that the Government would be compelled to bring in another Bill based upon proper principles.

The PREMIER: You have been caught.

Mr. HARDACRE: He had not been caught by the Government. He should vote against the present motion so that the Government would have to start afresh, and he was perfectly logical in that action. The Home Secretary had made some very remarkable statements, and drawn some very remarkable conclusions. He said they had no inherent right to make any alterations in our Constitution; that it was only a matter of expediency, but in the very same argument he admitted that they had that inherent right, because he said the choice of representatives ought to have been with the people, thereby basing the right upon the consent of the electors of the colony. If there were any right at all it should be based upon the consent of the people, whose

liberty and powers of taxation and representation would be altered if this Bill were carried into law.

The HOME SECRETARY: Define "the people" in this colony.

Mr. HARDACRE: They knew what was meant, although they might not be able to define it. They all knew what hunger and thirst were, but how could they define them? The Home Secretary had annihilated his own argument. The hon. member asked why did not the Council object to the main principles of the Bill upon the second reading? He contended that the method of election was not the main principle of the Bill at all. The Premier said it was when he introduced the Bill, but the Council said it was not, and they left to themselves the option of dealing with it when the Bill got into committee, and they then altered the method of election.

The PREMIER: Read the second reason.

Mr. HARDACRE: The main principle of the Bill was the election of delegates to the Convention, and not the method of election.

The SECRETARY FOR PUBLIC INSTRUCTION: You always maintained the very opposite.

Mr. HARDACRE: The main principle was the election of delegates to form the Convention, and the method of election was only a matter of detail, which they could legitimately deal with in committee. The Attorney-General made some allusions of a personal character, and referred to him as "the member for America." He interjected that that was an honourable distinction, because that country led the van of progress, and had given rise to some of the greatest men who had ever lived. It would be better if this colony had more of the progressive spirit of that country. There was another country which led the world in some things, in fighting for liberty and struggling against wrongs; that was Ireland, and he was sorry he could not retort to the hon. member that he was the member for Ireland. If he were going to reply in the same spirit as the Attorney-General he would inform him that he had a cleaner record than the hon. member. That hon. member said the hon. member for Bundaberg had placed himself in a humiliating position. The Attorney-General was supposed to have some knowledge of logic and skill in argument, but his whole argument was nothing but sound and fury signifying nothing, and utterly illogical. The first position he took up was that because this House had done something, therefore it should be stupid and insist upon adhering to what it had already done. Because it had refused the Council's amendment in the first place, therefore it should insist upon refusing it. If the reasons given by the Council were sound, the Assembly was at liberty to reconsider its decision, and was not bound to insist upon the position it took up at first. The real question was: Were the reasons that had been given sound reasons? So far as he was concerned, he could not possibly refuse to subscribe to the reasons.

Mr. HOOLAN: Are they justified in sending them?

Mr. HARDACRE thought they were perfectly justified in sending them. The Attorney-General argued against the first reason given by the Council, but if the Constitution Bill prepared by the Convention did not actually effect vital changes in our Constitution Acts it certainly would carry with it the possibility of effecting those vital changes, and the Council was constitutionally right in stepping in at the outset and objecting to the first step being taken in that direction, unless they were represented in such a way as to be able to protect their rights,

privileges, and constitutional position. Once the wheels were in motion, where were they going to stop? The Council were perfectly justified in attempting to stop them at the start.

The HOME SECRETARY: By putting their individual members into it?

Mr. HARDACRE: If they think that the Constitution is going to be altered, they have a right to some say as to how it is to be altered.

The HOME SECRETARY: As the Council?

Mr. HARDACRE: As part of the legislature of the colony.

The HOME SECRETARY: That is not their amendment.

Mr. HARDACRE: It was their amendment.

The ATTORNEY-GENERAL: Read it.

Mr. HARDACRE: Let them see what changes were about to commence if the Bill were adopted. First of all they elected members of a Convention to formulate a Constitution. Then when they submitted their Constitution neither the Assembly nor the Council would have any power to do more than suggest amendments to it. The Constitution was then to be sent back to the Convention, who might or might not accept the amendments suggested. Then when it was finally returned from the Convention, though it might be at variance with the views of the House in many respects, the Bill provided that the Constitution as so framed shall be remitted to the electors.

The ATTORNEY-GENERAL: If Parliament approves.

Mr. HARDACRE: No, there was no option. The Bill said that the Constitution as so framed "shall be submitted to the electors" in such manner as the House might prescribe.

The ATTORNEY-GENERAL: You are quite wrong. The Bill says, "If approved by Parliament."

Mr. HARDACRE: The Attorney-General did not know his own Bill.

The ATTORNEY-GENERAL: I am reading it, and I ask you to read clause 29. The hon. member forgets. He was asleep while we put something in.

Mr. HARDACRE: Clause 29 said that the draft Constitution should be submitted as finally adopted to the electors.

The ATTORNEY-GENERAL: No, no! "The draft Constitution as finally adopted by the Convention, if approved by Parliament."

Mr. HARDACRE: Then he had a copy of the wrong Bill.

The PREMIER: They were sent round the House to-night.

Mr. DRAKE: They were not sent round on this side.

Mr. HARDACRE: It was not his fault, as he read the copy laid on the table. In any case it would be a most difficult thing for the Queensland Parliament not to follow the example of the Parliaments of the other colonies; and if they sent the draft Constitution direct to the people, and if the people ratified it, they would not be able to resist the will of the people in the ratification of that alteration of the Constitution. The step they were now taking involved the possibility of vital changes in the Constitution, for the power of taxation would be handed over to an entirely new Government, and for that reason the Council were perfectly justified in asking for a voice in the election of the delegates, that their views might be heard as well as those of the members of the Assembly. In their second reason the Council took up a very logical position. He pointed out the other night the distinction between a "federation" and a

"confederation," the one being a union of States, and the other a union of the peoples of States. Whatever way they took it, Parliament as a whole would lose some of its constitutional rights and privileges, and Parliament should elect the delegates, or else they should do as the Council suggested and send the matter to those from whom all political power sprang—the people. The third reason was not so much concerning the Council or perhaps the Government, but it certainly did concern the members of that House who from the commencement had taken up the position that the electors of the colony should elect the delegates. It had been asked: Why did not the Council throw out the Bill? But the Council might well reply, "Why did not the Assembly throw out the Bill?" That would have been a logical way out of the difficulty, and he for one hoped they would throw out the Bill and start over again with a Bill on the lines of the third reason of the Council, and on the lines of those adopted in the other colonies, and have a popular election of delegates, which the Upper House would be found to agree to.

Mr. BATTERSBY: It was amusing to hear the speech of the hon. member who had just sat down. He did not see why the Council should have any say in the representation of the colony at the Convention. It was only three or four months since they had a general election, and if most of the candidates were not questioned on the subject of federation, he could say that he was asked several times what he thought of it. His reply was that he did not know what it meant, but that when he saw the Bill he would read it, and afterwards discuss it with the electors, but that he should take his own course with regard to it if they returned him to Parliament. The Government recommended persons for nomination to the Council, and if they recommended the wrong men they were fools.

The CHAIRMAN: The hon. member will not be in order in saying anything disrespectful of a member of the other Chamber. I trust he will remember that.

Mr. BATTERSBY would not mention any names, but there was a gentleman in the other Chamber who was once a member of the House; he tried to rule the roost, and did for a little time, but as soon as a general election came on he failed to get a seat, and he was only sorry the present Government gave him a seat in the Upper House. With regard to the present question, he hoped the Premier would stick to his guns, and that some understanding would be arrived at between the two Houses next week.

Mr. KIDSTON: The discussion was a very fine commentary on the lecture the Premier gave them the other day about wasting the time of the House and the country.

The PREMIER: Hear, hear! Quite true.

Mr. KIDSTON: After all the time that had been wasted on this miserable Bill it was now only a question whether the Government would take the responsibility of murdering their miserable offspring or whether they would be able to induce the other House to do it. The reasons given by the Council for insisting on its amendments might be valid reasons for their throwing out the Bill, but they were not valid reasons for the Assembly to accept the amendments. Even if they accepted the amendments of the Council the Bill would be no nearer giving effect to the reasons adduced by the Council in support of their amendments. He entirely agreed with the Council that the delegates to the Convention should be elected by the people, and he only hoped the Council would recognise that principle when it was proposed to elect that House by the people. But it was really a case of the devil quoting Scripture, and although he recognised

the Scripture, he could not help also recognising the voice of the devil. He failed to see how the reasons of the Council justified them in accepting their amendments, because it was manifest that if they were accepted they would not provide for the election of the delegates by the people. He was just as little able to agree with the course the Premier proposed to pursue. Did the Premier propose to continue the game of battledore and shuttlecock which had been going on between the two Houses? He supposed the hon. gentleman hoped the Bill would disappear through a crack in the floor when passing between the two Houses some day. It was incumbent upon the Government to tell them what they intended to do. Did they mean to carry out the promise made by the Premier at Hobart? The Government knew well that there was no difficulty about the matter. They had only to withdraw the Bill and bring in a fresh Bill carrying out the original intention of the Conference, conceding the reasons advanced by the Council, and providing for the election to be by the people, and then the Upper House could not refuse to agree with the Bill. There was no valid reason why that policy should not be adopted, and if the Government were earnest in desiring to take part in the Convention, that was the one course for them to pursue. He refused to assist them in keeping up the game of battledore and shuttlecock with the other House.

Question put; and the Committee divided:—

AYES, 36.

Sir H. M. Nelson, Messrs. Tozer, Byrnes, Philp, Dalrymple, Dawson, Macdonald-Paterson, Glassey, King, Leahy, Battersby, Grimes, Thomas, Cross, Hamilton, Lissner, Collins, Bell, Jackson, Bridges, Newell, Petrie, McDonnell, Sim, Fraser, Corfield, O'Connell, Murray, Dunsford, Story, Stephenson, Castling, McMaster, Lord, Callan, and McCord.

NOES, 13.

Messrs. Dickson, Hardacre, Drake, Kerr, Turley, Hoolan, Fitzgerald, Browne, Dibley, Daniels, Kidston, and McDonald.

Resolved in the affirmative.

The House resumed; and the CHAIRMAN reported that the Committee insisted upon their disagreement to the Legislative Council's amendments.

The report was adopted, and the Bill ordered to be returned to the Legislative Council with the message previously read by the Premier.

BILLS OF SALE ACT AMENDMENT BILL.

COUNCIL'S MESSAGE—COMMITTEE.

THE ATTORNEY-GENERAL: Hon. members would remember that the Council made certain amendments in that Bill. The measure was brought in principally to give the same facilities for the registration at Rockhampton of bills of sale as now existed at Townsville. The Committee on the previous occasion disagreed with the amendments made by the Council for reasons which they largely took from himself as the Minister in charge of the administration of those matters. Those reasons the Council controverted, and practically said they were not well founded, but did not advance any fresh reasons. The reasons advanced by the Committee were substantial reasons, but, in addition to those, there was a further reason why they should insist upon their disagreement. Another measure had been passed which enabled stock mortgages and liens on property to be registered at Rockhampton, and in the petty sessions districts of the Central division, and that Bill was returned without the amendment made in the Bills of Sale Bill, so that if they adopted the amendment now proposed in the latter Bill it would create a good deal of con-

fusion in the registration of those different instruments in the Central district. He believed that there must have been some confusion in the Upper House upon that particular point, because if the principle they contended for was one they were going to adhere to they would also have introduced it into the Mercantile Amendment Bill. In fact he had been led to believe that they would not insist upon their amendment. However, the matter had come back to the Assembly, and he would ask the Committee to insist upon their disagreement to the amendments of the Council, as the reasons previously given still subsisted, and he did not think the Committee could stultify themselves by departing from the principle adopted in the other measure.

Mr. FITZGERALD hoped that the hon. gentleman would not in any way attempt to jeopardise the passage of that Bill, which was one of very great importance to business people in the Central district, by insisting upon disagreeing with the Council's amendment. The question of the interchange of returns between the courts was a matter of minor detail, but at the same time he agreed that if the amendment were accepted it would lead to a lot of inconvenience and complications. Yet he would not like to see the passage of the Bill jeopardised.

THE ATTORNEY-GENERAL quite appreciated the spirit of the hon. member's remarks, and thought that the members representing the Central district knew that he had always taken an active interest in the establishment of the Supreme Court at Rockhampton. He brought in the Bill which made that provision, and the Bills of Sale Act Amendment Bill and the Mercantile Amendment Bill were introduced for the purpose of arming the court with full powers in regard to the registration of bills of sale, stock mortgages, and liens on property. He hoped that the Council would not insist upon their amendments, and would certainly do his best to see that the Bill went through.

Mr. HOOLAN said he was very sorry that the valuable suggestions and amendments of the other House should receive so little consideration in that Committee. He always understood that the Upper House had some representatives in the Assembly, the same as the Government had in the Council, but he was now undeceived in that opinion. The Council would scarcely care to have him as a champion, but he thought their suggestions should receive more consideration. It was possible that this amendment would find a good deal of favour in the country generally, and if it were rejected here it might jeopardise the Bill. After what had occurred he should not be surprised if a motion came from the Government side to abolish the Council altogether.

Question put and passed.

The House resumed; and the CHAIRMAN reported that the Committee insisted upon its disagreement to the Council's amendment in clause 4.

THE ATTORNEY-GENERAL moved that the Bill be returned to the Council with the following message:—

"The Legislative Assembly having had under consideration the Legislative Council's message of date 30th September, relative to the amendments of the Legislative Council in clause 4 of the Bills of Sale Act Amendment Bill, beg now to intimate that they insist upon their disagreement to the said amendment, for the reasons already given, from which they see no ground for departing, and for the further reason that no such amendment has been made in a kindred Bill recently passed dealing with the registration of stock mortgages and preferable liens."

Question put and passed.

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