Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 28 OCTOBER 1903

Electronic reproduction of original hardcopy

WEDNESDAY, 28 OCTOBER, 1903.

The SPEAKER (Hon. A. S. Cowley, *Herbert*) took the chair at half-past 3 o'clock.

QUESTIONS.

ENFORCEMENT OF POLL TAX.

Mr. LESINA (*Clermont*) asked the Treasurer—

1. Is it true that the Government are proposing to enforce the poll tax against persons who have only been resident in the State a few weeks?
2. If so, has the Attorney-General been consulted as to the legality of such course?
3. Is it a fact that notices have been served on firemen and others, working aboard Australasian United Steam Navigation and other companies' boats trading on the Australian coast, to the effect that they must pay the poll tax, otherwise their wages will be garnisheed?

The TREASURER (Hon. W. Kidston, *Rockhampton*) replied—

1. Persons who have been in Queensland only a few weeks have been required to pay income tax when they have earned money in Queensland during that time.
2. No.
3. No such notices have been issued to the class of persons mentioned.

PAPERS RELATING TO ROYAL ASSENT, ELECTIONS ACTS.

HON. J. F. G. FOXTON (*Carnarvon*) asked the Chief Secretary—

Having regard to the questions addressed by me to the Honourable the Chief Secretary on the 8th October on the subject of the Women's Franchise Bill, and the answers thereto, has the honourable gentleman any objection to lay upon the table of the House copies of the despatches, correspondence, and other papers (including a minute or memorandum by the Honourable the late Attorney-General), relating to the Royal assent to the Parliament of the Commonwealth Elections Act and the Elections Acts 1885 to 1898 Amendment Act of 1900, and to the reservation for the Royal assent of Bills amending the electoral law or affecting the franchise?

The PREMIER (Hon. A. Morgan, *Warwick*) replied—

As most of these documents are of a confidential nature, there are objections to their being placed on the table of the House.

Hon. J. F. G. FOXTON: They ought to be made public, I think.

DAY DAWN BLOCK, ETC., COMPANY'S BRANCH RAILWAY BILL.

SECOND READING.

* The SECRETARY FOR RAILWAYS (Hon. Arthur Morgan, *Warwick*): This is a Bill to authorise the Day Dawn Block and Wyndham

Gold Mining Company, Limited, Charters Towers, to construct and maintain an extension of its branch line of railway connected with the Northern Railway. The company have already a short branch line from the main line at Charters Towers to their mine; now they ask for power to construct an extension, about half a mile in length, according to the route shown on the plan which forms the schedule to the Bill. The extension is rendered necessary by the development works which the company contemplate undertaking, and which involve a considerable expenditure of money. The line will cross streets in the town of Charters Towers and the Shire of Queenton, and therefore the assent of the local authorities named is necessary. That assent has been obtained, both the Queenton Shire Council and the Charters Towers Town Council having given their approval to the Bill as drawn. The line will primarily benefit the company, but it will also benefit the State, for all traffic from the branch line will also go over the main line. The company pay the whole cost of the line; the advantages will be shared by the company and the State. I can scarcely conceive any reason for offering opposition to a Bill of this nature. [Hon. R. PHILP: Except from your own side.] I have told the House that the local authorities interested approve of the Bill as drawn—of power being given to the company on the lines laid down in the Bill. The Commissioner for Railways also approves of the Bill, and I may add that I have consulted the members for the district most particularly interested, and I understand they are also willing to consent to the Bill. That being so, I think I can fairly ask the House to give its consent likewise. It is not necessary to explain at any length the provisions of the Bill, which are quite simple. In clause 3 the company is given power to construct the branch line according to the route mentioned in the schedule, and according to the plan, section, and book of reference to be approved by the Commissioner before the work is entered upon. Clause 4 gives the company power to acquire an easement upon Crown lands for the purpose of constructing the line. There is a further provision to acquire, under the general law, lands other than Crown lands required for the purpose of the railway, and in clause 6 full provision is made as to roads. The company is given power to construct the extension along, across, over, or under the roads indicated in the schedule, and they are thereafter to keep, maintain, work, and use the extension, and, in doing that, shall not be liable to any action or other proceeding for or in respect of any alleged obstruction of any such road. The roads are to be maintained in good condition and repair, and with due regard to the safety of the public, and subject to an agreement subsisting between the company and the local authorities. Then, in clause 7, power is given to mine under the extension, the mining operations always to be subject to inspection by the Commissioner to see that the stability of the line is not threatened or the interests of the public jeopardised. I do not think it is at all necessary to enter into any lengthy justification of the Bill. It is perfectly simple, and I think such as will commend it to members on both sides of the House. It may be said that this is a syndicate railway. It is a railway to be built by a company at the company's cost, and the benefits of which will be shared by the company and the State. We have no objection to a railway of this nature, or even to piloting it through the House, and I am quite sure the leader of the Opposition has no objection to the Bill. [Hon. R. PHILP: None whatever.] I beg to move that the Bill be now read a second time.

HON. R. PHILP (*Townsville*): I think it only right to congratulate the Premier upon having the courage to table a Bill of this sort. (Government laughter.) Of course, it will be said by the Secretary for Mines and the Treasurer that it is only a small railway—that it is only half a mile in length. Still, it contains exactly the same principle as the syndicate railway Bills which met with so much opposition from hon. members on the other side—[The TREASURER: No!]—except that the syndicate railway Bills were even more liberal than this Bill. Those Bills had the right of purchase by the Government, and this one has not got such a provision; and I can tell the House that two little lines similar to this, that went through coal lands, had to be bought by the Government because the owners were getting large royalties from the owners of other coalmines who used the lines. I certainly did think that there would be some opposition to the Bill from the Premier's own side. [The SECRETARY FOR RAILWAYS: Would you like a purchasing clause?] I do not want it; but I imagined that his own colleagues and his twenty-one supporters of the Labour party would. Surely they do not wish to pass a Bill more liberal than the measures to which they offered such strong opposition! I am glad that the two members for Charters Towers will allow the Bill to go through; but, when other districts wanted railway communication and the right to carry their minerals, they were refused by those hon. members. Of course, this is only half a mile long, but it contains just the same principle as the other Bills. [Labour members: No.] [Mr. DUNSFORD: This is a mining tramway.] It is called a railway here. The only difference is that those other railways really did more good to the country than this one will do. However, the Bill will facilitate the Day Dawn Block conveying their stone cheaper to the mill, and I do not suppose the two members for Charters Towers will fight it. Again I congratulate the Secretary for Railways upon having been able to compel his twenty-one followers and two Ministers to swallow such a Bill. (Government laughter.)

The SECRETARY FOR MINES (Hon. W. H. Browne, *Croydon*): I knew that the hon. gentleman would have a little joke over this as being a private railway Bill. At the same time, no one knows better than the hon. gentleman that it is nothing like those syndicate railways at all. These people ask for no concessions, mineral or otherwise. They get nothing at all, and there is this distinction between them and the people who asked for the syndicate railways, that, while all the expenses of getting the syndicate railway Bills through the House were paid by the Government, all the expenses in connection with this extension will be paid by the owners of the mine. [Mr. W. HAMILTON: This is not a public carrier at all.] The present line was agreed to in 1888 to enable the company to convey their stone from the Day Dawn Block and Wyndham down to their mill on the Burdekin. The line is under the control of the Commissioner for Railways, and, to all intents and purposes, is a State railway, with the exception that this company paid for building it, and they have a preferential right for running their stone. All the gear, rolling-stock, and everything else in connection with the line, is subject to inspection by the Commissioner for Railways, like State railways. [Hon. R. PHILP: It is exactly the same on all private railways.] If it is just the same, why do not those syndicates come along in the same way, and say they are prepared to build those railways and hand them over to the Government, like this company? The hon. gentleman knows that there are a lot of little lines in this

State which are on the same, or very nearly the same principle as this. In 1888—the same year in which the present Day Dawn Block railway was agreed to—there was the Coreana Coal and Iron Company line, near Ipswich, the Gulland coal mines at Bundanba, Gulland's coal mines at Goodna, Lewis Thomas's line at Bundanba, and Gulland's line at Tivoli. [Hon. R. PHILP: I quoted all those when I tried to pass the others, and you would not have them then.] It was because the syndicate railways were so different to them that we opposed them. In 1894 the hon. member for Cook put a Bill through this House for the New Swanbank Colliery Company. I think Lewis Thomas was the owner, but, at all events, he was connected with it, and on that occasion no Labour member who was then in the House voted against it. We recognised it was a State railway to help a very big industry. All I have to say is that I have much pleasure in seeing this Bill introduced. Of course the late Premier promised to introduce it before I saw the plans, but when I saw what this railway was, and when the owners of the mine came to me and asked if I had any objection I had not the slightest objection to it, and sent it on to the Premier, with a recommendation from myself, as Secretary for Mines, feeling certain that not a single member of the Labour party would confound a line like this with the syndicate railways which were before this House some years ago.

Mr. J. LEAHY (*Bulloo*): I am very much astonished at the speech made by the Minister for Works, and I am much more astonished at the speech made by his leader, if the Minister for Works is not the leader himself. The Premier told the House that before he introduced this Bill he had asked the consent of the Labour party—[The PREMIER: No.]—that he had consulted the two hon. members for Charters Towers—two members of the Labour party—and he did not object to consulting them. [Mr. BURROWS: They are the members for the district.] The members for the district have no more voting power in this House than any other members; but the fact remains that the hon. gentleman did not bring in this Bill until he had consulted the Labour party, and I am very glad that the hon. members for Charters Towers gave the hon. gentleman permission to introduce this Bill. We don't mind a bit so long as the thing is done, and it is only an accident that I did not introduce a Bill of this kind. The late Government introduced Bills of a similar nature to this, but they contained certain established principles and conditions that are wanting in this Bill. [Mr. DUNSFORD: This is only an extension.] Everything is only an extension. The Mount Garnet line was only an extension of the Chillagoe line, and all the usual conditions were in that Bill. The Cloncurry line was only an extension of the Croydon line. Everything is an extension of something else. This is a short line; but that fact does not alter the principle in the least. The Minister for Works said that this line was different to the other syndicate lines, and he said he would be glad to see other lines like this built; but he did not tell us how they differed. [The SECRETARY FOR PUBLIC WORKS: No concessions are asked for.] What does the hon. gentleman mean by "concessions"? The hon. member for Gregory interjected that this was not a carriers' Bill; but I say it is a carriers' Bill, and there are more extraordinary features in this Bill than in other similar Bills which have passed this House. The company can put on any rates they like. [Mr. MAXWELL: The other men would not pay it.] (Laughter.) [Mr. DUNSFORD: The Governor in Council may reduce the rates at any time. Look at clauses 4 and 5 of the principal Act.] I have before me the latest syndicate line which passed through this Chamber, authorising the construction of a railway or tramway from Normanton to Cloncurry, and there are provisions in that Act which are absent from this Bill. The Minister for Works, when that Bill was going through, was the leader of the Labour Opposition, and he set his heart on having certain conditions inserted, which he said were redeeming features. He fought against all similar Bills which did not contain those conditions, but they are all absent from this Bill. Clause 7 of the Cloncurry Bill specified the kind of labour to be employed in its construction; where is that restriction in this Bill? Absent. Where have the principles of hon. members opposite gone to? This was laid down in the Act of 1888. Even the hon. member for Clermont does not insist upon the principles he insisted upon two years ago—that only a certain class of labour should be employed in constructing the line; but the full assent of the Labour party behind the Government has been obtained to this Bill. The Premier said he had consulted the two hon. members for Charters Towers about the Bill, and I must say that that is better than consulting all the members of the party. Probably they had consulted the party, but I am not going to discuss that phase of the question now. I do not care in what way he attempts to mitigate the offence, the broad fact remains. I want to know where the principles of hon. members opposite have gone to. If the Treasurer has got hold of them they will never see them again. [The TREASURER: I could hold you in a very small box.] If ever the hon. member gets hold of me he will be sorry for it all his life. [The TREASURER: What about your principles?] My principles are concentrated; I do not want to get anything belonging to other people; that's where they are concentrated, as compared with the hon. gentleman's. What is the use of saying that the company are not public carriers? Under the principal Act—the Act of 1888—power is given to impose tolls and rates, and the Commissioner has

[4 p.m.] power to reduce the rates if he thinks they are excessive. The fact remains that the company is a carrying company, with the right to frame any tariff they like. Where are the safeguards in the public interest which hon. members opposite insisted should be inserted in the other private railway Acts which have been passed? Gone. I am not going to waste time in discussing this Bill, but I rose to point out the lapses and shortcomings of the Bill compared with the safeguards which have been inserted in other private railway Bills passed during the last two or three years. The Government have merely adopted what seems to them a very intelligent method of dealing with the whole matter. They simply say that a certain five sections in the original Act, passed fifteen years ago, shall be in force with regard to this measure. That Act was passed before there was a Labour party in the House, and all the principles established since then have been departed from entirely. I give the Labour party credit for the good sense they are showing. They are taking a step in the right direction, and one of which I approve, and all I can say is, "Well done, thou good and faithful servants." All the same, it is a distinct departure from the principles which they have laid down time and again in this Chamber. I shall be very glad to support the Bill. I do not think there will be any doubt about its passing, because the hon. gentleman at the head of the Government must have obtained the consent of his supporters, and there will be no opposition. It is not necessary for me to say that I will give the Bill my support.

Mr. DUNSFORD (*Charters Towers*): The hon. gentleman who has just sat down seems to

be rather afraid that the company will not pay a reasonable rate of wage, and he thinks a minimum wage clause is necessary. I may point out that there is nothing to prevent the hon. member moving a clause of that description when the Bill gets into committee. I am not afraid to trust the company. They are a company who have always paid good wages, and have a good name in that respect. Surely, if we can trust them to work their mine in the way they have done, we can trust them to build this half-mile of railway. This line was first built under the original Act of 1888, and it was used solely for mining purposes. It is not intended that the company shall become public carriers, nor have they become so since 1888. The leader of the Opposition knows that this is not a branch line of railway in the ordinary sense; it is a connection between the Northern line and the mill, and the Bill would not have been necessary but for the fact that the company have to run the line along public roads and through private property. If they had been running over their own leasehold they could have built the tramway without applying to Parliament at all. There has been no opposition to the building of the line on the part of the local authorities, and I have not received from any single person any notice of opposition to the building of the line. I believe it is not only in the company's interest, but in the interest of mining generally. Mr. Tom Mills is at present in England, and intends, as soon as this Act is passed, to put down a new shaft on the western portion of the property—a round shaft, which will be a very expensive affair. In my opinion such a shaft is not necessary, and one of the old kind would have served all purposes. However, that is the company's business. That means the expenditure of a considerable sum of money, and seeing that that is to be done, I do not think that the House should object to the passing of this Bill. The company are not going to become public carriers, but if in future they should desire to become such, then, by clauses 4 and 5, they can be regulated. Under clause 4 it is very clear that the Commissioner and the public have the first right of running over the tramway, and it is laid down very clearly that the passage of locomotives and other vehicles may take place over this line. Then clause 5 is also a safeguard. They cannot become public carriers without a fresh agreement with the Commissioner, who will regulate the tolls and dues. I do not think the Commissioner would at any time be so foolish as to give them authority to become public carriers, though he has power to give his consent. If they should become public carriers, the Governor in Council and the Commissioner can, at their discretion, reduce the tolls and fares at any time. However, that is not a question that is at all likely to be raised by any thinking person. [Mr. J. LEAHY: What about your principles?] We are not giving away any principles. The principle of the Labour party is that the State shall be the public carrier so far as the railways are concerned, and that private syndicates shall not become public carriers. That is the whole thing, and since it is not proposed that they should become public carriers, and they desire to work their property to the best advantage, and that this tramway is necessary for that purpose, I hope the Bill will be passed.

Mr. BURROWS (*Charters Towers*): Hon. members opposite have not opposed this line, and they want to know why we do not oppose it. [Mr. J. HAMILTON: Why don't you stick to your principles, and oppose this proposal?] We are sticking to our principles. I would point out that this branch line is only an extension of a line which was passed by the continuous Government. The branch line of railway which the company have constructed connects with the Northern Railway, and by it they are enabled to carry stone to their crushing mill and to take goods to market. The extension which is now proposed will be a good thing for the field and for Queensland. The objection urged by the hon. member for Bulloo—— [Mr. J. LEAHY: No; I did not object to it.] The hon. member said this Bill did not contain the provision with regard to the rate of wages to be paid which was inserted in every other Act. I say that provision was not inserted in every other Act—it was not inserted in the Day Dawn Block and Wyndham Railway Act of 1888. [Mr. J. LEAHY: I said recent Acts.] With regard to the hole the hon. member for Bulloo fell into as regards the company charging excessive tolls or dues, that has been answered by my colleague. Section 5 of the original Act is a sufficient safeguard against anything of that kind occurring. I do not think there is any necessity for members on this side to say anything further on the subject. This railway is in my constituency, and I think my colleague and myself have justified the construction of the railway.

* HON. D. H. DALRYMPLE (*Mackay*): Hon. members opposite are apparently swallowing some more of their planks, one of which is that it is unjustifiable to have such a thing as a syndicate railway. I remember that Mr. Turley, a member of that party, said that if there was one thing which the Labour party prided themselves upon—and it is impossible for me to dissociate the Premier from that party, because he holds power by virtue of their support—it was that they had fixed principles, that their principles did not change. I am not going to trouble myself about the endeavour made by the last speaker to reply to some objections which were urged by the hon. member for Bulloo with regard to some minor details—namely, that in this Bill certain precautions or provisions do not exist which existed in previous Bills that emanated from this side of the House. I do not think it matters very much whether this railway is an extension of an existing railway or not. The fact is, that hon. members opposite are willing to support this syndicate railway, though they want to excuse themselves by saying that it is an extension of a railway which was sanctioned years ago by a Government with which they had no sympathy and which they always denounced. Practically, the hon. member for Charters Towers said: "We did not sanction the railway; all we are doing is to go a little further in the wrong course which the late Government adopted." The Minister for Works said not very long ago, in connection with what was called a syndicate railway—a similar railway to this with the exception that it was longer—that—

> Nearly every colony in the Australian group has tried private railways—

It cannot be denied that this is a private railway, as the title is "The Day Dawn Block and Wyndham Gold Mining Company's Railway Act Amendment Bill"—

> and every one of them has had to curse the day that it did.

In this measure we have the very principle which hon. members opposite said was so bad that the people would curse the day it was introduced. Another position taken up by one of the hon. members for Charters Towers was that this is not a railway carrying for the public. I do not see that that affects the matter very much, or that it alters it in any respect, for nothing is more clear than that the promoters of the Callide Railway Act and other railway Acts, including one from Burketown to certain copper

mines, did not in the least desire to carry for the public. But the provision that they should carry was put in perforce, whether they liked it or not. From this it is quite clear that the public are worse off if the company is not compelled to carry for them than it is if a Bill is passed with such a provision. With regard to this being a mining tramway, it is extraordinary how hon. members opposite play upon words. If it is said that it is a railway, they tell us that it is a tramway; if it is said that it is a tramway, they object to it as a railway. One of the hon. members for Charters Towers has said that this is only a mining tramway. A mining tramway is contemplated, I admit, by the Mining Act. I know that certain members of the Labour party on one occasion went to the Mines Office to see whether it was true that a mining tramway could be extended for thirty or forty miles—whether such a tramway or railway was permitted by the Act—and they were very much astonished to find that it was. What is the difference between a mining tramway and a railway? If a mining tramway exists, it certainly is for the benefit of the owners of the mine, and all intelligent persons will say that it is for the benefit of the public at large. That is what hon. members opposite tell us about this line, but it is true of every line. Every line introduced into the country, whether it is to assist in developing mines or agriculture or anything else, is justified on the ground that whoever may construct it—whether the State or a private syndicate—is not only likely to benefit themselves, but likely also to share those benefits with the public. It is said, as a special justification for this Bill, that all expenses—of putting it through the House, I suppose—are to be paid by the syndicate. I do not know what expenses there are, but I should think the amount will be very small. I do not suppose the members for Charters Towers would think of charging the mineowners for any trouble they might take in the matter; and, that being so, I do not see why it should be urged as a reason for the Bill going through. But what becomes of the Labour party's principles, which they say are unalterable and will stand for ever, when, on some persons offering to pay £10 or £20, or even £100, one of those principles disappears? If it is wrong to build a costly syndicate railway, how does that wrong become right because it is cheap? Another argument of the same character, brought forward by the hon. member, Mr. Burrows, is that Mr. Tom Mills, who is a very enterprising citizen, but who is an absentee who ought certainly to be crushed out of existence if there is any truth in the theory of the Labour party—that Mr. Tom Mills, the head of the syndicate promoting this Bill, says he will not put down a round shaft on a certain mine at Charters Towers, or he will not develop some mineral land which is admitted to exist there, unless he is allowed to construct this railway. In other words, however fixed their principles, they are quite prepared at any moment, for a consideration, to place them entirely on one side. In this instance it is a question of self-interest. First of all it is to cost nothing, and in the next place a certain locality will gain by the Labour party departing from their principles. As far as we on this side are concerned, along with the Premier and the Secretary for Agriculture, we welcome any assistance from outside capital in the development of the State, and in so doing we are acting consistently—in the manner in which we have always acted. But I think I am quite justified, when hon. members come here and say that their opinions are like birds which occasionally moult their feathers, in showing how this extraordinary change has been brought about. When we were on that side we invariably accepted any means by which we saw the welfare of the country was likely to be promoted, whereas members now on that side were always prepared to block anything in the shape of individual enterprise, and Bills without number have been stonewalled. I am glad to find that those hon. members who have taken the benches we formerly occupied are getting thoroughly infected with our opinions, and the country generally is to be congratulated on the fact. I sincerely hope the improvement will be continued. But what will happen when those gentlemen have to confront those who sent them here, when they find important planks broken down, and the platform generally done away with?

The PREMIER: I rise to a point of order.

Hon. D. H. DALRYMPLE: I have nothing more to say.

Mr. T. B. CRIBB (*Ipswich*): I should like to congratulate the Premier not only upon having introduced this Bill, but upon having induced the party behind him to support it. It is quite a pleasant surprise to witness the change of front executed by certain members of the Government, and the fact is worth noting. At the same time I am strongly reminded once more of the lines of the American poet—

> A merciful providence fashioned us holler,
> O' purpose that we might our principles swaller.
> A ginooine statesman should be on his guard,
> Ef he *must* hev beliefs not to b'lieve 'em too hard.

Question—That the Bill be now read a second time—put and passed; and the committal of the Bill made an Order for to-morrow.

SUPREME COURT ACTS AMENDMENT BILL.

COMMITTEE.

Clause 1 put and passed.

On clause 2—"Appointment of senior puisne judge"—

Hon. R. PHILP: He thought the Attorney-General should inform the Committee fully as to the appointment. Yesterday he read a protest from Judge Chubb, who signed him-
[4·30 p.m.] self "Senior Puisne Judge." This Bill proposed to confer that honour upon Judge Real. If Judge Real was entitled to the position, where was the necessity for bringing in the Bill? In appointing Judge Cooper as Chief Justice, the Government had appointed the senior puisne judge to the position; but, in selecting the judge who was to succeed Judge Cooper as senior puisne judge, they had not made the appointment according to seniority. He thought the Chief Justice and the senior puisne judge should be selected from the best men on the bench, and should be selected according to merit. The action of the Government appeared to him to be most illogical.

The ATTORNEY-GENERAL (Hon. J. W. Blair, *Ipswich*): He thought last night he had made the position clear; if he had not done so he would try to do so now. The mere fact that Mr. Justice Chubb had sent a protest to the Speaker and signed himself "Senior Puisne Judge," apart from the question as to whether it was a proper procedure or not, proved nothing. His opinion was that Mr. Justice Chubb's contention, as evidenced by his signature, was not only not justified, but absolutely untenable. Mr. Justice Chubb was appointed as a Northern judge; he was offered that position, and was pleased to accept it. Whether he would have been offered a position on the Supreme Court bench was a question into which it was not necessary to go. He accepted the appointment,

knowing that he would be restricted to the North, and that his jurisdiction would be limited by the Act under which he took the position. Therefore his commission was earmarked as a Northern judge. As to any question that might arise as to who was or who was not the senior puisne judge, the Legislature had not left it as a matter of doubt or interpretation. It had been expressly provided that in considering that matter, wherever reference was made to it in any Act or in letters patent, the reference should be to the senior puisne judge at Brisbane, without reference to the Northern judge, and, by the Amending Act of 1895, without reference to the Central judge. Therefore, Mr. Justice Chubb, if he read the section, could not possibly have a scintilla of right to sign himself "Senior Puisne Judge" as long as he sat in Townsville; till he was transferred from that bench to Brisbane permanently, his claim to the position of senior puisne judge could never arise. With regard to the logical or illogical stand taken by the Government *re* the appointment of Chief Justice, he wished to point out that Mr. Justice Cooper had been about twenty years in the position of judge. He was appointed in 1883. At the time of his appointment his commission was earmarked, and his jurisdiction was restricted to the North as the Northern judge. Time rolled on, and Mr. Justice Harding, who had been appointed to the Supreme Court bench as Mr. Justice Real had been, without either of their commissions being earmarked in the way he had indicated—Mr. Justice Harding, who was senior puisne judge, died. No question of challenge had arisen then. He was senior puisne judge by the fact of having been appointed to the Supreme Court bench in Brisbane, without his commission being earmarked at all. Before he died he had been appointed acting Chief Justice. When Mr. Justice Cooper was transferred from the North, he was transferred, as his commission, I think, showed, in the place of "George Rogers Harding, deceased, senior puisne judge"; so that he stepped in by his commission to the position of senior puisne judge in Brisbane. He came down exactly one month before the passing of the Act of 1895, which has caused all the trouble. That Act said that judges should have, and should be deemed to have always had, jurisdiction practically throughout Queensland. That was passed in order that Northern judges could come down here and sit on the appeal court after the provision was made which provided that no judge could sit on his own appeal. Evidently there was some doubt at the time whether Northern judges had appellate jurisdiction, and to remove that doubt the statute said the judges should be deemed to have always had jurisdiction presumably of that kind. That, it was contended, might have possibly had the effect of antedating a judge's commission and make the years he had served previously count towards his seniority. But Mr. Justice Cooper may have escaped that construction of the Act of 1895 because he was transferred to Brisbane one month before the Act was passed. To show what the late Government thought of the position of Mr. Justice Cooper—and he presumed they considered it—he would refer hon. members to a commission which was issued by the late Governor, Lord Lamington, and countersigned by Sir Arthur Rutledge, on 1st May, 1901, which recited—"To the Hon. Pope Alexander Cooper, Esq., one of the justices of the Supreme Court of Queensland, and senior judge." [Hon. R. PHILP: Judge Real was absent in England at that time.] But that commission stated that Mr. Justice Cooper was senior judge, which showed the way in which the late Government regarded his position. [Hon. R. PHILP: He was the senior judge in the State. The other man was absent.] There was absolutely no question of the seniority of Mr. Justice Cooper then; therefore why mention it in the commission? He was transferred to Brisbane before the Act of 1895 operated at all—before anybody thought of the effect of its operation. On consideration of the whole matter, it was seen that that section was open to an arguable construction being put upon the words "senior puisne judge," which the whole history of the matter, as explained in the various statutes, conclusively showed it was never intended to have. Mr. Justice Chubb was appointed in 1889 and Mr. Justice Real in 1890—seven months later—so that practically there was no difference between them in regard to seniority—they were practically twins in appointment. But leaving that aside, it was thought desirable that they should restore what was clearly always the meaning of the words "senior puisne judge," and it was with that view that the clause was introduced. It would settle the matter for all time if the Bill became law. It would also settle doubts as to the meaning of the words "senior judge" in the dormant commission. The term used there might apply to the judge who was senior in date of appointment. That would be a question for the home authorities, and they would have to get their construction upon it; but if they decided here by law who was the senior judge, that difficulty would be obviated as well. It was considered that, before the passing of the Act of 1895, Mr. Justice Real was the senior puisne judge, and was beyond all doubt the senior puisne judge so long as Mr. Justice Chubb remained at Townsville, and it was but fitting and right that recognition should be given to his high qualities and his undoubted claim, and that his position should be made clear.

HON. R. PHILP did not take exception to the appointment of Judge Real to the position of senior puisne judge. If, as the Attorney-General contended, he was senior puisne judge prior to the passing of the Act of 1895, then, in some way, he had been put down below another judge. The oldest judge had been appointed Chief Justice; but the oldest judge was not being made senior puisne judge. The Chief Justice was appointed because of his length of service, while Judge Real was being appointed senior puisne judge because of his great abilities. [The SECRETARY FOR MINES: The other man is only Northern judge.] Judge Cooper was a Northern judge, too. [The ATTORNEY-GENERAL: Not at the time he was appointed Chief Justice.] He was Northern judge previous to coming to Brisbane, and prior to his coming here Judge Real was senior puisne judge. In the speech which Judge Real made yesterday he said that through the action of the framer of the Act of 1895 he was deprived of his rights. It seemed that, in the one case, Judge Cooper was appointed Chief Justice because of his length of service, and, on the other hand, the other appointment was made because Judge Real was the better judge. [The ATTORNEY-GENERAL: That is not the reason.] Well, he was not the oldest judge, as he was not appointed till seven months after Judge Chubb. [The ATTORNEY-GENERAL: But Judge Chubb cannot be considered so long as he is in Townsville.] Why was Judge Cooper considered? [The ATTORNEY-GENERAL: He was appointed senior puisne judge.] He was appointed acting Chief Justice while Judge Real was in England, when there was no one else to appoint. [The ATTORNEY-GENERAL: Mr. Justice Harding was appointed acting Chief Justice, and, when he died, Mr. Justice Cooper was appointed in his place.] It did not say so. When the vacancy occurred through the death of Judge Harding, Judge Cooper was transferred to Brisbane. He had no wish to say anything about the merits of any judge, but, at the same

time, if the Government were right in appointing the oldest judge as Chief Justice, then they ought to have appointed the next oldest judge as senior puisne judge. [The ATTORNEY-GENERAL: We appointed the senior puisne judge as Chief Justice.]

Mr. MAXWELL: Hon. members contended that Judge Chubb ought to be appointed senior puisne judge on account of his length of service, but he thought it would be a very serious thing if he was brought to Brisbane, especially if he acted as he acted recently in Burketown. When he was there, he told the people that he had had a very bad night's sleep, and he said that it would surprise people there if he told them the powers a judge had. He had no doubt it would surprise the people if they knew that they must not laugh at night if a judge was in town. He believed it all arose out of the fact that somebody said that the judge was there that night, and he wanted a night's sleep, and someone else said, "Oh, hang the judge!"

The CHAIRMAN: I would remind the hon. member that he will not be in order in discussing personalities in connection with the judges on this Bill.

Mr. MAXWELL contended that, as he might probably move that Mr. Justice Real should not be senior puisne judge, as an amendment on the clause, he was quite in order in showing why Mr. Justice Chubb should not be made senior puisne judge. He had seen a copy of the paper published in that district, and he had no hesitation in saying, after reading that paper, that it would be just as well for the Bill to set out what were the powers of judges, and that the people should know whether the judges had such immense powers when they were off the bench. Personally, he never knew that, when a judge was off the bench, he was anything but just an ordinary citizen.

Mr. FORSYTH: The point raised in connection to the relative position of Mr. Justice Cooper and Mr. Justice Real was a very fine one. Though a layman, he could quite understand the argument that, as Judge Chubb had been appointed to the Northern Supreme Court, and while he was there the question of his being appointed senior puisne judge could not arise. But he would like to understand the position more clearly. He understood that prior to Mr. Justice Cooper being transferred from the North, Mr. Justice Real was the senior puisne judge in Brisbane. [The ATTORNEY-GENERAL: No; Judge Harding.] But when Judge Harding died, Mr. Justice Real was the senior puisne judge in Brisbane. [The ATTORNEY-GENERAL: Yes.] They could understand that the very fact of Judge Harding dying necessitated a new judge being appointed; but, from a common-sense point of view, as Mr. Justice Real was a judge in Brisbane, he was next to Judge Harding at the time of his death; and one would naturally think that he would have been appointed senior puisne judge. [The ATTORNEY-GENERAL: But the Government of the day did not give it to him.] No matter who was appointed to fill the vacancy caused by Judge Harding's death, Mr. Justice Real was next to him, and should have been appointed to the position at that time. He would like the Attorney-General to explain the reason for Mr. Justice Cooper having been considered the senior puisne judge?

The ATTORNEY-GENERAL: Mr. Justice Real was appointed to the Supreme Court bench on the 8th July, 1890, as a judge of the Supreme Court in Brisbane. There was nothing else in his commission—nothing to show that he was in any way limited. He was appointed, beyond argument, with the fullest powers and the largest jurisdiction that could be given to any judge. Mr. Justice Cooper was appointed first of all on the 5th January, 1883, as a Northern judge, with limited jurisdiction. He was transferred to Brisbane on the 30th October, 1895, by the Government of the day. The moment a judge was transferred from the North permanently to the South, it was possible then to consider whether he became the senior puisne judge or not. The Government of the day appointed Mr. Justice Cooper in place of the man who was beyond all doubt the senior puisne judge. The commission, I think, stated "in the room of George Rogers Harding," which showed that they brought Mr. Justice Cooper to Brisbane as senior puisne judge. Later on came the Act of 1895, which practically antedated the jurisdiction; but it was clearly not contemplated by the Legislature that the question of the senior puisne judgeship should be considered, because that Act was, I believe, only passed to give the Northern judges jurisdiction to sit on appeal. The object of this Bill was to settle the matter finally and definitely.

* Mr. MACARTNEY asked the Attorney-General was it a fact that by an Executive Minute Mr. Justice Real was appointed senior puisne judge within the last few weeks? He asked that question because, if that were so, and there was authority for such appointment, it seemed to him that this section in the Bill was not necessary.

The ATTORNEY-GENERAL: Certain steps had been taken in the direction indicated, and he was not prepared to say whether those steps should be carried out to the fullest extent. Then another question arose: Whether or not the Governor in Council, as representing the fountain of honour—the King—should give preference to one judge over another. That was an exceedingly difficult question, and, with all due deference to the hon. member for Toowong, he thought this section was necessary. If passed, it would prevent irritation and settle the matter. He thought he had now made the matter as clear as he could, and had given the hon. member all the information in his possession.

Mr. MACARTNEY was obliged to the hon. gentleman for the explanation. He [5 p.m.] was under the impression that, apart from the inherent right of the Crown, the Act contained all the necessary provisions; and as to an appointment of that sort, he certainly expected to hear that there was some special power vested in the Governor in Council to make it. The hon. gentleman had given no indication of where they were to look for that power. He presumed the hon. gentleman did not act without authority, and if he had the authority, he should inform the House of it. It would be a material fact in enabling them to consider whether the clause was necessary.

The ATTORNEY-GENERAL: The authority for the matter was the inherent power of the representative of His Majesty to grant precedence among individuals. He did not think any more information was required on that point. There were cases on the point, but it was not necessary to refer to them, and, with all submission, he contended that that was not a point which arose there at all. The question was: Did the House consider it a proper thing to settle the matter for all time? Did they consider that in that section no departure was made from the existing form of appointment? And were they satisfied that no harm would ensue? If they were so satisfied, then he asked that the clause should be passed as it stood.

Mr. MACARTNEY: If they were told that in future cases there was an inherent right in the Crown to do things of that sort, he did not know exactly where they were. They ought to know where the authority for such an inherent right existed. He was surprised to hear an authority of that sort quoted for a definite act of

the Ministry, and he was not at all satisfied with the Attorney-General's explanation. No doubt Mr. Justice Real had been senior puisne judge before. He thought he was so between Mr. Justice Harding's death and the appointment to the South of Mr. Justice Cooper. By whatever cause Mr. Justice Cooper became senior puisne judge, Mr. Justice Real was dispossessed. But he would not enter into the rights or wrongs of the position. When Mr. Justice Real was appointed to the Supreme Court bench, he could say, of his own knowledge of His Honour's professional practice at the bar, that he made a very large sacrifice indeed. It was generally recognised at the time that His Honour was making a huge sacrifice in doing what he considered his duty to the State and the public. His Honour was appointed as a judge in Brisbane. If he had been offered a Northern judgeship he would never have accepted it; but when he accepted the position it carried with it the senior puisne judgeship according to the seniority of the judges in Brisbane. That was the position that was taken up by His Honour to-day. The point he desired to emphasise was that if the Cabinet had proper authority for making the appointment it made a few days ago, then that clause was not necessary.

Clause put and passed.

On clause 3, as follows :—

The number of the judges of the court shall not be less than four and shall not exceed five, and it shall be lawful for the Governor, with the advice of the Executive Council, by commission in His Majesty's name, to appoint a duly qualified person to fill any vacancy in the number of such judges, whether such vacancy has occurred before the passing of this Act or may hereafter occur—

HON. R. PHILP: That was the most important clause in the Bill, and he hoped the Attorney-General would reconsider it. He knew nothing about the number of judges required in Brisbane, but he was satisfied that if there were only four for the whole State there would be very little of the fourth judge in North Queensland. Yesterday the Attorney-General read a list of cases held before the Full Court during the past ten years, and from that it appeared that there was an average of ten. That was when they had five judges. If they reduced the number to four, they would find them doubled. If there were five judges, sometimes the Townsville judge would not be required in Brisbane, but if there were only four, then in every case both the Northern and Central judge would have to come to Brisbane. What would become then of justice in North Queensland? They would be left to the mercy of the police magistrate. He believed the North Queensland people would rise up in arms. They wanted one Supreme Court judge in Townsville for the whole of North Queensland. It was little enough. At one time they had two judges. Now they were satisfied with one; but they would not be satisfied with half a one. Besides, the judge was not always in Townsville. He took the whole of the Northern Circuit, including Charters Towers, Normanton, Croydon, Cairns, Hughenden, and Cooktown. Notwithstanding what had been said about Judge Chubb, no judge sat as often as he did. The returns quoted by the Attorney-General confirmed his contention that it would be unwise, and unjust to Northern Queensland, if the number of judges were limited to four. He pointed out yesterday how the hon. gentleman could save money on the salaries of associates and tipstaffs. From what he had heard since, they were not required at all. They knew that tipstaffs were simply messengers. What did the associates do but copy judges' notes, and for doing that they got paid over and above their £250 a year. [The ATTORNEY-GENERAL: In capital cases.] Yes, and in civil cases the unfortunate litigants had to pay for copying the judge's notes. He certainly thought it would be far better for the country if five judges were appointed, and the tipstaffs and associates were done away with altogether, and he hoped the Attorney-General would reconsider the matter. It ought not to be left to the Attorney-General or the Government to say whether there should be four or five judges. The Committee ought to fix the number of judges who should be appointed.

The ATTORNEY-GENERAL wished to state as explicitly as possible what was the idea in introducing this clause. It was framed to provide that the number of judges should not be less than four and should not exceed five, for two reasons. The first reason was that under the existing law the section was mandatory—it said "there shall be five judges"—but it did not say when the fifth judge should be appointed. There was nothing in the section to say when the fifth judge should be appointed or under what circumstances he should be appointed, so that it practically left the Governor the discretion which was asked for in the clause now before the Committee. It might be asked, if he contended that they had the power that this clause gave, where was the necessity for the provision? That brought him to the second reason for the introduction of the clause, which was that the power given to the Governor to appoint a judge rested on a section of an Act which was left in a peculiar position. The section in the Act of 1889, which gave power to appoint a fifth judge, read something like this: "The number of judges shall be five, provided that the Governor, with the advice of the Executive Council, may, by commission under his hand, appoint another judge in addition to the number prescribed by the principal Acts." The principal Acts were specified in the Act of 1889—they were the Act of 1867 and the Act of 1874. The Act of 1867 provided that the number of judges should not exceed three—the same objectionable phraseology—and the Act of 1874 said the number should be four. Then the Act of 1895 came in, and, without reference to the Act of 1889, repealed both those principal Acts, leaving them in the anomalous position of having a mandatory injunction that there should be five judges, and giving them power to appoint an additional judge to the number prescribed by statutes which were non-existent. That was a sufficient justification for the introduction of the clause under consideration. The clause in this Bill was introduced to provide that they should have power to appoint a judge to fill a vacancy, whether that vacancy should have already arisen or whether it might arise in the future, and to give them time to consider the whole matter as to whether there should be four or five judges. The leader of the Opposition had referred to the return of appeals heard before the Full Court during the past ten years, and had contended that the expense of hearing appeals would be increased if there were only four judges. Under the clause there must be four judges. If there was an appeal, both the Northern and Central judges would be required to hear that appeal. Then if the pressure of business in the North warranted it, which was a matter to be considered, an acting judge would have to be appointed to fill the position of the judge who was brought down to Brisbane. That would probably involve the question as to whether the expense would be larger than the salary of a fifth judge. But there might be no pressing business in the North which required the appointment of an acting judge. All the Government wanted to do was

to test the thing for two or three months, and find out whether the expense of this system would be greater than the salary of a fifth judge. He hoped the Committee would pass the clause as it stood, and allow them an opportunity of testing whether the Government could save money in the way indicated. If they could not save money in that way, then he would be prepared to make a recommendation for the appointment of a fifth judge, and to take the responsibility of that recommendation.

HON. R. PHILP thought the Attorney-General had given the Committee a very good reason why there should be five judges. The hon. gentleman said that if there was an appeal, both the Central and Northern judge must come to Brisbane. In that case an acting judge would have to be sent to Townsville, and he would have to be paid a salary and travelling expenses, and they knew what that meant from their experience when they had had to appoint an acting judge to fill the position of a judge who had gone home for a twelve months' holiday. They had had five judges for fourteen years, and he thought the Government ought to be able to say at the present time whether five judges or only four judges were required, and insert the number in the Bill. He maintained that there should be five judges, as it was of vital importance that they should have a Supreme Court judge in North Queensland when he was required. [The ATTORNEY-GENERAL: The judge will live there.] And perhaps be half his time in Brisbane. There was sufficient information in the hon. gentleman's office to enable him to decide whether the State could do with four judges or whether it required five. It should not be left to any Government to say that four judges were sufficient, and that they would appoint another judge if he was required. He should vote against the four judges, because he thought that five were necessary for the conduct of justice in the State.

HON. J. F. G. FOXTON quite agreed with what had fallen from the leader of the Opposition. Undoubtedly there must be, in the records of the office, sufficient data to enable the Attorney-General to say whether it was desirable that there should be five judges, or whether it was desirable to work the judicial business of the Supreme Court of the State with four. The hon. gentleman wanted three months to enable him to decide the point. The records would certainly show how many appeals there had been during the corresponding three months of last year; but statistics of that kind were of very little value. It might happen that during the whole of a period of three months there might not be one solitary appeal, whereas during the next three months there might be a dozen or more. The legal business with which the court had to deal was of a casual and spasmodic character. For the reasons given by the leader of the Opposition, he held that there should be five judges; but he had the strongest objection to any Administration being placed in the position of being able to dangle a judgeship of the Supreme Court before the profession. He was inclined to go so far as to lay down the principle that when a judge had once accepted an appointment to the bench—whether of the District Court or the Supreme Court, but especially with regard to the Supreme Court—that should be his ambition; there should be no question of promotion from that position. It was highly undesirable that there should be contention amongst the occupants of the Supreme Court bench as to who was entitled by seniority or ability or otherwise to positions in the way of promotion. He was not reflecting upon anyone in particular, but speaking in the abstract. It showed that the bench was more or less at the beck and call of political parties and political influences. It should be a recognised principle, to be consistently followed, that appointments to the bench should be from outside sources, and when once a man was appointed he should not have to look for promotion to any politician or party. [The SECRETARY FOR PUBLIC LANDS: Would you not nominate the Chief Justice?] No; the principle applied in that case also. That rule was followed as far as possible in the old country. [The SECRETARY FOR PUBLIC LANDS: It is not followed in the slightest degree.] He hoped the hon. gentleman would excuse him if he said it was. [The SECRETARY FOR PUBLIC LANDS: From where do they appoint the Lords Justices of Appeal? They are generally taken from the High Court bench.] The Attorney-General, as a rule, had a recognised right to the Chief Justiceship, or any vacancy which occurred, into which he stepped almost as a matter of course. But whatever might be the practice there, the conditions here were totally different. He would never dream of imputing to any occupant of the Supreme Court bench that he was ever influenced by motives prompted by interest in regard to what he might expect from any political party in the event of a vacancy above him occurring on the bench. But the fact remained that judges of the Supreme Court should be absolutely above all political control and influence. He was strongly of opinion, therefore, that the clause should be deleted, or be made to state that there should be only four judges. He was satisfied there would be very little saved by the reduction in the number of the judges, owing to the increased travelling expenses which would be incurred. He did not say that those would amount to the salary of a judge, or that there would not be some slight saving, but it would be a saving at the cost of efficiency in the administration of justice. Reference had been made to the possibility of there being an appeal from one of the Supreme Court judges in Brisbane, which would necessitate the bringing down to Brisbane of the Northern and Central judges. In that case the course would probably be followed of sending the judge, from whose judgment the appeal was made, to take the place of the judge at Townsville, and appointing an acting judge to take the place of the judge from Rockhampton. [The PREMIER: Only in the event of there being work to be done.] A matter requiring to be brought before the judge might crop [5·30 p.m.] up at any moment. And suppose there happened to be at the same time an appeal from the judge at Townsville and an appeal from the judge at Rockhampton, these arrangements would fall to the ground, and there would have to be two acting judges appointed. [The PREMIER: No.] The judges in Brisbane must remain there until the work was got through, because it must be continuous. Another thing, if acting judges were appointed, there must be to a certain extent inefficiency. And there was another reason why it was not desirable to have acting judges: they were not removed from all the influences from which judges permanently appointed were removed, and there might be a feeling in the minds of a section of the public that the work was not done satisfactorily. For the reasons he had given, he hoped the Government would reconsider the position.

* Mr. MACARTNEY: He thought that for some purposes this section was necessary, and he proposed to deal with the number of the judges. He thought no hon. member would look at the matter from a party point of view. The Attorney-General, in replying to the leader of the Opposition, stated that this Bill in effect made no difference to the position as it existed at present. He said the Government could

abstain from making the appointment of a fifth judge without any breach of the law. If that was the case, there was no need for this provision giving the Government power to reduce the number to four. If there were to be five judges, the question of where the fifth judge was to reside was neither here nor there. Yesterday he raised the point as to the danger of Parliament delegating to the Government the power to fix the number of the judges. Very apt and strong reasons against doing so were given by the hon. member for Bulloo, and he would ask hon. gentlemen on both sides not to hastily alter the rule of practice which the Parliament of Queensland had hitherto laid down. If the Attorney-General was not in a position to make a recommendation for the reduction of the number to four, there was no reason for altering the law as it stood, and he thought the hon. gentleman must admit that he was, by this Bill, taking some power from Parliament, a power which might be used badly. No one would suggest that the hon. gentleman or his colleagues would use it in that way. At the same time the principle always followed was that the power should be retained by Parliament, and he asked the hon. gentleman if it was not best in the interests of the country to let the matter stand for the present. If he found, as a result of his inquiries, that the appointment was not necessary, he would not make the appointment of another judge, and he could come down next session and ask Parliament to reduce the number to four. At present there were only four judges, and the Government had power to appoint a fifth. [The PREMIER: You want that power exercised.] He did not want that power exercised, except so far as it might be necessary in order to maintain the efficiency of the court of appeal. If the Attorney-General would not intimate his willingness to leave matters as they were for the present, he (Mr. Macartney) would move an amendment to show his sincerity.

HON. D. H. DALRYMPLE: The argument of the hon. member for Toowong was thoroughly justifiable. If hon. members opposite were determined on this question, it was their business to know their own minds on the subject. But one thing was quite clear, and that was that the number of judges should not be laid down by one person in the community, but by Parliament. Bryce pointed out that, although in America the Supreme Court was constituted by the Constitution and not even by the Congress, the number of judges was not fixed, and that that omission had led to very serious consequences. Here, however, it was proposed to ask Parliament to abrogate its functions in the matter, and hand them over to the Governor in Council. Bryce said—

> In 1866, when Congress was in fierce antagonism to President Johnson, and desired to prevent him from appointing any judges, it reduced the number, which was then ten, by a statute providing that no vacancy should be filled up till the number was reduced to seven. In 1869, when Johnson had been succeeded by Grant, the number was raised to nine, and the legal tender decision given just before was presently reversed by the altered court. This method is plainly susceptible of further and possibly dangerous application.

There was nothing to prevent the Attorney-General, if such a power was placed in his hands, and if there was a case in which he sympathised with one side, of ascertaining in some way the opinion of a judge on the matter, and of appointing him to the Supreme Court. One metropolitan paper to-day expressed the opinion that the course which the Government considered perfectly legitimate was neither constitutional nor judicious. [The ATTORNEY-GENERAL: Who said that?] The *Telegraph*. The argument of the hon. member for Toowong seemed unanswerable. The Attorney-General said that probably by waiting till February—he presumed that was the earliest date by which he could arrive at a conclusion—he would be able to decide whether four or five judges were required; but if he wanted time for consideration, he might as well wait until next session, which the Premier said was to take place early next year, and then it would not be necessary to take the matter out of the hands of Parliament. The hon. gentleman said that the Act which he desired to amend was defective, inasmuch as while it stated that there should be five judges it did not say on what particular date they were to be appointed, and, therefore, it might be disregarded. That was a most extraordinary construction—that they could defy an Act of Parliament in that way. The law was not, as Bumble said, "an ass," and it did not follow because the date was not fixed that, therefore, the appointment was not to be made, or that the Government might disregard the statute. He had every respect for the Attorney-General's ability and admiration for his character, but, when he asked that that House should lay down a prerogative which it had always hitherto possessed, and hand it over to him, he was asking too much. It might be preferable in a young and growing State, that Parliament should deal with the matter rather than it should be fixed by the Constitution, as in the United States; but, as the hon. gentleman intimated that he required a couple of months to go into the matter, it would be better if he would accept the amendment which the hon. member for Toowong suggested, and postpone his decision for another two or three months, until Parliament reassembled. No great harm could come to the Government, while a great deal of harm might come through Parliament allowing its functions to be abrogated.

HON. SIR ARTHUR RUTLEDGE: There was one phase of the matter to which he would like to draw the attention of the hon. member for Toowong. One object of the Bill was to remove any doubt as to the power of the Governor in Council to appoint a fifth judge. If the doubt were not removed, it might happen in the event of the death of one of the existing judges, there would be no power to fill up the vacancy occasioned by that death. Of course it might also be contended that there was no need for the provision on the ground that when a statute authorised certain things, it implied the authority to exercise all the powers necessary to give effect to that authority. That phase of the question should be considered. He was not going to discuss the general question, but he wished to emphasise this, so that it should not be lost sight of by the hon. member for Toowong.

The ATTORNEY-GENERAL: It seemed to him that most of the criticism levelled at the clause displayed an imperfect grasp of the position on the part of the critics. Whether that had arisen from any lack of lucidity on his part, or from an incomplete study of the subject on the part of the critics, he would make no comment, except to say that their position seemed scarcely logical. The hon. member for Toowong admitted the necessity for the clause, because, as the hon. member for Maranoa had mentioned, there was some doubt as to the power of the Governor in Council to appoint a fifth judge, or, in case of death, to appoint a third or a fourth judge. That showed the necessity for the clause in the principal Act being amended. [Mr. MACARTNEY: Hear, hear! I do not object to that.] He was glad the hon. member for Toowong was in accord with that. With regard to the number of judges, a point had been endeavoured to be made that this clause would abrogate the

functions of Parliament; but there was nothing in the clause suggesting any abrogation of the powers or functions of Parliament. A former Act said that the number of judges should be increased to five, but it did not say when, and this clause provided that could be done in their own time. He could not follow the argument about dangling a judgeship before the eyes of certain people. It might appeal to people who knew more about that sort of procedure than he did—[Government members: Hear, hear!]—and as a matter of fact it was not relevant, because when the necessity to appoint a fifth judge arose, the appointment could be made within a reasonable time, and the moment the appointment was made, where was the charge? [Hon. J. F. G. FOXTON: Who is the judge of that?] This House. [Hon. J. F. G. FOXTON: Then let us decide it now.] If he (Mr. Blair) or the Government did not appoint the extra judge, when the House assembled hon. members could demand information on the matter, and the House would know what to do with him (Mr. Blair). If he did appoint another judge, the House could judge whether he was justified in his action or not. With all due deference to the arguments adduced, he thought there was a necessity for this clause, and a justification for it in the form in which it was introduced.

* HON. J. F. G. FOXTON: There might be a necessity for the latter portion of the clause. He admitted that there was a great deal in that, but this House should say whether it was necessary to appoint a fifth judge; it should not be left to the Attorney-General or the Government of the day. The Attorney-General said he was unable to follow the argument of dangling a judgeship before the eyes of certain people; but that was not an argument—it was a question of fact. Was it desirable that the will of one man, or the will of the members of the Government as a body, should decide the question of the appointment of a fifth judge? That was a matter that should be decided by the House itself, and this was the time to decide it, if it was not already decided by law. If it was desirable to reduce the number of judges, let it be done; but the present law cast on the Government the duty to appoint a fifth judge, and their failure to make that appointment would be a matter that the House should consider immediately or at some future date. He thought he had now replied to all the arguments used by the Attorney-General in his speech, and he intended to move an amendment which would give

[7 p.m.] practical effect to the views which had been enunciated by hon. members on his side. He therefore moved the omission of the words, "not being less than four and shall not exceed," with a view of inserting the word "be." The clause would then read: "The number of judges of the court shall be five," or four if an amendment were carried to that effect.

The ATTORNEY-GENERAL did not think it necessary to speak at length on the amendment. He wished to say as briefly as possible that he could not accept it. He had given reasons why he thought the clause should go in its entirety, and he would accept the amendment only when the House compelled him to.

Mr. MACARTNEY thought the answer of the hon. gentleman a very defiant one. He did not know whether that was the attitude that the Government generally were going to adopt towards suggestions or amendments moved by members sitting on the Opposition benches, who were just as much interested in that question, and as anxious to do right, as members of the Government themselves. He was surprised at the answer, and he did not think the hon. gentleman had yet shown why the law as it stood should be altered, or that the time had yet arrived when he could come to that Chamber with a recommendation that the present state of affairs rendered an alteration advisable. The question was simply one as to whether they should alter the law in regard to the constitution of the Supreme Court of Queensland. It was not a question of economy, and the hon. gentleman ought to have been able to come down and give some good reason for a permanent alteration of the law. The proposed alteration was not a temporary alteration; it was an alteration that would stand until Parliament saw fit to again interfere with the constitution of the court. The hon. gentleman himself had stated that it was not compulsory for the Government to fill the vacancy. If that was truly the position, and he believed it was, what was the necessity for the clause at all? After the hon. gentleman had time to arrive at the result of the inquiries he was about to make, he would then come down with a definite scheme and ask the House to change the law and make the number of judges four or any other number. That was a reasonable position to take up. It was a proposal made in all seriousness, and not with any idea of obstructing, and for the hon. gentleman to dismiss the suggestion in the summary manner he had adopted, and give so little explanation, was not the way in which members of the Opposition have been accustomed to be treated in the past. When hon. gentlemen opposite sat on the Opposition benches they resented an attitude of that sort. [The ATTORNEY-GENERAL: No discourtesy was intended.] That might be so, but the hon. gentleman could not get away from the curt and very summary terms of his address. Hon. gentlemen opposite had made several mistakes already, and he should have thought that the proper attitude to adopt would be to recognise the force of the arguments which had been used, and say they were prepared to accept a slight alteration in the clause. But a high and mighty tone was adopted by the hon. gentleman, as if he were incapable of making mistakes. He did not wish to introduce personalities; he did not wish to discuss on delicate ground the position of the judges, nor did he wish to discuss in an indelicate manner the position of the hon. gentleman, but if he was going to alter the Act in that manner, the position was this: the amendment was not one for a temporary purpose, it was one for all time; and if the Government decided that the number of judges should be four for the present, they could decide at any time during their occupancy of office that the number should be five. The hon. gentleman knew that a gentleman occupying his position was generally regarded as the most eligible for a position on the bench of the Supreme Court, and he ought to be the last man to bring down a Bill which left him in the position and with the power to say when the number of judges should be four and when it should be five. He did not mean to say that the hon. gentleman would be guilty of any abuse of power, but the question was whether the House should put the hon. gentleman in that position. Of course it was understood that any vacancy must be filled by the Cabinet. The hon. gentleman could not decide for himself whether there should be four or five judges, but his recommendation would receive considerable weight in the Cabinet. One could readily understand that a Government might be burdened with an Attorney-General who was possibly too strong-minded, or who was of too little use to them, and it might be a nice way out of the difficulty to decide that the number of judges should be five, and appoint the Attorney-General for the time being to the

bench. Or they might say that they would go on for the full term of Parliament and then fill the position. There were enough possible abuses in connection with the matter to make the Committee chary of entrusting to the Government of the day the power of deciding how many judges there should be, and he for one should resist as long as he could the attitude the hon. gentleman had taken up of pushing this measure through, whether the Committee liked it or not.

* The SECRETARY FOR PUBLIC LANDS thought the application of the terms "curt" and "summary" to the language and manner of the Attorney-General in his remarks with regard to the proposed amendment was perhaps as great a misuse of language and criticism as they could easily find in the dealing of one politician with another. [Mr. J. LEAHY: Another lecture?] Yes; a lecture, if they liked. The hon. member for Bulloo should not have a monopoly of lecturing the Committee—there should be a counter-irritant on this side. If there was one feature that characterised the Attorney-General more than another it was his courtesy, and he sometimes wondered if the hon. gentleman would be able to preserve his equable demeanour after a few sessions had passed over his head. The hon. member for Toowong was usually amiable in his demeanour in the House, but on this occasion he had made a desperate attempt to become a political partisan, and in carrying out his changed *rôle* he had launched upon a line of criticism for which there was no justification. The Government had come down with this Bill in deference to the line of economy in administration that they were bound to carry out, and proposed that, instead of carrying on the system of having five Supreme Court judges, which might have been appropriate and correct enough under greater national prosperity, and with a greater amount of litigation than there was at present, there should be some discretion left to the Governor in Council to decide whether they could not in future do with a smaller number of judges than they had done with up to the present. The hon. member for Carnarvon, in order to show his belief in the system that the late Government had been following, proposed an amendment which reaffirmed the wisdom of the old arrangement. The Attorney-General got up and said in perfectly courteous terms, the only terms he could have used, that he declined to accept the amendment. Then, in order to try and galvanise this debate with some show of partisan feeling, the hon. member for Toowong made a sort of accusation against the Attorney-General. The hon. member attributed to the Attorney-General the remark that even now, under the Act as it stood, they were not bound to appoint five judges. As a matter of fact, the Attorney-General did not say that. [Mr. J. LEAHY: Yes, he did.] No; he did not. What the Attorney-General in effect said was, it was a debateable matter as to whether they were bound to appoint five judges. [Mr. J. LEAHY: No; that is not what he said.] That was what the Attorney-General said, and he had the sanction of the hon. gentleman for that statement. Under the clause they were empowered, if the litigation in the State warranted it, to say that there should be only four judges, and members on that side of the House would know and appreciate the fact that, while they were economising in the lower ranks of the public service, it was time they turned round and looked at the higher ranks. [Government members: Hear, hear!] And in view of the astounding diminution in the litigation in this State, the Government were going to take power to see if they could economise in the ranks of the Supreme Court judges, and carry on the administration of justice with four judges instead of five, and as far as he could see they would succeed in the attempt. The criticism of the late Secretary for Lands, that under the clause as it stood the Government had the opportunity of dangling a judgship before members of the bar, was not deserving of any weight. Where was the member of the bar in this community who was worth a snap of the finger of the Government in endeavouring to placate him? All the Government were doing—and that was the explanation of the insertion of this clause in the Bill—was to make an attempt to see if they could not carry on with four Supreme Court judges instead of five. They were not absolutely certain that they could do so, but they hoped and thought that they could. If the clause was passed as it stood they were in the happy position of either being able to carry on with a diminished number of judges or of being able to revert to the ordinary condition, whereas if the amendment was agreed to they were bound fast by the old condition under which they were paying thousands of pounds more every year to carry on the administration of justice than was absolutely necessary to meet the real needs of the case. [Government members: Hear, hear!]

HON. R. PHILP: Why all this heat? The Opposition were carrying on the discussion on strictly non-party lines. Nor had there been any intriguing on that side; the intriguing was on the Ministerial side. He had hitherto devoted his attention to the question whether four judges or five were necessary for the Supreme Court benches of the State. There were five judges when there were only two Supreme Courts, and when the population was 130,000 or 140,000 less than it was to-day; and it was the opinion of a more eminent barrister than the Minister for Lands that five judges were necessary. Surely the present Ministry did not think the State was going down below zero, and that we should not have times of greater prosperity in the future, that we were not going to make much more progress during the next ten years than we had during the past ten years. [The TREASURER: We do not judge progress by the number of appeals.] In good times there was plenty of law business; in bad times there was none. If, contrary to the opinion of more experienced authorities, the Attorney-General and the Secretary for Lands thought four judges were enough, let them insert four in the Bill. [The SECRETARY FOR PUBLIC LANDS: I said I hoped four would be enough.] They did not live upon hope. If there were to be only four judges, it would be the Northern Supreme Court which would suffer most owing to its distance from the metropolis, and if the Northern judge had to pay frequent visits to Brisbane, a temporary judge would have to be appointed, and the cost would be more than the salary of a fifth judge, and the system would not give the same satisfaction.

HON. J. F. G. FOXTON pointed out that the adoption of his amendment did not necessarily mean either four or five judges. If it was carried it would be open to the Attorney-General to move an amendment omitting "five" and inserting "four." What the amendment did mean was that Parliament should say what number of judges of the Supreme Court there should be, and not the Executive. If the word "four" were substituted the Government would not be able to appoint an additional judge until they got further sanction from Parliament. That, he contended, on a matter of such great constitutional importance, would be a legitimate thing.

[7·30 p.m.] If the Attorney-General would take the responsibility of saying that the Supreme Court could be run with four judges, let that be laid down as a matter of law. And if he found, between now and next

session, that the inconvenience was greater than the economy effected, he could then ask Parliament to pass a Bill to increase the number to five. That would be the proper and constitutional course to adopt. The administration of justice was a matter so vital to the State that the saving of a salary more or less was of small moment compared with the interests at stake.

* Mr. J. HAMILTON : One objection he had to the clause was that it delegated to the Government a power which should be retained by Parliament. He contended that Parliament should fix the number of judges, and that the number should be five. There was no subject of greater importance to a nation than the constitution of its judicial tribunals. One hon. member said that in 1889 there were five judges. He found that two years afterwards, in 1891, the population of North Queensland was 78,000, now it was 110,000. In that year the population of South Queensland was 268,000, and now it was 328,000. In Central Queensland the population in 1891 was 46,000, and now it was 63,000. If five judges were considered desirable in 1889, it seemed to him that, with an addition of 100,000 to the population, they were quite as necessary now. If there were only four, the Central and the Northern judges would have to come to each Appeal Court. Those appeals occurred eight times a year. [The ATTORNEY-GENERAL : No ; there are eight Full Courts in the year.] They would probably come down half a dozen times in the year, and, taking all the time they would be away, the total absence would probably exceed at least three months in the year. The Northern judge, he was credibly informed, had more work than the judge here, and his absence for a quarter of the year would injuriously affect the interests of suitors in the Northern district. He certainly thought that there should be five judges, and that it would not be economical to reduce the number to four.

* Mr. MACARTNEY : He must regard it as an honour to be replied to by the Secretary for Lands ; at the same time, he could not allow the hon. gentleman to misrepresent the position he had taken up. Yesterday afternoon he raised the constitutional point, and that was the point he was speaking to now. He also raised the question of the efficiency of the court of appeal and discussed it rather fully yesterday, but he had made no attempt to go into that on the present occasion. He had merely stuck to the constitutional point and to the question of the necessity for the amendment which the Bill intended to import into the law relating to the Supreme Court. He thought the point he had raised was a good one, and, thinking so, he had a perfect right to press it upon the attention of the Chamber. He had no intention whatever of making what the hon. member referred to as a partisan speech, but it seemed to him that the amendment of the hon. member for Carnarvon had been treated very curtly by the Attorney-General, and he took that to be a discourtesy to members on that side. If such a discourtesy had been offered by members of the late Government, it would have been bitterly resented by hon. members opposite. He had not intended to be offensive, and he had been very careful to say that he did not think the hon. gentleman would abuse his position, nor had he derided the Attorney-General's efforts at economy. He was perfectly prepared to fall in with them, and he had admitted that the hon. gentleman was right in reserving to himself a period of three or six months, or more if necessary, to enable him to consider whether the State could do with four judges ; but the hon. gentleman got up and summarily disposed of what he said by stating that he was deriding and attempting to obstruct the Government in their ideas of economy. There might be a doubt as to whether it would be right for the Ministry to leave the appointment vacant, but there was another way by which they could arrive at the same thing without violating the rights of Parliament. They could insert a proviso that no appointment need be made for a period of six or twelve months. He objected to the Ministry arrogating to themselves the power of saying how the Supreme Court should be constituted, and the Attorney-General should rise to the position he occupied and accept the amendment, which would give him what he sought without violating what hon. members on that side considered to be the rights of the House.

* Dr. GARDE regretted that the debate was tending to become a party question, and he did not think it should be treated in a party spirit at all. He was of the same opinion with regard to the number of judges as when he spoke on the second reading, and especially after the speech of the hon. member for Enoggera, in which the hon. member showed the enormous amount paid in Queensland for the administration of justice. If there was any way in which the amount could be kept within reasonable limits, it was his bounden duty to help to do it. One point which had not been brought forward at all was that within the last few years two of the Supreme Court judges had gone home, and had been absent for twelve months at a time, and still the business was carried on all right. [Government members: Hear, hear!] [Hon. J. F. G. FOXTON: Acting judges were appointed.] [The ATTORNEY-GENERAL : What is the objection to doing it again ?] If there was a press of work, temporary appointments could again be made ; but the amount of work in the Supreme Court appeared to be a great deal less than it was ten or fifteen years ago. It therefore behoved them to economise, and the Attorney-General was to be commended for what he had done. The hon. member for Cook stated that the Northern judge had a great deal more work to do than the Southern judges. If they appointed another Southern judge, what would the judges have to do? At present they had not to work anything like the hours of other people, and he did not think there was work for three judges in the South. If there were eight Full Courts in the year, and assuming that they had to bring down a judge four times a year, a very liberal allowance for expenses would be £100 for each occasion. That would mean £400 in the year, so that there could still be a saving of £1,600 per annum, and that was worth considering in these times. They ought to do away with all the frill surrounding the judges. If the judges wanted associates to accompany them, let them pay them themselves. He did not see why the country should be called upon to pay for all that frill and nonsense. He did not think they had any of it in America, and yet the judges there carried out their duties as well as anywhere else. The cost of the Supreme Court was about double what it was in South Australia—a State which came very near to Queensland in point of population. But it was not so much a matter of population as a question of whether the people went in for litigation. The more they got civilised, the more they saw the folly of going to law. Anyone who had had the misfortune to go to law or to be dragged to law would agree with the old saying, "Shun the law as you would shun the devil." (Laughter.) He did not think this was too much power to put into the hands of the Attorney-General or the Cabinet. Surely they could trust them in such a small matter as that! This was the first time he had seen any effort made by the Government towards economy, and he congratulated the Attorney-General on the stand he had taken.

* Mr. FORSYTH pointed out that the members of the Opposition were just as anxious to see legitimate retrenchment as any hon. member on the other side, and if it was possible for the Attorney-General to save money by not appointing another judge he would be perfectly justified in his action. The hon. member for Maryborough, Dr. Garde, had made a statement with regard to judges who had gone home for a holiday, and his (Mr. Forsyth's) impression was that, if they were able to dispense with the services of a judge for twelve months, in this way they could save money. In 1901, according to the report of the Auditor-General, they spent about £1,696 extra in appointing District Court judges to temporarily act as Supreme Court judges, and they had had to pay acting District Court judges no less than £1,673, the whole cost to the country being between £3,000 and £4,000. The matter of having only four judges or of appointing a fifth should be retained in the hands of Parliament, and not left to the option of the Attorney-General or of the Government. If the Attorney-General inserted the word "four" and he found that the Supreme Court business could not be carried on with less than five judges, next session, no doubt, the House would agree to the appointment of a fifth judge.

* HON. J. F. G. FOXTON thought it a fair proposition to put to the Attorney-General—that if he would agree to insert the word "four" instead of "five," he (Hon. J. F. G. Foxton) would withdraw his amendment. As far as he could gather, the intention of the Government was to continue for some months under existing conditions, and why should they not make the number of Supreme Court judges four by law at present? At the end of six months at the outside Parliament would be called together, and, if the experiment had not been successful [8 p.m.] with four judges, then it would be time for the Government to say that the business could not be carried on with four. There would be no loss of dignity on the part of the Government in doing that, and the House would be enforcing on the Government that economy which they were so anxious to practise. It could not be said that they were attempting to thwart the Attorney-General in his desire for economy. The effect would be practically the same, and Parliament would not in any way be abrogating its undoubted function of deciding the fixed number of judges who should constitute the Supreme Court, and the result to the Government would be exactly the same. [The SECRETARY FOR PUBLIC LANDS: Did not you move your amendment with the intention of making the number five?] Yes; he believed in five, as it would be very little economy, if any, to reduce the number of judges. The figures quoted by the hon. member for Carpentaria proved that. When there were four judges, owing to one being away on leave, it cost £3,200 to fill up the vacancy and get level with the work, with all the inconvenience and loss of effectiveness which generally resulted from the appointment of acting judges. It was a matter on which he felt very strongly, because he believed that any interference with the Supreme Court, or any action on the part of that House which would enable the Executive to act in such a manner as would undermine the influence of the court, was much to be deprecated. He sincerely trusted the hon. gentleman would accept the suggestion.

Mr. HARDACRE: The amendment that had been moved hardly seemed to meet the difficulty. He had listened with interest to the arguments raised against the clause as it stood, and he agreed with them on one point. He thought it a very proper objection to take that the clause left the fixing of the number of judges to the discretion of the Executive—[Hon. J. F. G. FOXTON: That is the whole point.]—whereas it should be in the power of Parliament. He supported the contention that Parliament should have the power of fixing the number of judges, but the clause had this advantage at the present time: The Government desired, if possible, to economise, and the amendment suggested would force upon them a decision before they were acquainted with the facts which would enable them to come to a decision. [Hon. J. F. G. FOXTON: Not if we make the number four.] If the clause specified four, and it was found that four were not sufficient, then inconvenience would be inflicted on the country until the end of next session. [Hon. J. F. G. FOXTON: The beginning of next session.] They knew how long it took to pass a measure through Parliament. First of all there was the Address in Reply, the Financial Statement, and other urgent business, and they could never quite tell when a Bill would be passed. On the other hand, if the number was fixed at five, and it was found they could do with four, then they would lose the advantage of the economy which the Government desired to practise during the next six months. There was a decided disadvantage in forcing the Government to come to a decision when they were unacquainted with all the circumstances. What had been in his mind was that it might be possible to amend the clause in the direction of allowing the Government a discretion in the meantime, and at the same time minimise the objectionable feature of placing in the hands of the Executive the undesirable power of determining the number of judges. An amendment in the right direction should be on the lines of not compelling an immediate decision, but limiting the period during which the option should be exercised. He should say that if they allowed a discretionary power to exist, say up to the end of next year—[HON. J. F. G. FOXTON: That is after the expiration of next session.]—the hon. gentleman could suggest any shorter period. He was suggesting the utmost limit of time during which the Executive should exercise their discretion. The time within which this option might be exercised might be fixed at six, seven, or eight months, but it was certainly undesirable that the Government should have an indefinite or unlimited time within which they should fix the number of judges to be appointed.

The ATTORNEY-GENERAL: With regard to the remarks of the hon. member for Toowong, that the words which fell from him (the Attorney-General) when he first entered the Chamber after tea, imported a certain amount of discourtesy, he could assure the hon. member and the Committee that no discourtesy was intended. The hon. member had also been pleased to offer certain criticisms of a somewhat personal nature. Those criticisms would have weight according to whether they were deserved or not. If they were deserved, then he would have to stand the result of them. If they were not deserved, he was sure that no one would regret their having been made more than the hon. member for Toowong. A great many of the arguments advanced had been already dealt with. There was a protracted discussion on the second reading of the Bill the previous day, and there was an equally protracted discussion on it that afternoon, and for about an hour and ten minutes that evening. Iteration of argument gave no strength, and it was a waste of time. It put him in mind of the story of an Irish counsel, who was addressing the Full Court on one occasion. He saw that the court was against him, and said: "Well, if your honours are against me on that point, I have several others equally as conclusive." (Laughter.) [Hon. D. H. DALRYMPLE: That is your position

to-night.] The truth or untruth of that interjection would be exemplified according to the sense or nonsense of the arguments which he adduced. He felt that the time of the Committee was being wasted by a rehash of arguments—political pyrotechnics—which had been already answered. The clause which had caused all this discussion and given rise to the projected amendments of the hon. member for Carnarvon, and the suggestion of the hon. member for Leichhardt, was a very simple one indeed. It provided that the number of judges should not be less than four nor exceed five. An alleged constitutional difficulty had been raised to the effect that this was taking from Parliament the power of deciding the number of judges to be appointed. He strenuously combated that argument. If this clause became law, Parliament would have affirmed that the number of judges should not exceed five. That fixed the limit to which they could go, and there was nothing abrogating the power of Parliament in it. A point had been made that if the clause were passed without amendment it would leave the discretion of fixing how many judges there should be to the Executive. Let him inform the Committee that that power was not novel—that it was a power which the Executive enjoyed now. Section 7 of the Supreme Court Act provided that—

> The number of judges of the court shall be increased to five, and it shall be lawful for the Governor, with the advice of the Executive Council, by commission in Her Majesty's name, forthwith to appoint a puisne judge of the court, in addition to the number of judges authorised by the principal Acts.

At that time the number authorised by the principal Act was four. The section stated that the number should be increased to five, and the power of making that increase was vested not in Parliament, but in the Governor with the advice of the Executive Council. Further than that, no time was fixed within which to make that appointment. This conclusively proved that the discretion was vested in the Executive of the day. [Hon. J. F. G. FOXTON: As to who should be appointed.] As to who should be appointed, and as to when that person should be appointed—two important points. It was unmistakable that a discretion was reposed in the Executive of the day to appoint an additional judge whenever they thought fit, but he presumed that that discretion should be exercised within a reasonable time. It was idle for hon. members to say that it was something new to vest a discretion in the Executive Council. If hon. members would turn to the Acts Shortening Act they would see it there provided that where the words "it shall be lawful" applied to the exercise of a power by any person or persons, including, of course, the Governor in Council, the words should be taken to mean that that power might be exercised or not at their discretion. The word "shall," on the other hand, was mandatory. All he proposed to do was to say that there "shall" be not less than four judges, and that "it shall be lawful" to appoint another judge should the necessity arise. A practically similar clause existed in the District Courts Act now; and he would ask the Committee to pass the clause as he had introduced it.

HON. J. F. G. FOXTON: The Attorney-General had not only, by his quotations, proved his (Hon. J. F. G. Foxton's) case, but had also proved the strength of the position taken up by the hon. member for Leichhardt—that Parliament should say how many judges there should be. There was no occasion to refer to the Acts Shortening Act, because the interpretation given there of the words "it shall be lawful" was the natural interpretation that would be given to them by educated men. But the words were, after all, really surplusage, and under the improved system of bill-drafting would not be used. Of course, the Governor in Council would have to make the selection, and within a reasonable time. If they did not, they would be answerable to Parliament for not carrying out its mandate. But they might offer good reasons for not having done so, in which case Parliament would endorse their action. That was the position he asked the hon. gentleman to take up. Let the number be reduced from five to four in the interests of economy, and if the result was found, in three or six months, to be unsatisfactory, he would have an opportunity of asking Parliament to revise its decision; and Parliament in the meantime would not have lost its control of the question as to how many judges should constitute the court, and it would have to be satisfied that an additional judge could not be done without before a further appointment was made.

Mr. J. HAMILTON: The hon. member for Maryborough, Dr. Garde, said he would vote in favour of the amendment because [8·30 p.m.] he believed in retrenchment. If the retrenchment suggested would be effected by there being only two judges in Southern Queensland, he would not object so much, but the retrenchment would simply mean taking the judge away from the North or from Central Queensland. He was still of opinion that there should be five judges; and in any case the Northern and Central judges should not be taken away.

Mr. MACARTNEY: He was not going to be deterred from expressing his opinions by any remarks which the Attorney-General thought fit to make. In dealing with this matter he wished to call the attention, not only of hon. members, but of people outside, to the position. He was very glad to hear the hon. gentleman say he intended no discourtesy by the way in which he dismissed the amendment when it was first proposed, and he could assure the hon. gentleman that he had no intention of being offensive when he spoke before. The hon. gentleman seemed to go all round the compass when he was speaking, but did not deal with the actual point at issue. The only point really before the Committee was whether the Legislature should decide as to the number of judges or leave it in the hands of the Executive to fix the number. The hon. gentleman said the power proposed to be given to the Government was nothing new, as the Act of 1895 left it in the discretion of the Executive to say whether the fifth judge should be appointed; and a few seconds afterwards he referred to the Acts Shortening Act to show that the Government were compelled to appoint the fifth judge within a reasonable time. Those were two absolutely inconsistent arguments. When the Act was passed in 1895, deciding that there should be a fifth judge, the money had been already voted on the Estimates providing for a fifth judge. Hon. members were not contending at present for five judges or for four judges. They were contending that Parliament should fix the number. He thought he had clearly demonstrated that it was not necessary to violate a constitutional principle to enable the hon. gentleman to get the power he required. The hon. member for Leichhardt recognised the point for which he and others had been contending, and had suggested a way out of the difficulty. He and other members wanted the Government not to violate what was a fixed constitutional principle, and they had a right to get up and talk until notice was taken of their arguments. Surely, when a reasonable way out of the difficulty was pointed out, it was not beneath the dignity of the Government to accept the position, take what they wanted, and preserve the rights of the Legislature.

HON. D. H. DALRYMPLE: He would not have spoken on this occasion had it not been for the statement of the Attorney-General that members on his side were wasting time. He took it that the hon. member for Toowong and the hon. member for Carnarvon knew as much law as the Attorney-General. With the exception of those hon. members, no one had spoken on that side but himself, and, in endeavouring to preserve the rights and privileges of the Chamber, no member was wasting time. The Attorney-General said that iteration did not add strength to an argument, but repetition might be necessary to enable an argument to penetrate the somewhat pachydermatous craniums of hon. members opposite. The hon. gentleman had not yet replied to the important point which had been raised as to whether the position justified the House in giving up its rights. The advantages to be gained by pursuing the course proposed were exceedingly dubious, and it had not been shown that there was any urgency. The reply of the Attorney-General was that some economy might be effected by not filling up the vacancy, and the reply on his side to that was that the hon. gentleman should either leave the four judges as they were or he should accept the amendment. One of the peculiarities of the Government, and one which they possessed to a greater degree than any other Ministry that ever existed, was that they required time for consideration. The Attorney-General wanted till February to consider the matter, and they wanted him to take a little longer, and economy would be effected all the time.

The TREASURER appealed to the leader of the Opposition whether the discussion had not been carried on quite long enough, and whether they should not now go to a vote and allow the Committee to decide the matter?

HON. R. PHILP had not the slightest objection to taking a vote, and, had it not been for the speeches of the Attorney-General and the Secretary for Lands, the discussion would have come to an end an hour ago. If the amendment of the hon. member for Carnarvon was agreed to, the Government could move the omission of the word "five" and insert the word "four." Members on that side contended that the number of judges should be definitely fixed by Parliament. Personally, he thought there ought to be five, otherwise the Central and Northern Supreme Courts would not be preserved; but he was quite willing to take the sense of the Committee on the point. Some hon. members on his side would only vote for four judges. [Mr. HARDACRE: Are we in a position to come to a proper decision?] They ought to be. Some hon. members had been there for fifteen or sixteen years, and they had the opinion of Sir S. W. Griffith, the late Mr. Byrnes, and all the legal talent in Queensland. They told them, in 1889, that five judges were required to keep the two courts in Brisbane and Townsville going. In 1895 three courts were constituted—in Brisbane, Rockhampton, and Townsville. Hon. members on the Opposition side, or most of them, considered that Parliament was the proper body to consider the number of judges that should be appointed to the Supreme Court of Queensland. The Attorney-General said "No," and that the Ministry should have the power of saying whether the number of judges should be four or five. Only a few minutes ago a gentleman said that if the Government had a big case pending against them and they appointed another judge, it would be a scandalous thing to do. This House should say distinctly whether four or five Supreme Court judges were necessary. If the Ministry were in earnest in their desire for economy, why did they not decide this matter now and not wait for six, or eight, or ten months, and then say they would let the House know what they were going to do. There were some legal gentlemen on the front Treasury benches who ought to have made up their minds about this matter before this.

The TREASURER: The hon. member for Townsville had put the matter fairly and briefly from his own point of view, and members on the Government side had done the same thing. If they went on for another two hours, he ventured to say that very little fresh could be said on the question, and he thought that they should take a vote now and get into Supply. They had business to do, and it was hardly fair to talk a whole day and do nothing, and then slip away at 10·30. [Mr. J. LEAHY: Why don't you say how many judges you want?] Whether the Attorney-General was right or wrong in his views, the hon. gentleman had stated his case so clearly that a man of the most ordinary intelligence could understand what he wanted, and in what way he wanted it. The Committee was in possession of all that could be said on the matter, and they should come to a vote and decide the question.

HON. R. PHILP thought they had done a great deal of business to-day. They had passed the second reading of a private railway Bill. [The TREASURER: We have a good deal more to do.] He knew that; but they had passed the second reading of a syndicate railway Bill very quickly, while the Treasurer, when he was in Opposition, had kept him (Hon. R. Philp) six weeks in passing a similar Bill. [The TREASURER: There is no analogy.] This was a very important measure, especially as far as his (Hon. R. Philp's) constituents were concerned. He had received several telegrams from them, asking him to block the Bill; but he had promised not to stonewall it, and he would keep his promise. But he wished to put the case for the North fairly before the Committee. Unfortunately, only the hon. members for Cook and Carpentaria had spoken in defence of keeping the Northern bench intact. This was not a party question, and he was prepared to come to a vote at once on it. [Government members: Hear, hear!] But he resented the Treasurer getting up and preaching to hon. members as to what they ought to do.

Mr. HARDACRE: The leader of the Opposition had given an extremely good reason for opposing the amendment. The hon. gentleman said that the Government should fix the number of judges in the Bill, and said that if the number was fixed at four, a great injustice would be done to Townsville and the North. He had given the testimony of Sir S. W. Griffith and the late Hon. T. J. Byrnes, and others, that five judges were necessary; and yet he (Mr. Hardacre) was convinced that the Committee would decide for four and not five judges. [Government members: Hear, hear!] Therefore, the Committee would come to a wrong decision, on the best authorities; and he contended that the Committee should not be forced to a wrong decision now. [Mr. J. LEAHY: The decision can be altered next session.] The Committee should not come to a wrong decision for even six months. They were not in a position to decide whether four or five was the proper number,

[9 p.m.] and members should recognise the desirableness of giving the Government discretionary power to deal with the circumstances immediately before them. On the other hand, he agreed with hon. members opposite that they should not allow the discretionary power to remain in the hands of the Executive permanently, and it seemed to him that the object of any amendment that was moved ought to be to give the Government discretionary power within certain limits. If he moved an amendment it would be in that direction.

Mr. MACARTNEY: The hon. member for Leichhardt had clearly showed that there was a way of dealing with the matter without violating the principle which the Opposition were contending for. It might simplify matters very much if the Attorney-General would give an undertaking that next year he would introduce a measure definitely deciding of what number of judges the court was to be constituted. Unless he was prepared to do something of that sort, they must take it that he wished to have the right of deciding how many judges were to be appointed, and that his object was not merely to have time for consideration.

The ATTORNEY-GENERAL: In regard to giving a definite assurance that next session he would introduce a Bill on the lines indicated by the hon. member, all he could say was that by the next session he hoped to be in a position to state definitely the decision of the Government. He hoped by that time either a judge would have been appointed, or the necessity for the non-appointment of one would have been made apparent. He asked to have the clause put through, in order that time might elapse sufficient for him to make the necessary inquiries. With regard to limiting the operation of the clause, hon. members must not forget that a judge once appointed was appointed for life, so that there was little to be gained by limiting the operations of the clause. [Mr. HARDACRE: Unless a vacancy arose.] If a vacancy arose it would be after an opportunity had been given of seeing whether five or four judges were necessary, and if five were considered necessary the vacancy would be filled forthwith.

Mr. MACARTNEY: The hon. gentleman must not run away with the idea that members of the Opposition wished him to fill the vacancy. That was the last idea that was actuating him. He was perfectly in accord with the hon. gentleman in giving him time to consider whether another appointment was necessary; the only thing he objected to being the violation of the principle that Parliament had the right of fixing the number of judges to be appointed. In the event of the hon. gentleman coming to a definite conclusion during the ensuing six months as to the number of judges required, was he prepared to come down next year with an amendment which would definitely fix the number of judges so as not to leave it open to the Executive in future to make alterations from time to time? If the hon. gentleman gave that assurance it would facilitate the passage of the Bill.

HON. J. F. G. FOXTON thought the Attorney-General would facilitate business by giving some reply to a courteous question. [The ATTORNEY-GENERAL: I thought I gave a reply.] A new question had been put by the member for Toowong. [The ATTORNEY-GENERAL: I thought I answered it in the original reply.] The hon. member had asked a question, and no notice whatever had been taken of it. [The ATTORNEY-GENERAL: It was precisely the same question over again.] Did the hon. gentleman give a pledge to that effect? [The ATTORNEY-GENERAL: No, I gave no pledge. I said by the time the House reassembled, if necessary, a judge would have been appointed.] Exactly. That was evading the question. The question was whether the hon. gentleman would give an assurance that, in the event of its being found either that there should be an additional judge or that there was no need for one, would he next session bring in a Bill by which Parliament could specifically fix the number of judges? So that the question of the number of judges should not be indefinitely postponed, and be for years at the discretion of the Executive. Surely that was a reasonable question to ask, and the hon. gentleman might give a definite reply to it. He would facilitate business by doing so.

The ATTORNEY-GENERAL: The request was perfectly reasonable, and the reply he gave originally was perfectly reasonable. The answer he gave was that he was not prepared to give any assurance of a kind which he thought was unnecessary. By the time the House assembled again the Government would have decided definitely whether a fifth judge was necessary or not, and if they arrived at the decision that a fifth judge was necessary the appointment would probably have been made by that time.

HON. J. F. G. FOXTON did not think the hon. gentleman had answered the question. Even if a fifth judge was appointed by next session, in the event of a vacancy occurring it would still be open to the Executive to dangle a judgeship before expectant applicants; and that was what hon. members objected to. What they desired was that when the Government had had time to decide whether four or five judges were necessary, the number they had decided upon should be fixed by statute, so that the Executive should not have the power to reduce or increase the number without the sanction of Parliament. The hon. gentleman should have no hesitation in giving the assurance that when the time came—and the Government could take their own time—he would put the Executive right by asking for legal sanction for such action as they might determine upon.

The ATTORNEY-GENERAL: He had already pointed out that by the time the House assembled again he hoped the Government would have decided whether a fifth judge was necessary or not, and that if necessary they would have appointed an additional judge. If the Government appointed a fifth judge that would mean that the Government were pledged as to the necessity for a fifth judge, and then, if a vacancy occurred, to be consistent they would have to fill that vacancy without unnecessary delay. To ask him to go further than that was unreasonable.

HON. R. PHILP: They had been contending that the number of judges should be fixed by the Bill, but the hon. member for Toowong was now willing to waive that point if the Attorney-General would give them an assurance that he would bring in an amending Bill next year definitely fixing the number of judges who should constitute the Supreme Court. Surely, if he had made up his mind by the time that the House met as to whether four or five judges were required for the efficient administration of justice, he could introduce a measure specifically defining the number! If he answered the question which had been put to him on that point, all opposition to the clause, so far as he knew, would cease. The clause could then be passed, and the Government would have time to consider whether they could dispense with one judge or whether it was necessary to appoint a fifth. If the number of judges was not definitely fixed by law, then the same thing might occur next year; a judge might die or retire, and then the Government would be in a position to say that they would wait for five or six months and see whether another judge was required. That was not a desirable thing to do, and he considered that the country should know, six months hence at any rate, what the present Ministry decided to do.

The ATTORNEY-GENERAL could not say that the Cabinet would consider any such Bill. Hon. members agreed that it was a reasonable thing that they should have time to consider whether it was absolutely necessary to appoint a fifth judge. By the time the House met again the Government would have decided that question finally, and if they appointed a fifth judge

that would mean that they had decided that the efficiency of administration required the extra judge, and having decided that, if a vacancy arose by the death or illness of one of the judges, to be consistent the Government must immediately fill the vacancy. [Mr. J. LEAHY: Conditions might change.] Precisely, and therefore he could give no definite pledge.

Mr. MACARTNEY was sorry that the hon. gentleman had not given anything like a definite answer to his question. The argument he had offered was by no means conclusive. What hon. members on that side complained of was that if the Ministry did not appoint a fifth judge, and fixed the number at four, it would always be in their power to appoint a fifth judge at any subsequent period. The hon. gentleman stated that during the recess they would be able to decide the question, and to definitely inform Parliament next session what the decision of the Government was. If the hon. gentleman would be in a position to inform Parliament next session that four or five judges were required, then he should make provision by law to that effect. The hon. gentleman had introduced this provision on the ground that he required time to consider economy. Why, then, did not the hon. gentleman give the Committee the assurance asked for? Was it because the hon. gentleman was not going to give in an inch to that side on any question, or that he was not to be affected by argument? If economy was the underlying reason for the introduction of the Bill, why did not the hon. gentleman ask power in it to remove the registry from Rockhampton? But it appeared that the Rockhampton people had been informed that, unnecessary and expensive as the Rockhampton court might be, it was not going to be interfered with. [The TREASURER: Who informed the Rockhampton people of this?] They had been informed of that as a Government decision. It was public property at Rockhampton, and it had not been seriously contradicted.

Mr. WHITE: As he had stated on the Estimates, it was clearly shown by a recent article in the *Daily Mail* that there was very little work for a judge to do at Rockhampton, and the hon. member for Enoggera showed last night, from statistics, that the cost of the administration of justice in Queensland was excessive. He was of the opinion that four judges would be sufficient, and if the Attorney-General was prepared to fix the number permanently at four, many members on the Opposition side would support him. He agreed with the leader of the Opposition that it would be a dangerous power to place in the hands of the Executive to increase the number of judges at their will; it would not tend to the purity of justice. He intended to vote for the amendment, with the object of seeing the clause further amended by reducing the number of judges to four and doing away with the Central court at Rockhampton.

Mr. JENKINSON: On this occasion he found himself in accord with hon. members opposite. (Government laughter.) When sitting on the other side they had repeatedly protested against government by regulations. He had protested many times, and so had many others on that side, against the principle of placing in the hands of the Government power to do certain things without consulting Parliament when Parliament had a perfect right to be consulted respecting them. It had been stated that Sir Samuel Griffith and the late Hon. T. J. Byrnes had stated their opinion that five judges was necessary to administer the Supreme Court. He would point out that at that time the finances of Queensland were in an infinitely better condition than they were to-day. Hon. members were pledged to their electors to bring about economy wherever they could. He believed the business of the Supreme Court could very well be carried on with four judges, particularly after what the hon. member for Enoggera told the Chamber last evening about the great reduction in the business before the court. He intended to support the amendment, hoping that a further amendment would follow, fixing the number of the judges at four. If permissive power was given, he was confident that the maximum number would always be retained, owing to the pressure exercised upon the Attorney-General by the profession. [The SECRETARY FOR PUBLIC LANDS: What about the rest of the Cabinet?] He understood that with reference to departmental matters the Cabinet was guided by the opinion of the Minister in charge of that particular department. He intended to go in for economy, and to cut down the big salaries wherever it was possible, and there was a good opportunity now for effecting a very large saving.

HON. D. H. DALRYMPLE: He wished to correct the hon. member's statement that at the time the fifth judge was [9.30 p.m.] appointed, in 1889, the condition of the finances was much more prosperous than at present. In 1889-90 there was a deficit of £483,979; in 1890-01 it was £334,431; and in 1891-92 it was £130,564. [Mr. JENKINSON: We had control of our own finances then.]

Mr. BURROWS: He had listened with shame and regret to the insinuations that had been thrown out by hon. members; and he was expecting that some hon. member on the other side would object to the way in which insinuations had been made about this judgeship being dangled about. It had been noticeable that one hon. gentleman on the Opposition side had been very moderate in his tone towards the Government. Had the late Government not been turned out, a certain member would have been occupying the position of Chief Justice now, with honour and credit; and he regretted that in that hon. gentleman's absence such vile charges should be made. The Attorney-General seemed at a loss to account for the opposition he was receiving at the hands of hon. members opposite. They had been accustomed to having their own way such a long while that they could not understand how it was he would not do what they asked. He hoped the hon. gentleman would not be too severe on them, but would keep on repeating what he had already said.

Mr. MACARTNEY: He asked the Attorney-General in all seriousness to give a reply to what he had asked.

The CHAIRMAN: The hon. gentleman has asked the same question of the Attorney-General two or three times, and the Attorney-General has already replied. I ask the hon. gentleman to confine his remarks to the question before the Committee.

Mr. MACARTNEY: He thought the question he was asking had everything to do with the question before the Committee. The question had been evaded by the hon. gentleman, and he thought it was a reasonable thing that the assurance he had asked for should be given. He asked the hon. gentleman in all seriousness to give the assurance.

The CHAIRMAN: I think it will not be in order for the hon. member to persist in asking a certain question of the Attorney-General, and I must ask him to confine himself to the question before the Committee.

The ATTORNEY-GENERAL: If he could settle the hon. member's anxiety at all, it would only be by repeating the answer he had already given. If hon. members differed from

the clause, by all means let them vote against it, no matter whether they sat on the Government side or on the other side. No good could be done by asking him the same question an indefinite number of times, when he had told members in all sincerity that he was only in a position to give the answer he had given.

Mr. MACARTNEY: The Attorney-General had not yet given a satisfactory answer to his question. Possibly the hon. gentleman had not been able to confer with his chief, and could not give an answer before, but now, as his chief had returned, he might possibly be able to give an answer. [The PREMIER: You will not bounce either his chief or the Attorney-General.] It seemed now that it was the deliberate intention of the Government to alter the statute fixing the number of Supreme Court judges. The hon. gentleman practically came down with a Bill and said they would have to take it just as it was, no matter what arguments were used or what objections were raised. That was an attitude he resented. The opposition taken to the clause was a reasonable one: that they should fix the number now, and if they found that an alteration was necessary they could come to Parliament next year and put the matter right. [The PREMIER: You want your way this year.]

HON. R. PHILP did not think the Premier fully understood the position or the arguments which had been used. They were prepared to allow the Bill to go as it was if the Attorney-General would promise to introduce an amending Bill next session, if he found it necessary to appoint a fifth judge. That was a perfectly reasonable thing to do, and he hoped that the Premier would not be advised by his rash friend the Secretary for Lands, who appeared to think that the Government ought to be firm, and get every line of the Bill through. He had as much experience of getting Bills through the House as the Secretary for Lands. [The SECRETARY FOR PUBLIC LANDS: You have not the remotest idea of what I did say to the Premier.] Of course he had been contending that there ought to be five judges, and had given good reasons for it. [Mr. DUNSFORD: The amendment is to make it five.] No, the amendment would create a blank, and then the Committee could decide whether there should be four or five. They were not in the habit of saying that there should be two or three members of the Land Court, or fifty, or sixty, or seventy members of Parliament; they fixed definitely how many there should be, and it ought to be the same with the Supreme Court, because the judges were appointed for life, and nothing should be done to impair the efficiency of the bench.

HON. J. F. G. FOXTON: The interjection of the hon. member for Charters Towers was a striking commentary upon the remark of the Attorney-General that they had been wasting time, and the remark of the Treasurer, uttered a little time ago, that there had been needless repetition of arguments. The hon. member interjected that his amendment meant nothing more nor less than that there should be five judges. It did not touch the number of judges at all. [The PREMIER: That was the trend of your argument—that there should be five.] The hon. gentleman was entirely wrong, and he had no justification for making the assertion, because he had been absent all the evening. [The PREMIER: I heard you start.] Incidentally he had remarked that in his opinion there should be five judges, but his amendment did not affect the number at all. [Mr. DUNSFORD: Your amendment would fix the number to-night without a further amendment.] That was so, but it was competent, having accepted his amendment, for any hon. member to move that "five" be omitted, with the view of inserting "four," and he was under the impression that such an amendment would be carried. Assuming that his amendment was negatived, and that the clause was carried as it stood, and assuming also that the Attorney-General, at the end of three or four months, appointed a fifth judge, the House would not have sanctioned that action. If the members of the Government were sincere in their desire to allow the House to retain its undoubted right to fix the strength of the Supreme Court, they would give that pledge unhesitatingly. Either they had a sinister motive, or it was a stiffnecked obstinacy, and a desire not to have it thought that they gave way about anything at all. [The SECRETARY FOR PUBLIC LANDS: Where is the sinister aspect?] Of dangling a judgeship before everybody who was eligible to accept it. [The SECRETARY FOR PUBLIC LANDS: What is it worth in this case?] Before the Secretary for Lands, if he liked it. That was the sinister aspect of it. He was there to speak plainly on an important matter of this sort, which affected the constitutional rights of Parliament, and it was found now that the very men who were most anxious to preserve the rights of Parliament when they were sitting on the Opposition side—who objected to any encroachment by the Executive—were now prepared to allow them to be exercised by the Executive at their sweet will.

Mr. DUNSFORD: It was very clear that the Opposition members did not know what they wanted. He would not have risen only that the hon. member for Carnarvon seemed to wish to disown his own amendment. That amendment had been moved for the clear purpose of fixing the number of Supreme Court judges at five to-night. [Hon. J. F. G. FOXTON: No.] The hon. member made a speech in favour of five. At that time there was no intention on the part of hon. members opposite to move a further amendment. [Mr. MCMASTER: That is not true.] It was true. By the speeches of the hon. member for Carnarvon and the leader of the Opposition and other hon. members the Opposition were in favour of five, but, on hearing the opinions of hon. members on both sides, the hon. member for Carnarvon came to the conclusion that he could not win his amendment, and he had backed down from his position. He almost begged for an announcement from the Government that within six or twelve months some legislation would be brought forward fixing the number of judges. [Hon. J. F. G. FOXTON: That is not true.] It was perfectly true; the hon. member's amendment now before the Committee fixed the number at five. [Hon. J. F. G. FOXTON: No.] The hon. member moved the omission of the words "not be less than four and shall not exceed," with the view of inserting the word "be," and that meant that the number of judges would be five. [Government members: Hear, hear!] [Opposition members: No, no!] He asked the hon. member for Carnarvon to stick to his guns and let the Committee come to a division.

HON. J. F. G. FOXTON: The hon. member for Charters Towers, by his own reading of the amendment, showed that it did not reach the word "five." Personally, he (Mr. Foxton) was in favour of "five"; but he was quite prepared to fall in with the wishes of the majority. If his amendment were carried, it would be perfectly competent for the Committee to decide, by further amendment, that the number should be four instead of five. His

amendment did not affect the specific number. and if the hon. member for Leichhardt was consistent. he would vote for it, because it would still leave open the principle that Parliament should retain its right to say how many Supreme Court judges there should be. As for sticking to his guns, he (Mr. Foxton) had done so, and intended to do so to the end.

Mr. T. B. CRIBB: He would support the amendment of the hon. member for Carnarvon, as it affirmed the principle that Parliament and not the Executive should determine the number of Supreme Court judges. If the amendment of the hon. member for Carnarvon was carried, and no other hon. member moved any subsequent amendment, he would move the insertion of the word "four" instead of "five." In the interests of economy, he was satisfied that four judges were sufficient.

Mr. JENKINSON: If the result of the carrying of the amendment moved by the hon. member for Carnarvon would be that the number of judges would be fixed at five, it would have his strenuous opposition; but it had been pointed out that there would be a subsequent amendment fixing the number of judges. He was anxious to see the number reduced to four, and it was on those grounds that he would support the amendment.

Mr. FORSYTH: It was somewhat amusing to see the action taken by hon. members on the other side, for they all knew that in years gone by hon. members opposite, when sitting in opposition, were most anxious to protect the powers of Parliament. When the late Sir J. R. Dickson promised to send a contingent to South Africa members of the Labour party complained that that promise had been made without the matter first of all being approved of by Parliament. The same thing applied there. They contended that Par-

[10 p.m.] liament was the authority to say whether there should be four or five judges. He thought the Attorney-General would agree with him that politics were largely a matter of compromise, and if there was no compromise there would be very little business done. The hon. member had stated time and time again that he wanted an opportunity for considering the question, and that in five or six months' time he would be in a position to state whether four or five judges were necessary. He was willing, for his part, to give the hon. gentleman that time. He was willing to pass the clause as it stood, if he promised to bring in a Bill next year to settle definitely the number of judges. He appealed to the common sense and reasonableness of the Attorney-General, the discussion having been based on that one point, that the Executive should not have power to fix the number of judges from time to time. He hoped the Attorney-General would allow the clause to go through as it stood, after having given the promise which had been asked for.

The ATTORNEY-GENERAL: Hon. members opposite had appealed to him to make a distinct pledge. He understood that the whole objection to the clause was that it violated an essential principle of the Constitution, and he understood that, if he promised to bring in a Bill next session to practically do away with that so-called objection, the provision would be allowed to go through as it stood. That was, that hon. members opposite were willing to sacrifice the principle of the whole thing for a promise. [Hon. R. PHILP: We are willing to take your pledge.] The hon. member by his answer had shown that the interpretation placed upon his words was correct. He wished to be distinctly understood that sooner than get a clause through which would infringe a constitutional principle he would prefer to see it wiped out. [Hon. J. F. G. FOXTON: You say it does not.] If hon. members on the other side were consistent, he thought they would never allow the clause to go through if they really believed it infringed a constitutional principle. He had given an answer which he thought a reasonable and courteous one, and he said distinctly that he would much rather hon. members, by their votes, excised the clause than that it should be retained by his giving a promise which would justify the extensive opposition which had been shown that night.

HON. R. PHILP: All through the debate he had not used the word "constitutional," but the Attorney-General himself said there was no constitutional point. [The ATTORNEY-GENERAL: I say so still.] He thought the member for Toowong had made a very fair proposition, and they were willing to give the Attorney-General the time he asked for if he said that next session he would introduce a Bill definitely fixing the number of judges. The Bill, as brought in, was so indefinite that any Government might abuse it by hanging up the appointment of a judge for some time to suit their own ends. The Supreme Court was the highest court in the State, and one which had always been looked up to with the greatest respect, and he should be very sorry if anything was done to lower it in the estimation of the people. If the Labour party were in opposition, they would fight all night rather than allow Parliament to be deprived of one of its functions, and, as pointed out by the hon. member for Carpentaria, that had been the case when Sir James Dickson made a promise to send troops out of the State without the sanction of Parliament. The Opposition appreciated the hon. gentleman's efforts at economy, and were willing to give him six months for consideration if he would give the promise asked for. It showed that they had some faith in the hon. gentleman when they would accept his promise. There were some members whose promises he would not accept.

HON. J. F. G. FOXTON: The reasons given by the Attorney-General were extremely comical, and apparently the hon. gentleman was developing an unconscious humour. In one breath the hon. gentleman said the proposal in the Bill was in no way unconstitutional, and did not affect the rights of Parliament, and yet in the very next breath he said he would not consent to the suggestion which had been made lest an unconstitutional measure should be passed by that means. If the clause were passed with his amendment, and with no further amendment, it would still be open for the Government to delay the appointment of a fifth judge for such period as might be necessary for due consideration of the question as to the necessity for the appointment of an additional judge. In doing that they would be failing to carry out a legislative mandate; but they might be able to give sufficiently good reasons for that next session which would entitle them to be absolved from any intentional desire to flout Parliament. Then they could come down and say that they believed the Act ought to be amended, and that the number of judges ought to be reduced to four. In the meantime, Parliament would have asserted its right to say that the court should consist of five judges. To a certain extent he was in sympathy with the desire of the Government to economise, and with their desire to have time to obtain further information which would enable them to decide whether there should be four or five judges;

but he contended that the moment they had made up their minds the number should be definitely fixed by a specific legislative enactment. The absolute refusal to meet the arguments which had been adduced by members on that side of the House, or to fall in with the views of a number of members who supported the Ministry, was due to mere obstinacy on the part of the Government, and to a disinclination to admit that there could be anything in any Bill which they had introduced which ought not to be there. The stiffneckedness of the Government on this occasion was not to their credit, nor was it calculated to promote the speedy transaction of business. Hon. members on that side had no desire to prolong debate, but they desired to protect the rights of Parliament, and to prevent those rights from being delegated to the Executive. The hon. member for Fassifern was perfectly correct in saying that this was very similar to government by regulations, against which such protests had been made by hon. members opposite when they were in opposition. It was worse than that, because it gave an absolute, unfettered discretion to the Government to make an appointment or not make an appointment as they chose.

HON. D. H. DALRYMPLE said he was exceedingly gratified to find that all hon. members were not taking a strictly party view of this matter, and that the merits of the case advocated by hon. members on that side of the House had been put forward so effectively that they had to welcome the hon. member for Leichhardt and the hon. member for Fassifern among their allies. The members of the Opposition had taken up the position that unless the Government were disposed to say, "We will return to Parliament certain power which has always been inherent in Parliament," the clause should be amended. That power the Government proposed to take in order to meet what the Attorney-General had declared to be an emergency, and hon. members asked that they should replace that power in this great Assembly which represented the people after the specific emergency had been met. Would any hon. member tell him that under ordinary circumstances the Ministry would ever have dared to come to the House, and say, "We expect you to lay down certain functions and privileges which you have enjoyed, and hand them over to us," if these particular circumstances with regard to a judgeship had not transpired? The position seemed to have occurred accidentally. The Opposition entirely sympathised with the desire of the Government for economy, but they were not going to part with a power which was inherent in Parliament. Yet they were willing to lend that power for a short time if the Attorney-General would promise to restore it when it had served its purpose. He could only conclude from his refusal that there was some ulterior motive; they had something "up their sleeve" which the Opposition knew nothing about. Probably they had a safe retreat in view for somebody. [The PREMIER: What has this to do with the amendment?] It had everything to do with the amendment, the object of which was to preserve the rights of Parliament. They could not allow the people's heritage to be filched from them without protest. When hon. members opposite were on this side they were continually charging the Government with reducing the House to a mere cypher and a recording Chamber. Now they were dumbly complaisant when an attempt was being made to make the Ministry more powerful and to deprive the House of some of its most cherished privileges.

The CHAIRMAN: As I find it difficult to separate the amendment from the clause, I have allowed hon. members considerable latitude in the debate; but I think the hon. member is wandering from the question.

HON. D. H. DALRYMPLE: He desired to make a solemn protest against this attempt to take away the rights of the people's representatives.

Mr. MARTIN: Anyone listening to the discussion could come to no other conclusion than that hon. members on the Opposi-
[10·30 p.m.] tion side had run riot. Where was the occasion for all these political fireworks? The time had been occupied since 5 o'clock in asking the same questions over and over again though they had been answered repeatedly, and now they were no further advanced than they were five hours ago. He protested against this waste of time.

Mr. MACARTNEY: He did not seek to protract the debate. If members on his side talked for a week he did not suppose they would be able to alter the opinions of hon. members opposite. Members on the Opposition side had been generous to the Attorney-General, and had shown their willingness to assist him to get what he desired; but they wanted it done in a constitutional manner.

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

AYES, 32.

Mr. Airey	Mr. Hodge
„ Barber	„ Kerr
„ Bell	„ Kidston
„ Blair	„ Lesina
„ Bridges	„ Lindley
„ Browne	„ Mackintosh
„ Burrows	„ Martin
„ Cooper	„ Maxwell
„ Cowap	„ McDonnell
„ Denham	„ Morgan
„ Dibley	„ Mulcahy
„ Dunsford	„ Plunkett
„ Fogarty	„ Ryland
Dr. Garde	„ Tolmie
Mr. W. Hamilton	„ Turner
„ Hardacre	„ Woods

Tellers: Mr. Hardacre and Mr. Kerr.

NOES, 20.

Mr. Barnes	Mr. Jenkinson
„ Cameron	„ J. Leahy
„ Campbell	„ Macartney
„ J. C. Cribb	„ McMaster
„ T. B. Cribb	„ Paget
„ Dalrymple	„ Philp
„ Forsyth	„ Stephens
„ Foxton	„ Story
„ J. Hamilton	„ Thorn
„ Hanran	„ White

Tellers: Mr. Campbell and Mr. Macartney.

PAIRS.

Aye—Mr. Kenna.	No—Mr. Lyons.

Resolved in the affirmative.

Mr. W. HAMILTON called attention to the fact that the hon. member for Musgrave, Mr. White, had paired with the hon. member for Maryborough, Mr. Norman, and yet the hon. member for Musgrave had just voted in the division. [Mr. STORY: Mr. Fox told me that he had paired with Mr. Norman.] He did not know whether Mr. Norman had signed a "pair," but he was under the impression that he had paired with the hon. member for Musgrave, and the latter had told him during the evening that he had paired with the hon. member for Maryborough. He would like to give the hon. member for Musgrave an opportunity of explaining his action. [Mr. J. LEAHY: It has nothing to do with the Committee anyway.]

The CHAIRMAN : I am afraid a discussion on this question will be out of order, because the "pairs" do not come within the cognisance of the Standing Orders.

Mr. WHITE asked to be allowed to explain that he had mentioned to the hon. member for Gregory that he had paired with the hon. member for Maryborough ; but he had forgotten all about it. He was very sorry that he had voted. [Honourable members : Hear, hear !]

* Mr. T. B. CRIBB : In order to give hon. members another opportunity of proving their sincerity, he moved the omission of the word "five," with the view of inserting "four." He was sure that many hon. members who had voted against the last amendment would support that which he now moved.

The CHAIRMAN : I am afraid I cannot accept the amendment, because it will make nonsense of the clause. The clause would then read, "shall not be less than four nor more than four."

Hon. D. H. DALRYMPLE : That is perfectly clear.

Hon. J. F. G. FOXTON : It is only a roundabout way of expressing it.

Mr. J. LEAHY : It means that there shall be four—neither more nor less.

The CHAIRMAN then proceeded to put the amendment.

The SECRETARY FOR PUBLIC LANDS : Surely, Mr. Jackson, that is making nonsense of the clause.

Mr. LESINA : Fancy members of the late Cabinet adopting tactics like that. They must be sore.

Mr. J. LEAHY : You don't like it.

The ATTORNEY-GENERAL : This amendment was still less acceptable than the previous one, and he was certainly not prepared to accept it. He passed over the peculiar wording of the clause as it would read if the amendment were agreed to—that the number of judges "shall not be less than four nor more than four." However, the hon. member who moved it would have to take the responsibility of that, supposing it was agreed to. It was rather remarkable that the idea of practising economy in that way should come from the late Treasurer now that he was sitting in opposition. He had not a word to say against the hon. gentleman in any capacity, but it was remarkable that he had not thought of moving such an amendment when he sat on the Treasury bench and had a big majority behind him. [Hon. J. F. G. FOXTON : That is not a sincere argument at all. There was no vacancy then.] The repentance of the hon. gentleman had come rather late. If he accepted the amendment, he would then be in the position of accepting four judges, without knowing whether four could efficiently carry on the administration of justice, and that was a position he would not allow himself to be placed in.

HON. R. PHILP : The Attorney-General was not fair to the late Treasurer. The hon. gentleman knew that the vacancy on the bench only occurred during the last fortnight. He (Mr. Philp) was not going to be like the present Treasurer and change his opinions from afternoon to evening. He was consistent, and was going to vote against the amendment, because he had argued all along in favour of having five judges. They had no wish to stonewall the Bill.

HON. J. F. G. FOXTON : He was quite willing to abide by the decision of the Committee with regard to his amendment, and he regretted that he could not support the amendment of the senior member for Ipswich. He wished to deprecate the assertion that members of the Opposition had been stonewalling. [An honourable member : Tedious repetition.] There might have been repetition, but there had been occasion for it, and anyone who read the report dispassionately would agree that there had been no unduly prolonged discussion.

Mr. PLUNKETT (*Albert*) suggested that, after the remarks of the leader of the Opposition and the hon. member for Carnarvon, the hon. member for Ipswich should withdraw his amendment.

Mr. MACARTNEY also thought that the amendment should be withdrawn, as it could serve no good purpose. [The PREMIER : It would make the clause ridiculous.] He understood that the hon. member for Leichhardt proposed to move an amendment to the effect that the number of judges on the 30th June, 1903, should not be altered without the consent of Parliament. If that amendment was moved and accepted, it would do something towards what Opposition members had advocated.

HON. D. H. DALRYMPLE : He was in favour of the amendment of the hon. member for Ipswich. The position was not very congenial to him, but he would accept the lesser of the two evils presented—that there should be only four judges. On the score of economy nothing was clearer than that, if there were four judges instead of five, a considerable saving would be effected every year. But it seemed to him that hon. members opposite were only making a stalking-horse of economy in order to serve their own purposes. He imagined that, whether the number was now put down at four or five, this question would come up again—after the Attorney-General had had time to consider it. What harm could be done in supporting an amendment which conserved the rights of Parliament ? In a few months the Attorney General could give his opinion as to whether five judges were necessary or not ; but the number should be determined by Parliament.

Mr. KERR pointed out that the hon. member for Mackay first argued in favour of five judges, and explained that if temporary [11 p.m.] judges were appointed they would cost more than if the vacancy were filled. Now the hon. member argued in favour of four judges. If ever there was a weathercock politician, it was that hon. member.

HON. D. H. DALRYMPLE : So far as he knew, he made no such statement ; but even if he had, he pointed out that of the two evils he preferred to choose the least. Even if he said it was better to have five judges than four, and by saying that he handed over the power belonging to Parliament to the Executive, he would decline to do so. The question could in any case be determined in four or five months.

* Mr. T. B. CRIBB : The leader of the Opposition had already pointed out that the late Ministry had not had the same opportunity to reduce expenses in this department that the Attorney-General now had, as no vacancy occurred while they were in office. The Attorney-General had pointed out that it was not necessary to appoint a fifth judge immediately, and that he proposed to take some time for consideration. If, therefore, he was able to postpone the appointment now, there would be no difficulty in postponing it until Parliament again met. The hon. gentleman, in saying that it was not necessary to fill the vacancy at present, had no right to ask that the discretionary power of filling it should be vested in the Executive. After what he had heard during the second reading debate from the hon. member for Enoggera and others in reference to the enormous expense of the judiciary in Queensland as compared with other States, he thought

there was room for a great deal of economy. Of course, it was not a pleasing duty for the Attorney-General to undertake, as it was not likely to increase his popularity in the profession; but in his mind there was no doubt that a reasonable opportunity for economising had presented itself. It had been pointed out that there was no necessity to maintain a judge in Rockhampton, and in his opinion there was no more reason for keeping a judge there than at Charleville or Roma. While he agreed with the remarks of his late colleague, the member for Mackay, he also recognised that, judging from the remarks of the Attorney-General, another appointment was not necessary at present. He believed all reasonable men would agree that if any alteration at all was to be made in the existing Act it should be in the direction of economy. If the Government were not going to exercise economy, there was no reason for the Bill.

The ATTORNEY-GENERAL: Probably he had been rather unfair to the senior member for Ipswich in stating that it was rather late in the day for him to think of economy, because he remembered now that the vacancy did not arise during the hon. gentleman's *régime*. It was only a fair thing to state that when he spoke before he had forgotten for the moment. [Honourable members: Hear, hear!]

Mr. COOPER thought the amendment of the hon. member for Ipswich, if carried, would spoil the whole Bill. The hon. gentleman had referred to the fact that there was no more necessity for a judge at Rockhampton than at Roma or Charleville. Rockhampton was the second largest town in the State, and was practically the capital of an enormous district behind it, and he did not think anyone who thought the matter over for a moment would deprive Rockhampton of a judge. He would bitterly oppose such a proposal.

* Mr. MACARTNEY would like to know whether the hon. member for Leichhardt was going on with his amendment? If he was going on with it, he would ask the hon. member for Ipswich to withdraw his amendment; if he did not move it, he (Mr. Macartney) should have to support the amendment of the hon. member for Ipswich as securing the principle he was contending for.

Mr. HARDACRE: He did state earlier in the evening that he intended to move an amendment, but after the division which had taken place he did not think there was any hope of getting it passed. At the same time, he was strongly of opinion that the power of the Government to determine the number of the judges should not be permanent; and while he did not feel disposed to take the responsibility of initiating a long discussion by proposing an amendment limiting the period within which such power should be exercised, if any other hon. member moved that amendment he would support it.

Mr. MACARTNEY asked whether the Government when dealing with this question would consider the desirableness of submitting a measure next session definitely fixing the number of judges?

The ATTORNEY-GENERAL: The answer which he could give the hon. member now could not differ one iota from the answer which he had repeatedly given, which was that the Government hoped by the beginning of the next session to have the matter definitely settled as to whether there should be four or five judges.

Mr. MACARTNEY was sorry that the hon. gentleman had burked his respectful request on this matter, and did not think it was courteous to do so.

Question—That the word proposed to be omitted (*Mr. Cribb's amendment*) stand part of the clause—put; and the Committee divided:—

AYES, 37.

Mr. Airey	Mr. Hodge
,, Barber	,, Kerr
,, Bell	,, Kidston
,, Blair	,, J. Leahy
,, Bridges	,, Lesina
,, Browne	,, Lindley
,, Burrows	,, Mackintosh
,, Cooper	,, Martin
,, Cowap	,, Maxwell
,, Denham	,, McDonnell
,, Dibley	,, Morgan
,, Dunsford	,, Mulcahy
,, Fogarty	,, Philp
,, Foxton	,, Plunkett
Dr. Garde	,, Ryland
Mr. Grant	,, Tolmie
,, W. Hamilton	,, Turner
,, Hardacre	,, Woods
,, Hawthorn	

Tellers: Mr. Hawthorn and Mr. Tolmie.

NOES, 13.

Mr. Barnes	Mr. Jenkinson
,, Cameron	,, Macartney
,, Campbell	,, McMaster
,, J. C. Cribb	,, Paget
,, T. B. Cribb	,, Stephens
,, Dalrymple	,, Thorn
,, J. Hamilton	

Tellers: Mr. Cameron and Mr. Paget.

PAIRS.

Ayes—Mr. Kenna and Mr. Norman.
Noes—Mr. Lyons and Mr. White.

Resolved in the affirmative.

Mr. T. B. CRIBB: Before the clause passed he desired to congratulate the Government on the remarkable success of their first attempt at economy.

Clause put and passed.

Clause 4 put and passed.

The House resumed; the CHAIRMAN reported the Bill without amendment.

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

SUPPLY.

RESUMPTION OF COMMITTEE.

AGRICULTURAL COLLEGE.

The SECRETARY FOR AGRICULTURE (Hon. D. F. Denham, *Oxley*) moved that £6,333 be granted for the "Agricultural College." This was an increase of £609 on the amount voted last year. Tree-planting showed an increase of £40, the object being to form an avenue from the railway station to the college. £110 were required for the purpose of dairy cattle and other stock. Buildings and improvements required £383; amongst these were the formation of a silo, the construction of a gravelled road from the station to the college, and the replacing of a hayshed destroyed last year. There was a decrease in machinery and implements of £24. Last year the vote was slightly exceeded in consequence of the high price of provisions, and having to purchase fodder for stock.

HON. R. PHILP: Was the Minister serious in going on at this time of the night? Since he had been a member he had never known a Minister commence Estimates at [11·30 p.m.] this hour. They had done a good day's work already. They had passed the second reading of a syndicate railway Bill, and had put a very important Bill through Committee. If the Minister went on to-night, there would be a very full discussion, and he would gain nothing by it. [The TREASURER:

There will be full discussion in any case.] The Opposition were prepared to do business in a fair way, but, if the Estimates were to be forced down their throats at this hour, they would take all the longer. If the Government were not satisfied to stop now, they would go on all night, and the discussion would be so full that they would be satisfied.

The SECRETARY FOR PUBLIC WORKS: He was rather astonished at the hon. gentleman stating that he never knew of a Minister starting a discussion at this time. When the hon. gentleman was Minister for Mines and he (Mr. Browne) was leader of the Opposition, he had protested two years in succession against the Mines Estimates being brought on at 2 o'clock in the morning.

The CHAIRMAN: I hope the Secretary for Works will not enter into a discussion on this matter. I allowed the leader of the Opposition to make a protest, because it is the usual thing for the Premier and the leader of the Opposition to arrange about the business to be done, but I am not prepared to allow the discussion to continue.

The SECRETARY FOR PUBLIC WORKS: He was quite prepared to abide by the ruling. He only rose to remind the hon. gentleman that the same thing had been done before.

HON. R. PHILP: He repeated that he had never brought on Estimates at this hour. They might have been under discussion all the evening and not finished by this time. After having passed two Bills to-day the Government ought to be satisfied with the business done.

The CHAIRMAN: I hope the leader of the Opposition will observe the ruling I have given. Hon. members must now confine themselves to the vote that has been moved.

HON. R. PHILP: He moved that the Chairman leave the chair, report progress, and ask leave to sit again. They had done a good day's work, and there had been as much talk on the Government side as on the Opposition side. They were kept till midnight last night by the Government for no good reason, and it was most unfair to ram business down the throats of hon. members at this hour. There was a great deal to be said on the Agricultural Estimates, and they would be discussed fully, but they would not be stonewalled. He protested against going on now.

The CHAIRMAN: I will read Standing Order No. 133. It says—

> In Committee of Supply and Ways and Means, or in a Committee of the whole House on a Bill or resolution, a member shall not make any motion for the Chairman to leave the chair which by the ruling of the Chairman without debate is held to be of an obstructive character or not consistent with the regular and orderly conduct of the business of the Committee.

I hold that the motion proposed by the hon. gentleman is of an obstructive character.

HON. R. PHILP: He thought he would have to move that the Chairman's ruling be disagreed to. The Premier wanted to keep them there all night. They had been kept so long that they had missed their trains. [The PREMIER: We are not responsible for that.] The hon. gentleman was taking a course that would not help business at all.

* The PREMIER was very glad that the hon. member had not taken the course he stated he would when he rose. It was essential that some business should be done daily, and since 10 o'clock the proceedings appeared to have been obstructive, if he did not misjudge the actions of hon. members on the other side. [Hon. R. PHILP: That is not true.] The hon. gentleman had no ground for complaint against Ministers, who had sat and listened to arguments repeated *ad nauseam*, apparently with no other object than to carry on the discussion to such an hour that the Government would not venture to go on with Supply. The Government asked the Committee to pass the remaining votes in the Department of Agriculture, and it was surely not unreasonable to ask that some progress should be made with the Estimates! The officers of the department had been there the whole evening, and there was no reason why they should not have got to the Estimates two hours earlier. If that had been done, hon. members would have caught their trains, but hon. members opposite had deliberately carried on the discussion until the last trains had gone, and then wanted to visit the consequences of their action upon Ministers. The general administration of the department had been fully debated on the first vote, and a lengthy discussion now could only be prompted by a desire to prevent business being done. There was no desire to block discussion. There was a full House, and they were prepared to listen to anything hon. members had to say on the remaining votes.

HON. R. PHILP: The Premier had not been present during the evening. [The PREMIER: I have been here for nearly three hours.] He protested against the hon. gentleman saying that they had unduly taken up time that evening. The Bill which had been under discussion probably affected his constituency more than any other in Queensland, and he had protested vigorously against it, but other members had also spoken. Such an important Bill might have occupied two or three evenings without members being accused of stonewalling. The hon. gentleman made a mistake if he tried to get the Committee in a temper. So far there had been no scenes, and he respectfully asked the Premier to adjourn now. There had been no obstruction at all, and any obstruction now would come from the other side through their trying to force Estimates through at this hour.

The PREMIER: It was quite out of order to continue the discussion, but he hoped the hon. gentleman would say anything he had to say, as he had no desire to circumscribe members' rights in that respect. Personally, he was exceedingly sorry that they had to sit late.

Mr. J. LEAHY did not think the Committee was inclined to do business at that time of night.

The TREASURER rose to a point of order. What was the question before the Committee?

Mr. J. LEAHY: He was going to conclude with a motion.

The CHAIRMAN, having stated the question, said: I would remind hon. members again that I do not intend to allow them to discuss whether the Committee should proceed with Supply or not. I have allowed the leader of the Opposition a considerable amount of latitude in making his protest, and, as the Premier intends to go on with business, I rule that it will be distinctly out of order to discuss the question any further, and I hope the hon. member for Bulloo will not proceed to do so.

Mr. J. LEAHY asked whether the Chairman intended to make a distinction between hon. members?

The CHAIRMAN: I believe it is the practice of the House and of the Committee to allow the Premier and the leader of the Opposition special latitude in discussing whether the House or the Committee shall adjourn.

Mr. J. LEAHY: He was not aware of any rule laid down in the Standing Orders—[Government members: Question, question!]—that prevented him from proceeding. [Government

members: Question, question!] He would like to know if a privilege was going to be given to one member, which was not going to be given to other members?

The CHAIRMAN: Order!

Mr. J. LEAHY: He was going to conclude with a motion, and, when that motion came before the Chairman, the Chairman could deal with it as he liked.

The CHAIRMAN: Order! The hon. member must confine his remarks to the question before the Committee—that is, the vote for the Agricultural College.

Mr. J. LEAHY: He had said that he would conclude with a motion, and he had a right to speak to that motion and give his reasons——

The CHAIRMAN: Order! I would be obliged to the hon. member if he will state his motion.

Mr. J. LEAHY asked if it was necessary to state a motion which an hon. member proposed to make at the start of his speech?

The CHAIRMAN: Order! The hon. member must state the intention of his motion, or speak to the question before the Committee, which is the vote for the Agricultural College.

Mr. J. LEAHY: He intended to move that the Chairman do now leave the chair, and he was giving his reasons for moving that motion. The motion of the leader of the Opposition was supposed to be of an obstructive character. The leader of the Opposition had spoken several times, but he (Mr. Leahy) had not spoken at all before——

The CHAIRMAN: Order! The hon. member is not speaking to the question before the Committee. I do not wish to take extreme measures, and I ask the hon. member to confine his remarks to the question before the Committee.

Mr. J. LEAHY: Was he not in order in moving that the Chairman do now leave the chair; and was he not in order in giving reasons for moving that motion?

The CHAIRMAN: Order! If the hon. member moves that motion, I shall have to rule it out of order, because I consider it is of an obstructive character.

Mr. J. LEAHY: He proposed to give his reasons for moving this motion, and after he had given his reasons the Chairman could decide as to whether the motion was out of order or not. [Government members: Order, order!]

The CHAIRMAN: Order!

Mr. J. LEAHY: Did he understand the Chairman to rule his motion out of order without hearing his reasons for moving it? He had no desire to come into conflict with the Chair—— [Government members: Order! Hear, hear!] He was aware that the main object of the Government was to do work; but he entered his protest against work being gone on with at this late hour. If the Chairman decided against his motion in advance—in absolute ignorance of his reasons for moving it—he would sit down. He hoped he (Mr. Leahy) knew his duty to the Chair. Even if the Chair was wrong—[Government members: Chair! Chair! Question!]—it was the duty of hon. members to submit, or take the proper course. He would ask the Chairman's ruling as to whether he could give his reasons.

The CHAIRMAN: Order! I decline to hear any reasons from the hon. member in support of his motion. I rule that it is of an obstructive character, and ask the hon. member not to proceed further with it.

HON. D. H. DALRYMPLE felt that the Chairman desired to stop discussion——

The CHAIRMAN: Order!

HON. D. H. DALRYMPLE: The Chairman might give hon. members a chance——

The CHAIRMAN: Order!

The PREMIER: The Chairman has already given his ruling.

HON. D. H. DALRYMPLE: The Chairman had taken a very unusual course.

The CHAIRMAN: Order!

The PREMIER rose to a point of order. The hon. member was pursuing a most disorderly course in challenging the ruling of the Chair. [Mr. J. LEAHY: What is the question before the Committee?] [Hon. D. H. DALRYMPLE: Where is the point of order? This is the gag.] [Mr. STEPHENS: I never saw a gag like this.] Would hon. members keep cool. This matter was entirely in the discretion of the Chair. [Hon. D. H. DALRYMPLE: I did not say otherwise.]

Mr. J. LEAHY rose to a point of order——

The CHAIRMAN: The Chief Secretary is in possession of the Chair.

The PREMIER: If the hon. member wanted the point of order in a concrete form, it was that the hon. member for Mackay was not in order in challenging the Chairman's ruling. [Hon. D. H. DALRYMPLE: There was no challenging. You are misstating the case.] The hon. member was discussing a matter without a motion being before the Committee, and in that he was out of order.

The CHAIRMAN: On the point of order raised by the Premier, the hon. member for Mackay was out of order in making the remarks he was making. I did not catch all the hon. member said; but, from what I did hear, I rule that he is out of order.

HON. D. H. DALRYMPLE: If the Chairman ruled him out of order, he would have to move that the ruling be disagreed to. As to whether this motion was of an obstructive character, there had been no obstruction at all. He defied any hon. member to prove that there had been obstruction. [The PREMIER: Question!] You are not the Chairman. He had a right to appeal to the Chairman for protection. (Laughter.)

The CHAIRMAN: Order! The hon. member is irrelevant, and distinctly out of order.

Mr. J. LEAHY: The Chairman would not give hon. members any information.

HON. D. H. DALRYMPLE: If the Chairman ruled him out of order, he would move that the ruling be disagreed to. [The PREMIER: You can't do that.] If the Chairman ruled that the motion moved was of an obstructive character, without hearing the reasons for the motion——

The CHAIRMAN: It would be out of order to move that my ruling be disagreed to. I called the hon. member to order for an irrelevancy.

HON. D. H. DALRYMPLE was desirous of keeping order, but he would like to
[12 p.m.] give reasons why he moved that the Chairman's ruling be disagreed with. He defied anyone to say he had been obstructive.

The CHAIRMAN: I am sorry I cannot take the motion of the hon. member, because it is proposed with the object of obstructing business. If it were permitted to hon. members to move that my ruling be disagreed with, the purposes of Standing Order 133 would be entirely defeated.

HON. D. H. DALRYMPLE would like the Chairman to be courteous enough to give the reasons on which his ruling was based. Surely hon. members had the right to move disagreement with the Chairman's ruling.

The CHAIRMAN: I hope the hon. member will respect my ruling.

HON. D. H. DALRYMPLE: It was not unusual for the Chairman or Speaker, when giving a decision, to state his reasons for coming to that decision, so that hon. members might have something to guide them.

The CHAIRMAN: The question is that there be granted to His Majesty, for the service of the year 1903-1904, a sum not exceeding £6,323 for the Agricultural College.

HON. R. PHILP: This vote was a very important one and deserved considerable discussion. He had had some experience of Mr. Mahon, the superintendent of the Agricultural College, and, in spite of the charges made last year against him by the present Minister, he considered him a very valuable officer, as were also the superintendents of the State farms at Warwick and Toowoomba. Mr. Mahon had made a splendid display in Melbourne, of which the State should be exceedingly proud.

At 12·7 a.m.,

The CHAIRMAN: Under Standing Order 171, I call upon the hon. member for Fortitude Valley, Mr. McDonnell, to relieve me in the chair.

Mr. McDONNELL thereupon took the chair.

HON. R. PHILP pointed out that Mr. Mahon's report occupied twenty pages of printed foolscap, and was a most interesting document. The hon. member quoted at length from the report, and pointed out that the college was doing splendid work for the State in training young men to become settlers on the land, and in various other ways assisting the development of agriculture. He ventured to say that the good work of the college would be apparent long after every member of the House was dead. There was no need to open up work for the unemployed, when, as the report showed, an independent living could be made out of the land with ease. He felt sure that when the market was developed the pine-apple industry would be worth many thousands a year to the State, especially when the large ocean-going steamers, fitted with refrigerating machinery, called regularly at Brisbane. In reference to the dairying industry, he would remind the Minister of the negotiations which were conducted by the late Minister with a highly skilled expert in one of the other States, and hoped that man's services would be secured, because there was no branch of work on the land of more importance to the State than the dairying industry. The college itself was a living refutation of the accusations that had been made in the Press against the tiredness of the department.

Dr. GARDE also spoke in praise of the Agricultural College, and discussed at length the relative merits of different breeds of cattle as milk and beef producers. He suggested that means be taken to compress fodder for export, and that investigations should be made with regard to the extraction by modern machinery of all the properties contained in flour which were necessary to sustain life.

At 2·40 a.m.,

The ACTING CHAIRMAN said: In accordance with Standing Order 171, I call upon the hon. member for Mitchell, Mr. Cooper, to relieve me in the chair.

Mr. COOPER thereupon took the chair.

Dr. GARDE, resuming, referred to the importance of the poultry industry to the State.

The ACTING CHAIRMAN called upon the hon. member to confine himself to the question before the House.

Dr. GARDE dwelt on the importance of cultivating the mind as well as the body, and was pleased to see there was a library connected with the Gatton College.

At 3·15 a.m.,

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

Quorum formed.

Dr. GARDE, resuming, dealt with the cultivation of improved grasses suitable for fodder, the use of the prickly pear plant as fodder for cattle in times of drought, the killing and preparation of meat for human consumption, the breeding, feeding, and rearing of pigs, and with the methods of curing bacon. The hon. member was several times warned by the Acting Chairman that his remarks were irrelevant to the question before the Committee, and at 4·10 a.m. was called upon to discontinue his speech and resume his seat.

Mr. PAGET discussed the subject of the installation of an irrigation plant at Gatton.

At twenty-five minutes past 4 a.m.,

The CHAIRMAN resumed the chair.

Mr. PAGET suggested that as beneficial results had accrued there from the irrigation of 24 acres at the college during the recent drought, it would be a wise thing to provide a plant capable of irrigating from 150 to 200 acres. He alluded to the excellent results obtained from the application of irrigation at the experiment station at Mackay, where cane was grown which realised 15s. per ton on the ground, or, including haulage, 16s. 6d. per ton.

At twenty-four minutes to 5 a.m.,

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

Quorum formed.

Mr. PAGET, resuming, quoted from the *Mackay Mercury* figures to show the success of the irrigation experiment in the cultivation of sugar-cane at the Mackay Experiment Station, under the superintendence of Dr. Maxwell; and the Chairman having ruled this quotation out of order, the hon. member proceeded to refer to the management of Gatton College. It was pleasing to find that there had been great harmony amongst the officers of the institution, and that work had been carried on with exceptional vigour.

Mr. BARNES congratulated the hon. gentleman on his experiments with regard to pine-apples and Cape gooseberries, and expressed a hope that something of the same kind would be done with peaches and apricots, and suggested a general expansion of the good work done at the college. The hon. member proceeded to quote a number of passages from Mr. Mahon's report, showing the excellence and thoroughness of the instruction given. He concluded by expressing the hope that the present Minister would make every effort to keep up the high reputation which the department held under his predecessor.

Mr. MACKINTOSH gave some of his experiences as a farmer of forty-two years in Queensland.

At 7·30 a.m.,

The CHAIRMAN said: I shall resume the chair at 9 o'clock.

At 9 o'clock,

The CHAIRMAN resumed the chair.

Mr. MACKINTOSH, resuming, objected to the expenditure of so much money upon theorists and scientists, who had not the practical experience possessed by the principal of the college, who was well worth all that he was paid. The hon. member then proceeded to refer to a variety of topics connected with agriculture and the Department of Agriculture, and, after having been several times called to order for irrelevancy,

At ten minutes to 10 o'clock,

The CHAIRMAN called upon the hon. member to discontinue his remarks for his continued irrelevancy.

The SECRETARY FOR AGRICULTURE pointed out that the vote had been discussed for ten hours, and no effort had been made to restrict speech. He trusted that hon. members would now be as concise as possible, in order that they might pass on to the remaining votes.

Mr. CAMPBELL trusted that the Government would make it possible, by reducing the fees, for more farmers' sons to be enabled to go to the college.

The SECRETARY FOR AGRICULTURE dealt with various subjects referred to by various members. With reference to the suggestion that an agricultural college might be established in the North, he favoured the establishment of experimental plots in various localities, and quoted statistics showing the success of Dr. Maxwell's experiments in thorough cultivation. The revenue of the college since its inception was £12,796. All the live stock raised there would be availed of as stud stock, and all the seed from the college and the experimental farms would be reserved for seed purposes, so that farmers could rely upon getting clean seed, true to name. The hon. gentleman then dealt with dips; and stated that a special bulletin would shortly be issued on silos. He then gave information regarding a number of inquiries which had been made. He trusted the vote would now be agreed to.

Mr. J. HAMILTON then addressed the Committee, and claimed credit for the late Government for the success of the college. The hon. member then alluded to some portions of the college curriculum and to various branches of agriculture. The Chairman called him to order while referring to bee culture, and Mr. J. Hamilton contended that, as the report of the principal dealt with the subject, he was quite in order.

The CHAIRMAN then ruled that any detailed reference to the subject would be out of order.

Mr. J. HAMILTON then commented upon other portions of Mr. Mahon's report. While passing encomiums upon Mr. Benson's work——

The CHAIRMAN ruled that the hon. member was out of order, Mr. Benson's item having been passed in the previous vote.

Mr. J. HAMILTON expressed his opinion of the value of chemistry, and various other matters connected with the department, and was repeatedly called to order for irrelevancy.

Mr. CAMERON (*Brisbane North*) briefly quoted from, and commented upon, the report of the Secretary for Agriculture with regard to sheep-breeding, and other matters connected with the administration of the department.

At 11·24 a.m.,

Mr. HARDACRE relieved the Chairman in the chair.

Mr. STORY (*Balonne*) dealt with the difficulty of controlling students, the cultivation of grasses, the breeding of stock, manures, and other matters.

At 11·45 a.m.,

The CHAIRMAN resumed the chair.

The SECRETARY FOR AGRICULTURE explained that before boys could enter the college they had to pass a medical examination and get a certificate as to character, and the minimum age was fifteen years. Arrangements had been made to have analyses of soils made at the college.

* Mr. MACARTNEY: The reply of the hon. gentleman was a sufficient indication of the importance of the question raised. He asked if the hon. gentleman would explain the discrepancy between the figures given as the year's expenditure in the financial tables and those contained in the report of something like £300.

At 12·4 p.m.,

The PREMIER moved that the question be now put. [Opposition members: The gag!]

The CHAIRMAN: I will read Standing Order No. 135, bearing on the question. It is as follows:—

> At any time during a debate in the House or during the proceedings of a Committee of the whole House, and whether a member is speaking or not, any member may move "That the question be now put;" and, if Mr. Speaker or the Chairman is of opinion that the question has been sufficiently debated, such motion shall be put forthwith without debate.

I am of opinion that the question has been sufficiently debated. I may say that I have been in the chair most of the time—except for two or three hours—and so have been able to form the opinion that the question has been sufficiently debated. I now put the question—that "the question be now put."

Question—That the question be now put—put; and the Committee divided:—

AYES, 30.

Mr. Airey	Mr. Hodge
,, Barber	,, Kerr
,, Blair	,, Kidston
,, Boles	,, Lesina
,, Bridges	,, Lindley
,, Browne	,, Mackintosh
,, Burrows	,, Martin
,, Cooper	,, Maxwell
,, Cowap	,, McDonnell
,, Denham	,, Morgan
,, Dibley	,, Mulcahy
,, Dunsford	,, Norman
,, Fogarty	,, Ryland
,, Grant	,, Turner
,, W. Hamilton	,, Woods

Tellers: Mr. Burrows and Mr. Dibley.

NOES, 15.

Mr. Cameron	Mr. J. Leahy
,, J. C. Cribb	,, Macartney
,, T. B. Cribb	,, McMaster
,, Dalrymple	,, Paget
,, Forsyth	,, Petrie
,, J. Hamilton	,, Philp
,, Hanran	,, Story
,, Lamont	

Tellers: Mr. Lamont and Mr. Paget.

PAIR.

Aye—Mr. Kenna. No—Mr. Lyons.

Question resolved in the affirmative. (Cheers and counter-cheers.)

STATE FARMS, GARDENS, AND NURSERIES.

The SECRETARY FOR AGRICULTURE moved that £5,590 be granted for "State Farms, Gardens, and Nurseries." This was the same amount as was voted last year, when there had been a severe drought. Last year, from Westbrook, the revenue was £159 1s. 11d.; from Hermitage, £149 4s. 3d.; from Gindie, £69 10s.; from Biggenden, £30 12s. 11d.; from Kamerunga, £28 14s. 3d.

HON. R. PHILP was glad that the Premier had taken another plank of the late Government. He was not surprised at the hon. gentleman doing that, but he was surprised that the Labour party would consent to it. It showed their inconsistency. [Mr. J. HAMILTON: It shows they are under the whip.] They had swallowed syndicate railways and other portions of the policy of the late Government, and now they had swallowed the "gag." He was glad the "gag" had been applied. The Premier himself was to blame for all this debate. If the hon. gentleman had been satisfied with a fair day's work yesterday, these Estimates would have gone through in about an hour to-day; but they would not go through so quickly now, because they would have to debate them fully, perhaps not to the extent they did last night, but still very fully, and the Premier might have to put on the "gag" again half a dozen times before they were finished, if he went on like this.

[Mr. DUNSFORD: Stonewalling!] The Opposition had not been stonewalling. [Government members: Oh, oh!] [Mr. DUNSFORD: You are stonewalling now.] Yesterday they passed the second reading of a syndicate railway Bill and the committee stage of the Supreme Court Acts Amendment Bill—a most important Bill—and up to 11·30 there was no stonewalling at all. However, as the Government had determined to put on the "iron hand," and rule with brute force—with the big majority behind them—they could do so, but the Opposition intended to debate matters very fully. He would like the Minister to say whether he had made up his mind to continue the State farm at Gindie, and how much that farm had cost since its inception?

The SECRETARY FOR AGRICULTURE: The Gindie State Farm up to the 30th January last cost £8,938 9s. 8d.; it was on 8,611 acres of Crown land, and the total revenue had been £485 7s. 4d. This farm had suffered severely from the drought, and the Agricultural Adviser suggested that operations should be continued for a little longer period. It was his (the Secretary for Agriculture) intention to visit these farms as soon as possible.

HON. R. PHILP suggested that, as Gindie had practically been a failure, it might be advisable to go further west in the Central district, where there was artesian water, or to try nearer the coast.

The SECRETARY FOR AGRICULTURE: This matter was being considered by the department, and he was very glad to receive the suggestion of the hon. gentleman.

* Mr. MACARTNEY asked if the hon. gentleman could explain the discrepancy of £249 between the financial tables for the year and the departmental report of expenditure.

The SECRETARY FOR AGRICULTURE: The appropriation last year for salaries was £1,084, and retrenchment brought the amount down to £995. Extra expenditure had been incurred mainly owing to the department having to buy fodder for starving stock.

Mr. MARTIN thought a mistake had been made in locating the State farms on a virgin soil, where anyone could grow crops. Experiments should be made in various districts to ascertain their value for agriculture.

Mr. FOGARTY referred to the fact that the students in the Agricultural College were under the control of the superintendent. He thought that if Mr. Ross had the control of these boys, it would be more satisfactory, and he trusted the Minister would make inquiries into the matter.

The SECRETARY FOR AGRICULTURE: He had not had time to look into the matter; but the hon. member's suggestion would be fully considered. The discrepancy referred to by the hon. member for Toowong was accounted for by the fact that the figures of the department had been made up to the 30th September.

Mr. PAGET, referring to the manufacture of starch and tapioca, asked the Minister if he would obtain a small quantity of cassava from Brazil, and distribute it in the Northern and Southern districts for experimental purposes?

The SECRETARY FOR AGRICULTURE: The cultivation of cassava was of great interest, and he had received a letter from a large Queensland firm on the subject. [The hon. gentleman here read the letter, which was to the effect that at present tapioca flour could be laid down in Brisbane and other Australian ports at 13s. 6d. per cwt., duty paid, so that if Queensland was going to supply the requirements of Australia, they would have to be able to ship at not over £10 to £12 per ton. As there were no calico manufacturers in Australia, it would be useless for Queensland farmers to produce an article, such as starch, for which there was no market, unless they could compete against cassava grown in other parts of the world by black labour.]

At 12·45 p.m.,

The CHAIRMAN said: I shall resume the chair at 2 o'clock.

At 2 p.m.,

The CHAIRMAN resumed the chair.

The SECRETARY FOR AGRICULTURE, resuming, said it appeared that there was a fair prospect for the cultivation of cassava in this State, and he should cause inquiry to be made and obtain plants and seeds in order that a fair trial might be given.

Mr. HARDACRE explained that the non-success of the Gindie farm arose through the unprecedentedly bad seasons; and it would be very undesirable to close the farm without further trial for the purpose of rescuing the magnificent land in that district from the present low state of cultivation which prevailed. There was also the possibility of other crops besides wheat being grown, such as millet and sorghum and cotton. In America the Government endowed State farms with tracts of land, and he thought a similar system might be established here.

HON. D. H. DALRYMPLE had visited the Gindie farm on account of the unsatisfactory reports which had been received. The fact that the farm had cost £9,000 was not encouraging, but if there was likely to be any improvement that fact was not of great importance. Was it a wise thing, however, to induce people to grow wheat in a district where they were not likely to meet with the same success as in more favoured districts? When more favoured places were available for settlement, he thought it wiser to encourage settlement in those districts in the first instance. No doubt it would be advisable to give a further trial to the farm; but, of course, the Minister would be able to judge at an early date whether it was advisable to continue for an indefinite time the experiments which had been carried on. In reference to what had been said about cassava, no doubt it could be grown in the State, and it was just as reasonable to give a bonus to growers to enable them to meet competition as to purchase the surplus supplies of Cape gooseberries. He thought it would be desirable if a State farm were managed as a test or experimental farm, and on strictly commercial lines. Let the test of its usefulness be the difference between the actual expenditure and the actual receipts. He hoped the Minister would give some consideration to that phase of the subject. The tobacco farm, he noticed, had been a commercial success, and he hoped similar success would in course of time attend the other State farms.

Mr. GRANT was glad the Minister was going to visit Gindie farm before making any alteration. The farm had been unfortunate in having had three years of drought, and its value as an experimental station had been greatly hindered through climatic conditions. If Gindie could profitably grow wheat it would open up a country almost as large as the Darling Downs. When he was at the Hermitage he saw olives grown, and was informed that they could be grown successfully in other parts. There was a large field for the production of olive oil in the State. In reference to the Botanic Gardens, he thought they should be put on the same footing as other gardens, and be endowed £1 for £1.

Mr. COWAP thought the amount spent on the Botanic Gardens very moderate, especially as they existed not only for the benefit of Brisbane

people, but of visitors from all parts of the State. He hoped the Gindie farm was to be kept going, and he agreed that if possible those farms should be run on commercial lines.

Mr. P. J. LEAHY referred to the desirability of experiments being made, with the view of seeing what the South-western country could do. He agreed that the fact that the Gindie farm had not been a success during phenomenally bad years was no reason why it should not get a further trial. If an experiment was worth trying in the Central district, it was worth trying in the country along the Western line, between Roma and Charleville.

At 3 p.m. the sitting closed.

At 3 o'clock—the hour appointed by Sessional Order for the meeting of the House on Thursday afternoon—after the termination of Wednesday's sitting,

The SPEAKER read prayers, took the chair, and said : I will resume the chair at half-past 3 o'clock.