

# THE APPLICATION OF THE HARE SYSTEM IN TASMANIA,

BY

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The fate of the Hare system constitutes one of the most remarkable incidents in the history of representative government. Mr Hare's treatise, "The Election of Representatives," was published in 1859. It claimed to have discovered a remedy for some of the most serious of the evils to which Democracy is subject, and almost immediately received an attention not unworthy of the capacity of the writer and the magnitude of the problems discussed. In 1860 the celebrated Henry Fawcett was responsible for the publication, "Mr Hare's Reform Bill Simplified and Explained." In the following year there appeared the "Representative Government" of John Stuart Mill. The latest advocate spoke in no uncertain tone:—"Mr Hare's scheme has the almost unparalleled merit of carrying out a great principle of government in a manner approaching to ideal perfection as regards the special object in view, while it attains incidentally several other ends, of scarcely inferior importance. . . . Such and so numerous are its advantages that they place it among the very greatest improvements yet made in the theory and practice of government." Such commendation, where it failed to evoke the enthusiasm of the reformer, should at least have aroused the interest of the citizen. No champion came forward to defend the older system; many of the evils which the new was designed to remedy were becoming increasingly grave. If we attach to such circumstances the importance they deserve, the issue must appear surprising. Thirty-five years after the publication of Mill's treatise, when the Hon. A. I. Clark, Attorney-General of Tasmania, introduced a Bill to apply the Hare system to city constituencies he could appeal to no precedent in the Parliamentary experience of English-speaking peoples!

*Weighed in the balance and found wanting!* The conclusion seems irresistible but it is not supported by facts. Neither experience nor argument has condemned the Hare system. To what circumstances, then, may we attribute its ill fortune? Not to the objections which have been urged, for these are commonly but the after-thoughts which justify an argument founded in prejudice. Even where they are serious they are not unanswerable. The solution of the mystery is rather to be found in two facts, of which one is a weakness of human nature, and the other a satire on party government. In the first place the plan of Mr Hare suggests innovation. In the second place it is one of those innovations which share the fate of the inconstant lover; by affecting all parties it secures the allegiance of none. It might be added as a third explanation that the most serious of the

evils it claims to correct are only beginning to receive adequate recognition. Each of these facts would admit of illustration and proof. But it is not so much the object of this paper to attack or to defend the Hare system, as to give an exposition of its application to this colony. The Bill of 1896 has become law, and it includes several important modifications upon the proposals of Mr Hare, which should be of more than local interest. Before attempting their consideration, it may be well to indulge the curiosity of the uninitiated by a statement of the merits which have been claimed for the system whose defects the Tasmanian modifications are designed to remedy.

The determination of constituencies by reference to geographical considerations, is at once the great aversion of Mr Hare and the most conspicuous trait of the usual system. In substitution, he proposes the determination of constituencies by voluntary association. The tie by local contiguity is to be superseded by the bond of kinship—kinship not of blood but of ideas! The great law of progress, defined by Maine as from status to contract, already abundantly illustrated in the sphere of private law, is to find a new illustration in the domain of *Jus Publicum*. Every constituency is to be a partnership “in which there are to be no sleeping partners, much less partners repudiating and protesting against the acts of the rest and yet unable to extricate themselves. . . Full scope will be given to every generous sentiment by which men may be drawn together. Devotion to a great principle, regard for an illustrious name, affection for an ancient house, admiration of worthy deeds, attachment to a particular neighbourhood, love of country or of class, community of feeling, harmony of taste, may all form so many occasions of concord, and create innumerable circles, binding together in society all varieties of rank and station.”\* But how is this unanimity to be attained? If the electors are left to their own devices, attempts at the formation of voluntary constituencies may end in a Parliament of party leaders. To avoid such a contingency it is necessary to establish a quota by dividing the number of voters by the number of seats. Whoever obtains the quota is elected, and any excess vote recorded in his favor is given to the next preference of the voter. This simple plan of transferring the vote is also followed in cases where the candidate at the head of the list has no apparent chance of election. As nothing is to be gained by transferring a vote to a candidate who is already elected or excluded, “next preference” must be understood to mean invariably, next available preference. Such refinements need not perplex the elector who is only required to express his choice by placing the numbers 1, 2, 3, etc., opposite the names of favored candidates.

However, we may differ in estimating the importance of the fact, it must be admitted that such a system secures *equity of representation*. The Legislature represents the opinion of the country, with an approach to ideal fidelity; its members are the representatives of the people—not of the chance majorities of arbitrarily formed electorates. It is not easy to doubt the fairness of such an arrangement. “The electors are the dispersed inhabitants of an extensive and populous kingdom, possessing

\*Hare: “Representative Government,” pp 38-9.



knowledge and powers of thought infinitely varied and diffused ; and to expect that the electoral forms of a rude and illiterate age will gather for the national benefit the fruit of this expanded intelligence, is as reasonable as to suppose that the vast manufacturing results of to-day could be produced by the primitive loom and the hammer. To succeed in this work it is indispensable that every elector should have the widest field of choice and the most extensive sphere for co-operation." Thus Mr Hare. The unfairness of the present system in England has been sufficiently established in the publications of Sir John Lubbock. In 1886, the actual voting strength in the constituencies was—Unionists, 349 ; Home Rulers, 320 ; the actual voting strength in the House of Commons was—Unionists, 394 ; Home Rulers, 275. The majority, which should have been 29 was 119. Again, in 1895, the Conservative-Unionist majority should have been 72 instead of 152. The injustice is more glaring where a minority of the electors return a majority of the representatives. This may happen without the aid of the mystical gerrymander. In the Canton Ticino the more numerous party, as a result of its concentration in particular districts, found itself in a minority in the Representative Chamber. It is a significant circumstance that a Reform was only secured by a Revolution.

Apart from the general question of fairness, equity of representation means *representation of minorities*. It would seem almost superfluous to insist upon the importance of this fact. The national welfare demands the possibility of sustained conflict. If we would have the wise rule of the strong, we must provide for the sustained opposition of the weak. Should victory put an end to strife the days of good government are numbered. For what can we hope in an age of Democracy, if the tendency of political life is towards the extinction of minorities ? Yet the reality of this tendency must appear indisputable. The organisation of Labour is incomplete, but it will not always remain so. When the transitional stage is past, what can prevent the Labour Vote from carrying the election in every constituency ? Yet it would be an unhappy day for the people when education and intelligence were excluded from a just share in the representation of the country ; or when the infinitely varied character of the national life found no correspondence in the National Parliament. No one claims that the minority should rule ; but it must be heard. Ultimately, all questions must be decided according to the wisdom of the Parliamentary majority ; but the decision should be made under conditions which ensure an adequate expression to the opinion of the minority. Light is the best policeman within as well as beyond the precincts of our Legislatures. It must never be forgotten that the dilemma of the future is not whether the few or the many shall rule, but whether the sway of the majority shall be absolute or qualified.

Equity of representation constitutes but the first of those merits, which a disinterested advocacy may claim for the Hare System. The judgment of the impartial, as well as the expectations of the sanguine, may well indulge the hope of a *deeper and more general interest in the politics of the country*. There are few who will question the reality or the extent of the evil of popular indifference, the fatal results which must follow

from voting without reflection, judgment without deliberation, or, worst of all, from that spirit which attempts to justify or excuse a selfish isolation. Does the scheme of Mr Hare hold out a reasonable hope of remedying such evils? I believe it does. The virtual disfranchisement of the minority in each constituency is a most conspicuous evil of the present system, and one which must too frequently condone the indifference of the elector. When the stronger party is well organised, the disfranchisement of the weaker party acquires a prospect of disagreeable permanency. Under the Hare method of voting, the extinction of the minority ceases. Every elector must have a representative in Parliament. No longer need he console himself with the hope, often faint and illusory, that unfair losses in some constituencies will be compensated by unfair gains in others. Such a consideration suggests a fact of great importance. If equity of representation strengthen the interest of the elector where he is weak, must it not affect him where he is strong? By the zeal of the minority we may judge the energy and often the prudence of the majority. But it is not from the stimulus of a constant rivalry alone, that we may venture to predict a new and deeper interest in political questions. At a recent election in this colony, two questions excited the interest and divided the allegiance of the electors—Tattersall's and the Income Tax. Electors often refused to vote rather than return a candidate who, though he represented their views on the income tax, regarded with complacency the revenue derived from Tattersall's. This is an evil of the system—not a vice in the voter; and it is equally common and pernicious. Under the Hare scheme, the electors can plead no such excuse for inaction. The choice is sufficiently liberal to gratify the most fastidious taste. While human nature remains unaltered, there remains a third reason for connecting the proposed method of voting and a deepening of political interest. I allude to the circumstance that the classification of a number of candidates in an order of merit affords some occasion for the display of a useful vanity. The elaborate discussions which took place in this colony at an election just held under the Hare system, suggest a study no less suggestive to the thoughtful than engaging to the curious. The arguments were not always distinguished by exceptional intelligence or an exceptional integrity; but the interest was phenomenal. "Who should be first? Who second?" etc. He is no true friend to liberty who does not place a high value upon such discussions.

Mr Hare claimed for his system that it would lessen the evils, if not remove the causes, of *political corruption*. The arguments by which this claim is supported are not always convincing; but they are invariably respectable, and in one case conclusive. When it is open to no one to effect a sale of his constituency by turning the scale at an election, the obstacles to bribery must be materially increased. For this reason, as well as for others which have already engaged our attention, one may indulge the hope of a *more virtuous legislature*. The hope becomes stronger when reflection has weighed those independent grounds by which it is justified. The unrestricted freedom of choice favors the nomination of intelligence and probity. Parties, anxious to retain or to recover the confidence of the country, must bind the allegiance of their followers by the nomination of the acceptable



—the wise, the good, or at least the strong. But the freedom of choice affects the character of the Legislature in a manner more direct and more effective; it fosters a spirit of independence, since a candidate can spurn a dishonest compliance when he relies upon the electors of a colony. No longer compelled to humour the several sections of a single constituency, he is freed from a disagreeable dilemma—so common and so demoralising! Avoiding alike the mean subterfuge and the fatal avowal, he relies for support upon the diversity of his electorate. In such respects, a comparison of the Hare system and the Referendum suggests a fact of some importance. The Referendum is the natural resource of a people perplexed by the domination of a corrupt or unrepresentative Legislature. But the reference to the popular vote implies a diminution of Parliamentary responsibility, and may, therefore, aggravate those evils whose effects it is designed to correct. The Hare system seeks, by improving the character of the Legislature, to remove the causes of the evil.

This seems the proper place to consider the argument of Bagehot that the Hare system is inconsistent with the independence of Parliament; that a voluntary constituency would be a Church with tenets, and would, therefore, reserve the despotism in its own hands. This argument is fast losing whatever importance might once have attached to it. The difference between the candidate elected under the Hare system and one elected under the usual system, is not that the latter is the more independent, but that the former is bound to a constituency whose general sentiments he represents, and not to one whose general sentiments he represents in part but must respect *in toto*.

I have spoken of the merits of an equality of representation; of a new and deeper interest in political life; of politics made purer and of a Parliament made more worthy. At this stage it might seem proper to attempt a systematic consideration of the objections which have engaged the attention of Constitutional writers. Such objections, however, may more conveniently be discussed in connection with the modifications adopted in this colony for the purpose of weakening, if not destroying, their force. It will be seen that a compromise has not always been effected without some diminution of the merits of Mr Hare's scheme. But I think in each case there is a great and obvious gain. Of the modifications to which allusion is made, the first has been generally associated in this colony with the name of Sir John Lubbock. It must be regarded as a complete answer to the objection, so commonly urged and so difficult to impugn, that the Hare system is too complicated to be practicable. The student of Mr Hare's treatise is often tempted to regard the task of the returning officer as beyond the reach of mortals. In the application of the method to a whole country, voting as a single constituency, and returning not less than 100 representatives, the formation of *voluntary* constituencies might well involve all the evils of a constituency-making trade. In the Tasmanian Bill, the method has been confined to city constituencies. These return six or four members. Though the constituencies might be larger with advantage, the present arrangement has one very obvious merit; the argument from complexity only remains as the frail support of those whose

prejudice, or whose indifference, has rendered them impervious to reason. The simplicity, both of the process of voting and of the general principle of the Act, is clearly shown by the following instructions suggested by Miss Spence of South Australia :—

- “1. There are here 12 candidates, six to be elected.
2. Vote by numbering candidates in the order of your choice, that is to say :—Place 1 to the left of the candidate you like best. Place 2 to the left of the name of the candidate you like second best. Place 3 to the left of the name of the candidate you like next best, and so on.
3. Vote for not less than three names.
4. The same number must not be placed against more than one name.
5. The numbers must be placed opposite the names.

Note.—Your vote will be used for one candidate according to your preference. If the candidate you like most, either (a) Does not need your vote (has enough votes to elect him without your vote), or (b) cannot use your vote (has so few votes that he cannot possibly be selected) ; your vote will be transferred to the candidate you like next best, as shown by your numbers, and used—notwasted.”

The work of the returning officer, while less simple than that of the elector, demands no exceptional qualifications. He need display the intelligence of a clerk—scarcely more.

The limitation of the Hare System to districts returning a small number of members has the additional merit of removing objections based on an alleged encouragement of faddism. It is difficult to believe that sincerely Democratic principles can sanction the exclusion of electors from representation, simply because they have the misfortune to advocate opinions which the great majority regard with aversion. Yet the cause of proportional representation has often suffered on this account. Whatever importance must be attached to the objection, it ceases to apply to that modification of the Hare System which has been adopted in this colony. In a constituency returning only six members, the electors who are strong enough to secure a representative may claim to be exempt from the imputation of singularity. The minorities which the Act encourages must always be respectable. If it is further objected that the necessity for constant compromise destroys the consistency of party government, even where only respectable minorities are represented, the retort is simple. Compromise is equally necessary under both systems ; under the old, it is effected at the hustings, in all the excitement and turmoil of an election ; under the new, it is effected in the relatively calm and judicial atmosphere of the Legislature.

A perusal of the instructions already mentioned suggests a further peculiarity. The industry of the elector must be equal to the task of voting for three candidates. The limit may be raised when experience of the system forbids the excuse of novelty. The elector whose capacity or whose interest is taxed by the nomination of three candidates, fails to influence the election if those for whom he votes have a quota without his assistance ; or, indeed, if their need be so extreme that his assistance is unavailing. The elector who pleads a fastidious taste, as an excuse for a



limited selection, must remember that it is possible to classify candidates in an order of aversion as well as in an order of preference. An entirely different line of argument was taken by one opponent of the Bill, a gentleman of much zeal and some originality. "Compel an elector to vote for three candidates and it will often end in his choosing as second and third preferences, candidates who cannot be raised up as rivals to his first preference. This must prove fatal to the success of the Act." The statement is only quoted as illustrating the character of the opposition to which the Bill was occasionally subjected. It would be difficult to suggest a more felicitous example of unreasoning aversion. Second and third preferences can never be employed for the purposes of defeating first preferences; until the fate of the latter has been determined, no reference to the former is permissible.

The distribution of the surplus votes is a subject of great importance, and one which remains for consideration. The method adopted in the Tasmanian Bill constitutes its chief claim to the consideration of Home and Foreign statesmen. One may only judge of the value of the means which have been employed by appreciating the difficulties which have been overcome. If a candidate obtain 2000 votes when the quota is fixed at 1000, 1000 ballot papers are available for distribution among the candidates whose names are marked 2. The result of the distribution varies according to the principle which determines the appropriation of the papers of the favored candidate. If an analysis of second preferences yield 1000 for Y and a like number for Z, it would be within the power of the returning officer to effect the election of whichever candidate he preferred. This element of chance has been declared the only really formidable obstacle to the practical application of Mr Hare's system.\* How has the obstacle been overcome in the Tasmanian Act? Mr Clark has suggested a plan at once so simple and so just, that the fact of its novelty must appear incredible. X has a surplus; how is it to be distributed? Not indiscriminately, nor according to the caprice of the returning officer; but in a proportion determined by reference to the second votes on the whole of X's papers; or, as was at first suggested, on the whole of the electorate. For the purposes of this calculation, a candidate marked 3 is credited with a second vote if the candidate marked 2 had obtained his quota before the distribution in question had been commenced. In the case already suggested, of the 1000 excess votes, Y and Z alike secure 500. In one respect the plan involves a slight departure from the scheme of Mr Hare, who proposed to confine the influence of the elector to a single transferable vote. In the case already suggested, X's constituents not only return their chosen candidate, but also have a voice in the distribution of his surplus votes. Such a voice might almost be described as the fraction of a vote. While it is difficult to see any serious objection to this departure, its merit is clear. The element of chance ceases to exist.

So far we have only considered the case of a surplus arising from the first count, and, therefore, without the aid of votes transferred from other candidates. After every surplus of this

\* "Essays and Lectures," H. and M. G. Faweett, 1872

kind has been distributed, it may be found that fresh surpluses have been created. How are these to be distributed? We have supposed a case in which, as a result of the distribution of X's surplus, 500 voting papers go to Y. If Y only requires 400 to complete his quota, what is to be done with the excess? Is the returning officer to take the 100 papers on the top of Y's lot and distribute them according to third preferences? This would leave too much to chance, or to the discretion of the returning officer. In pursuance of a principle already illustrated, the Act requires the distribution of the 100 excess votes in a proportion determined by reference to third preferences on the whole 500 papers taken from the box of X.

If as the result of the foregoing counts, an insufficient number of candidates have obtained a quota, the candidate who has secured the lowest number of votes is excluded from the poll; and his ballot papers are then transferred to the candidates whom the electors have chosen in substitution. Whenever the next preference of the voter is a candidate already elected, the name is cancelled and the papers are passed on to a later preference. If any candidate gain a surplus as a result of this distribution, it is to be redistributed in a proportion determined by reference to the next preferences on the whole of the ballot papers previously transferred to him. The process of elimination, occasionally alternated with the distribution of a surplus, is continued until the number of candidates does not exceed the number of vacancies.

The principles underlying the Tasmanian Electoral Act have been explained with studious brevity. The courtesy of my audience may excuse, if their curiosity does not solicit, an account of the election held under its provisions. It will be sufficient to speak of the district of Hobart. Consistently with the anticipations of the Legislature, the occasion was honored by a display of interest equally remarkable for its diffusion and its intensity. For ten hours the crowd barred the approaches to the polling booth. The proceedings were enlivened by the usual humours of the election day: such phrases as "Rabid on the Hare system," suggested alluring opportunities for distinction, requiring little intelligence in the wit and less in the auditors. The mode of distributing the surplus afforded endless occasion for discussion and misunderstanding, and for that humour which, as it was unconscious, we may perhaps impute to genius. "It all comes to this," said one elector, "when Clark has all the votes he needs, any other vote for him goes to the next man on the list who needs it most." One dialogue deserved to be specially recorded. "The practical commonsense men tell me the old system is the best." "But I expect the practical commonsense men of whom you speak do not understand the Hare System." "That's so; they said as much; but still they are practical commonsense men, and that is sufficient for me." Such remarks illustrate, with admirable felicity, the character of the most serious opposition which the advocate of the Hare System must encounter. They further illustrate the folly of efforts to instruct the electors in the minutiae of a Bill with whose general principles they are unfamiliar. As Mr Hare remarked in his treatise, a passenger is satisfied to travel by the express though ignorant of the details of the steam engine. The justice of the parallel is admirable, and it is a matter for



regret that its lesson has been so neglected in the politics of this Colony. Instead of instruction in the broad principles of proportional representation, its general fairness and distinctive merits, the elector has been perplexed by the processes involved in the distribution of a surplus. For this reason, among others, the list of informal votes was large. Even the prophets fell; a candidate for Parliamentary honors, deeply versed in the lore of proportional distribution, rendered his vote informal by scoring out the names of opposing candidates — the method formerly adopted. His success at the election may be taken to prove the indulgence of fate.

At 6.30 p.m., soon after the prescribed time for closing the poll, the process of counting the votes began. The ballot-boxes were brought to the Returning Officer, the ballot papers were removed, unfolded, and taken to the scrutineers, who began to sort them for the first count. Attached to each of the scrutineers tables, there was a box with several compartments—one for each candidate, one for doubtful and one for invalid papers. The work of the scrutineers consisted in taking the papers one by one and calling out the names of the candidates marked 1, and placing them in the compartments appropriated to the respective candidates. Two clerks registered the vote on their recording sheets. Finally, these recording sheets were tabulated and handed to Mr Johnston, the Government Statistician and presiding genius of the election. When the various numbers had been totalled, the result of the first, or primary votes, became known. The totals of Mr Johnston were checked by the Returning Officer, who had previously settled the destination of doubtful papers. It was found that the total number of valid votes was 2745. As there were six seats, the quota was fixed at 457. Only one of the candidates (Sir Philip Fysh) obtained a quota as the result of the first count. As the primary votes of this candidate amounted to 501, there was a surplus of 44 for distribution among remaining candidates. After the whole 501 ballot papers had been given to the scrutineers for the purpose of estimating second preferences, it was found that Bradley claimed 41, Clark 304, Cox 2, Crisp 38, Dillon 9, Fulton 1, Hiddlestone 30, Mulcahy 42, Page 19, Paton 4, and St. Hill 10. A sum in simple proportion followed. If Bradley is entitled to 41 votes out of 501, to how many is he entitled

$$44 \propto 41$$

out of a surplus of 44?  $\frac{44 \propto 41}{501} = 3\frac{3}{5}$  or, getting rid of the frac-

$$501$$

tion, 4 The Returning Officer had then to take from Fysh's box, any four ballot-papers on which Bradley was marked 2, and to place them in Bradley's box. In this manner, but by the aid of Fuller's spiral slide rule, the whole surplus of 44 votes was instantly distributed among the unelected candidates. This completed the second count. Had any candidate secured a surplus as the result of this count, that surplus must have been distributed in a proportion determined by reference to the third votes on the whole of the ballot-papers he had received from Sir Philip Fysh. As a matter of fact, no additional candidate had secured a quota, and it remained to begin the process of excluding lowest candidates. The first victim was Mr Cox, whose 33 votes were now distributed

among second preferences, except where Sir Philip Fysh was second, in which case it went to the third preference. No candidate gained a surplus as a result of this count. Mr Fulton, who was lowest on the poll at this stage, was then excluded, and his 122 papers were distributed among the candidates whose fate yet remained uncertain. The result of this distribution was to raise Mr Bradley's total to 483. As this involved a surplus of 26, that surplus had to be distributed in a proportion determined by reference to the next preferences on the whole votes transferred to Bradley from other candidates, *i.e.*, from Fysh, Cox, or Fulton. The process of elimination, alternated with the occasional distribution of a surplus, was continued until only six candidates remained. These were then declared elected. It will be seen from the accompanying table, on pp. 92, that only four were successful in obtaining a quota.

It will be interesting to compare with the foregoing, a table for the compilation of which I am indebted to the courtesy of the Government Statistician. The table shows how different would have been the result if the cumulative method had been adopted.

Candidate.	Preference 1.	Preference 2.	Preference 3.	Cumulative Results of Preferences.	
	No.	No.	No.	One and Two.	One, two, and three.
Clark*† ... ..	393	592†	401†	985†	1386†
Fysh*† ... ..	501†	127	314	928	1242
Bradley*† ... ..	448	344	321	792	1113
Mulcahy*† ... ..	264	231	396	495	891
Crisp* ... ..	202	218	270	420	690
Hiddlestone ... ..	137	251	269	388	657
Page* ... ..	235	167	169	402	571
Dillon ... ..	143	158	156	301	457
St. Hill ... ..	131	101	149	232	381
Fulton ... ..	118	121	130	239	369
Paton ... ..	140	90	129	230	359
Cox ... ..	34	46	42	80	122
All { Gross Total ...	2746	2746	2746	5492	8238
{ Legally effective..	2746	724	66	3470	3566

Quota—457.

\* Elected. † Obtained quota. ‡ Highest in order of general favor.

The result of the election failed to give universal satisfaction. Rejected candidates found some consolation in unsparing criticism. On the part of some electors, whose candidate owed to the system the fact of his election, there was an ignoble disavowal of indebtedness. Still the results were very generally regarded with approval. There were few electors so unfortunate as to see all their preferences rejected; where such a failure occurred, the fault rested with the elector in not voting for more candidates. On a future occasion electors will probably remember this; if they soon exhaust their preferences, they have only to continue the



classification on the principle of least dislike. Nor does the number of "exhaust papers" offer occasion for serious criticism. In many cases such papers were useless because candidates whose names they bore were elected without their assistance. The number of informal votes was sufficiently large to excite the hostility of the censorious; yet it was not larger than is usual on the occasion of a change in the mode of voting; indeed, the percentage was much lower than at the recent elections for the Federal Convention. In the city of Hobart, the informal votes amounted to 105; 52 had been guilty of extra marking, especially of scoring out the names of rejected candidates; 20 had marked each of their chosen candidates 1, instead of 1, 2, 3, etc.; 16 had failed to mark at least three candidates, four had omitted to observe a proper sequence in their numbers; three had written the figures between the names; three were illegible; two had contributed their signatures; two had marked all their candidates 2 instead of 1, 2, 3, etc.; one had given his numbers in writing; and one had scrawled over the whole of his paper, apparently to express an abhorrence of the system.

If we regard the Act as a whole, I am not aware that experience has exposed its defects. Whatever objections a captious criticism may discover, there is, perhaps, but one which requires serious attention. If X receives 2000 primary votes and the quota be 1000, the resulting surplus is distributed in a proportion determined by reference to secondary preferences on the whole of X's 2000 votes. Under such a mode of distribution nothing is left to chance or to the discretion of the returning officer. But let us go a step further—let us suppose that Y has 800 primary votes, and that he receives 600 from X's surplus. In that case he obtains his quota and 400 excess votes. How are these excess votes to be distributed? Several modes suggest themselves. The returning officer may take the 400 ballot papers from the top of Y's box and pass them on to next preferences; he may do this after having first shuffled the whole of Y's papers; or, again, he may exercise his own sweet will upon them. The objections to each of these courses is clear. But if the surplus of 400 is to be distributed according to a proportion, by reference to what ballot papers is the proportion to be determined? The Act, apparently with the intention of simplifying the work of the returning officer, answers "By reference to the 600 papers transferred from X to Y." It will be at once seen that this introduces the element of chance. We know that if Y gained 600 of X's surplus of 1000, he must have been marked 2 on  $\frac{6}{10}$ ths of X's total number of primary votes.  $2000 \times \frac{6}{10} = 1200$ . The actual 600 papers transferred from X to Y were to be chosen at random from the whole of the 1200 papers on which Y was marked 2. The proportion among the third votes of one chance selection from this 1200, might be very different from the proportion among the third votes of another chance selection. If the returning officer choose "to take a hand," the variations may be increased. All such objections may be avoided by distributing Y's surplus of 400 in a proportion determined by reference to the whole of the 1200 papers, *i.e.*, the whole of the X Y papers. It might save time if the returning officer, in transferring the 600 papers which constituted Y's share of X's surplus, were to preserve the same

proportion of third votes on transferred papers, as existed on the whole 1200 X Y papers. In the distribution of Y's surplus of 400 it would then be sufficient to make a calculation on the basis of the papers transferred from X to Y. It may be interesting to note that the distribution of Y's surplus might also be determined by reference (1) to the third votes on the whole of X's original papers; (2) to the third votes on the total number of X's original papers taken together with the second votes on the total number of Y's original papers; (3) to the third votes of the whole electorate. The evils of complexity form an answer to the arguments by which these alternatives can be supported. Any proposal to effect a distribution by reference to third votes on the whole electorate is open to an additional objection; it would give an undue influence to electors voting according to prescribed ticket. The objection would apply with peculiar force to any proposal to distribute surpluses *arising as a result of the first count* in a proportion determined by reference to the second votes on the whole electorate.

In conclusion, I crave your indulgence, while directing your attention to the dreaded reproach of innovation. Professor Freeman has observed how often those great reforms, which mark the progress of our race, have involved a return to the traditions, institutions, or ideas of an earlier time. The barons who wrung from a reluctant monarch the Great Charter of our liberties, only sought to record and to secure the acknowledged birthrights of Englishmen. The Parliament of De Montfort was a device for restoring the freedom of the Teuton. For the primitive assembly of the tribe there was substituted the Representative Parliament of a nation; for appearance in person the new conditions required an appearance through chosen deputies. Yet the great principle of the right of the people to share in the work of Government underlay both institutions. Thus it happened that the privileges which English forefathers had enjoyed in the forest of Ancient Germany, but which had been sacrificed in the process of migration and national consolidation, were to be regained in the great and painful crises of a later century.

If we consider the characteristics of the Hare system in connection with the Parliament of the thirteenth century, I believe we shall arrive at a startling conclusion. Mr Hare sought to introduce an organic element into our system of representation. The new constituencies were designed to be united by allegiance to one object, to be animated by one spirit. I believe that here again in the history of our race, we may discover, under the semblance of innovation, the reality of an ancient practice. This is no place to justify such a generalisation by an adequate induction from the facts of mediæval history. Yet the interest and the importance of the enquiry may justify an illustration of its meaning. In the first place, the mediæval Parliament represented the estates of the realm—the Clergy, the Baronage, and the Commons. These were not arbitrary divisions of the State, but organic parts of the Nation. The means by which they acquired the reality and the consciousness of internal cohesion, form one of the most engrossing chapters in the national annals. The facts of history lend no encouragement to the suggestion of a residuary class in the estate of the Commons. The third estate represented the



alliance of the communities of the shires with the communities of the towns, and was the result of many causes, among which we may distinguish the appreciations of common dangers, the inducements of royal policy, and the similarity of the processes employed in the exercise of political rights.

Starting from the established fact that the mediæval Parliament was an assemblage of estates, we have yet to enquire the character of the constituencies of the third estate. Were they, too, organic? I confess I see no answer to this question but the affirmative. The representatives of the Commons were the deputies of the shires and the towns. Each shire was a unit of the nation, bound together by its common court, its common judicial and administrative organisation. The County was an organised body of men — a *communitas*—almost a kingdom in miniature! If we turn to the towns of the middle ages, despite the infinite variety of their customs, the reality of their organic character seems indisputable. Nor should we be altogether unprepared for this conclusion. When we remember that they were compelled to struggle for their charters, their liberties, and often for their existence, against the attacks of neighboring barons and the tyranny of a ubiquitous monarch; that, as yet, the centralising influences of the Railway and the Press were unknown; that, as yet, geographical constituencies were not divided into hostile camps by the contests of national parties—when we remember these facts, we are prepared to find in the town of the middle ages, a community of life, thought, and feeling, unattainable under the complex conditions of modern society. Nor are we disappointed. The superiority of the old over the new in this respect, is well expressed in the writings of a brilliant essayist. Each town, writes Frederick Harrison, had its own patron saint, its own special church, and its own feudal patron, its corporate life, its own privileges, traditions, and emblems. On the other hand, the modern city is almost bereft of any religious, patriotic, or artistic character as a whole. There is much public spirit—in certain parts, a love of beauty, taste, and cultivation of a special kind. But it is not embodied in the city; it is not associated with the city; it does not radiate from the city. A typical industrial city of modern times has no founder, no traditional heroes, no patrons or saints, no emblem, no history, no definite circuit. It is ever changing, loose in organisation, casual in form.\*

If we attach any importance to the foregoing facts, it must affect our attitude towards the reproach of innovation. Our methods may be new, but the principle is ancient. It is no longer possible to combine the organic element with the geographical constituency. Which are we to retain? Ordinary usage answers this question in one way, and Mr Hare in another. I believe there are a few more important questions of to-day than this, and that few deserve a more immediate attention on the part of statesmen and thinkers.

\* "The Meaning of History," pp. 250. In the Model Parliament of 1295, there were 74 Knights representing the Shires and 232 Citizens and Burgesses representing the Towns.

# HOBART ELECTION.

## ANALYSIS OF VOTING.

Total Votes Distributed.	Bradley.	Clark.	Cox.	Crisp.	Dillon.	Fulton.	Fysh.	Hiddlestone.	Mulcahy.	Page.	Paton.	St. Hill	Exhaust Papers.	Particulars of Distribution.
746	448	393	34	202	143	118	501 Elected (— 44)	137	264	235	140	131	—	First count.
44	4	27	—	3	1	—	(— 44)	2	4	2	—	1	—	Fysh's surplus
34	3	5	(— 34)	13	2	4	*	1	1	3	—	2	—	Lowest out (Cox).
122	28	18	Out	12	10	Out	*	11	13	10	12	8	—	Next , (Fulton)
27	483	476	—	4	2	—	*	3	2	2	7	3	—	Bradley's surplus.
145	Elected—26	29	—	16	13	—	*	15	21	14	21	(— 145)	16	Lowest out (St. Hill).
19	*	476	—	5	—	—	*	2	2	2	1	Out	7	Clark's surplus.
171	*	Elected—19	—	53	6	—	*	(— 171)	82	18	8	—	4	Lowest out (Hiddlestone).
177	*	*	—	36	(— 177)	—	*	Out	51	28	32	—	0	Next , , (Dillon)
221	*	*	—	23	—	—	*	—	53	24	(— 221)	—	121	" , , (Paton).
36	*	—	—	5	—	—	—	—	493	—	Out	—	25	Mulcahy's surplus
Total 3742	483 Elected. *	476 Elected.	34 Out	372 Elected	177 Out	122 Out	501 Elected *	171 Out	493 Elected *	341 Elected	221 Out	145 Out	20	* Obtained quota.