

Queensland



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Legislative Assembly

FRIDAY, 24 JANUARY 1868

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LEGISLATIVE ASSEMBLY.

Friday, 24 January, 1868.

Visit of His Royal Highness the Duke of Edinburgh.—The Warwick Revision Court.—Polynesian Laborers Bill.

VISIT OF HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH.

The COLONIAL TREASURER informed the House that His Excellency the Acting Governor had received a private telegram from Sydney, stating, on good authority, that His Royal Highness Prince Alfred would not arrive in this colony before February 17, and that His Royal Highness would not be able to remain here more than seven days. The letter written by the Government, requesting His Royal Highness to extend his intended visit to three days longer, had not been received; but the telegram stated, further, that full particulars of the Prince's visit to Queensland would be sent up in a few days.

THE WARWICK REVISION COURT.

Mr. DOUGLAS rose to move the adjournment of the House, in order to be enabled to direct the attention of the honorable the Colonial Secretary to a circumstance which had been brought under his notice by some of his constituents. Although he had made no inquiries beyond the information which had been furnished to him by some gentlemen resident on Eastern Downs, he felt quite justified in bringing the matter before the House. The bench at Warwick had lately, in the exercise of their discretion, and under powers with which they were invested under the Electoral Act, caused a revision of the electoral roll—a preliminary examination, such as was described in the Act as one which might take place in the months of November or December, and at which examination magistrates were entitled, and enjoined, in fact, to strike off any persons on the electoral roll whom they knew had ceased to reside in the district or become disqualified. Of course, that was a function that the magistrates were properly entitled to perform, according to their discretion, but still it was one which might be abused, and one which, in the present instance, had been abused—so he was informed. He was informed that as many as three hundred names, on a very small electoral roll, had been struck off, in consequence of the belief of the magistrates that the electors purporting to possess the qualifications set forth were not in possession of the requisite qualifications—thereby throwing the onus of proof of their qualifications upon the electors. Of course, against the due exercise of the power possessed by the magistrates he could say nothing, but still that power might be abused, and the inference he drew from the complaints he had received was, that it had been abused. A magistrate of that district, for instance, had addressed himself to him (Mr. Douglas), stating that he had received notice, though he had been on the roll for several years,

and that he saw no reason why he should be bound to prove it, unless an objection had been lodged in the usual manner. Of course, he held no objection to that being done, if the objections had been lodged in the usual manner; but it was very wrong, it was really subversive of justice and of the purposes for which power was placed in the hands of magistrates, if they anticipated that, and, by their own judgment, threw upon the electors the proof of their qualifications. He had been informed—although he could not pledge himself that his information was correct—that three hundred names had been erased from the roll of the small constituency he represented, and thereby the annoyance and trouble of proving their qualifications had been thrown upon the electors. The discretionary power of the magistrates he did not want to find fault with, if properly exercised; but it ought not to be abused, as he feared it had been. He hoped the honorable the Colonial Secretary would make some inquiry into the matter, and he should be glad to receive some assurance from him that he would do so. No doubt, a considerable portion of the magistrates on the Warwick bench were looked upon by the inhabitants of that district with very great distrust, as having exceeded their powers—as having, in some instances, done things which almost amounted to a malversation of their powers as magistrates. A considerable number of those gentlemen had done acts which would have justified the Government in superseding them, and declining to place them on the bench at Warwick. Such being the case, and it being manifest that many of those gentlemen were actuated by strong party feeling, and that they had exemplified by their conduct a very strong political bias, it was a matter to be deprecated that such action as he called attention to should have been taken by the bench. He could mention several magistrates who ought to be now off the Commission of the Peace—magistrates who sat at Warwick; and, in consequence of that, and in consequence of his knowledge that the administration of justice was looked upon with very great suspicion, by reason of their acts, he felt it his duty to bring the matter he had previously referred to under the attention of the House, in the hope that the Colonial Secretary would make some inquiry; and, if he found an undue exercise of power had taken place, he would be completely justified in superseding those gentlemen who had been so guilty of it.

The COLONIAL SECRETARY: If there was one thing in the country more than another with which he, as Colonial Secretary, should take particular care not to interfere, it was the freedom of elections. He did not consider it was the duty of the Colonial Secretary to see how those things were managed at Warwick, or anywhere else. Whenever a Colonial Secretary had interfered in such matters, his interference had had a bad effect. The

Electoral Act defined what a magistrate ought or ought not to do in such cases; and it was in the power of any elector, if a magistrate went wrong, to bring him up for it. With matters connected with registration and elections, so long as he held office as Colonial Secretary, he should take very good care not to interfere.

DR. CHALLINOR observed that it appeared either that the honorable member for Eastern Downs had been wrongly informed or had misunderstood the facts, or that the bench of magistrates had mistaken their duty. The fifteenth clause of the Act 29 Victoria, No. 12, stated that—

“At some convenient time during the months of November or December in each year an open court of examination of which thirty days’ notice shall be given in the public newspapers or in some other public manner where no newspapers are published shall be held by the justices in petty sessions at their usual places of meeting or at such other places as may be found convenient and at such court the said justices shall examine the electoral rolls in force within their respective police districts and whenever they shall be in doubt whether any qualification specified on the electoral roll as being situate or arising within their police districts is really possessed by the person to whose name it is appended or where such qualification is situated or what is the exact nature of such qualification they shall cause the clerk of petty sessions to require from the person represented to possess such qualification or from his known and accredited agent satisfactory proof thereof and shall direct the said clerk what proof to require and in default of such proof being received before the day hereinbefore fixed for making objections shall cause the said clerk to object to such person in due form. Provided that no objection made by a clerk of petty sessions in pursuance of an order from such justices shall be deemed to be groundless frivolous or vexatious and that the provisions of section thirteen above shall not apply to any clerk of petty sessions acting in pursuance of such order.”

If the bench of magistrates had done their duty, they had simply given notice to the electors to furnish satisfactory proof of their qualifications, and that the electors might do either themselves or by an agent. But the bench had no power whatever to strike any names off the roll. If they had done so, they had exceeded their duty. In the event of the satisfactory proof not having been furnished before the 14th February, the clerk of petty session must issue due notice of objection, without the necessity of depositing one pound or the objections being considered groundless or frivolous. There was nothing in the clause that, if properly carried out, could be regarded as prejudicial to the electors. If the bench had exceeded their duty, they ought to be called to account by some one. He thought the position taken by the honorable the Colonial Secretary was quite right, not to interfere unless his attention was called to the fact that the magistrates had really exceeded their duty; then, how-

ever, he ought to take some cognizance of their fault.

MR. WALSH said he did not want to enter into any of the little squabbles of the electorates of the colony; but he begged to call the attention of the honorable member for Eastern Downs to the fact, that within the past fortnight he had received such an objection as had been alluded to. He did not say that the bench of Maryborough were not acting quite right; but it was not possible for the benches of the colony to construe the Electoral Act—at least, no two construed it in the same way.

MR. CLARK said he was not going to answer the animadversions made on the Warwick bench by the honorable member for Eastern Downs, but he certainly thought that it would have been better had that honorable member, before he brought it before the House, taken care to have informed himself of the circumstances of the case. He did not know much about it himself, but he had heard that the rolls for Warwick and Eastern Downs electorates were to be strictly revised: to his own certain knowledge, they were in a great state of confusion. Many people whose names were on the rolls were dead, and a number were disqualified, from property having changed hands and departures for the diggings. He knew it was the intention of the magistrates of those districts strictly to look over the rolls; but he thought that had the honorable member for Eastern Downs, without taking the word of anybody who had written to him, inquired into the case himself, he would have found that he had grossly exaggerated and misrepresented it. He was not speaking from absolute knowledge, but he believed that the magistrates had not struck a single name off the roll, and had simply given notice of objection. The honorable member knew it, and he ought not to have said what he had; the magistrates had not struck him off, by his own admission.

MR. DOUGLAS: The honorable member was going too far—he had said that he (Mr. Douglas) had grossly misrepresented the case. He had stated the information he had received—he should be prepared to state more. He might be incorrect, but he had not wilfully misstated anything.

MR. CLARK apologised to the House and to the honorable member for the strong language he had used, which he had no right to use in the House; but, he did not think the honorable member had any proof that anybody had been struck off. The honorable member had himself received a notice, and he had not been struck off the roll. When he (Mr. Clark) was connected with the Warwick bench, and members of his family were connected with that bench, it was no wonder he forgot himself, and made use of strong language, on hearing an honorable member—a man born and bred a gentleman—state that the bench were regarded with very great

distrust, and that they had been guilty of malversation of their powers—things which it was fortunate for the honorable member were spoken within the precincts of the House and under his privilege as a member. It was not strange that he (Mr. Clark) forgot himself, and answered the honorable member in the same strain in which he had himself spoken. Had the honorable member for Eastern Downs satisfied himself that his information was correct, he might have been justified in coming down to the House and stating what he did state. He believed there were only some 350 names on the Eastern Downs roll, and about 80 of those were in the Leyburn district, so that it was utterly impossible that the Warwick bench could have struck off 300 names in the Warwick district. He believed—and it might have been ascertained—that only about one-half that number of persons had been asked to prove their qualifications. The bench had the power to do what they had done, and, in exercising that power, they were doing right. He thought the honorable member for Eastern Downs would have to apologise to the bench for the statements he had made respecting them, which would be found to be totally untrue.

Mr. PUGH said, perhaps he might be excused for speaking on the matter in hand, as it was connected with an Act of the Queensland Parliament which he had something to do with passing—he did not say this boastfully, as the Act was one to be rather ashamed of;—for he thought the honorable member for Eastern Downs was wrong in his conclusion that the bench were not right in calling upon the electors to prove their qualifications.

Mr. DOUGLAS: He never said that.

The COLONIAL SECRETARY: What did he complain of?

Mr. DOUGLAS: The undue exercise of the discretion which the bench undoubtedly possessed.

Mr. PUGH: It was utterly impossible for the bench to have struck out any names at all until the revision court was held—and that must be held between the 7th March and the 28th April. He concurred with the honorable member for Maryborough that the Electoral Act appeared to have been interpreted a dozen different ways by the benches of the colony. He suggested to the Government that some general instructions with reference to the Act—such as had been in force when this colony was part of New South Wales—should be sent by the Government to the different benches. Considerable inconvenience had been occasioned in the metropolitan electorates in consequence of the interpretation of the Act by the Judge of the District Court, and many persons had lost their votes thereby.

The COLONIAL SECRETARY mentioned that a circular of the description suggested by the honorable member for North Brisbane, Mr.

Pugh, simply laying down what was prescribed by the Act, had been sent to all the clerks of the benches in the colony. There was no instruction from the Colonial Secretary, but it simply pointed out the broad features of the law. He was sorry to say the benches appeared to take very little notice of the circular.

Mr. PUGH agreed that very little notice was taken of it. Doubtless, as a rule, after it was received by the clerk of the bench, it got into some pigeon-hole and was then forgotten. He (Mr. Pugh) quite agreed with the honorable the Colonial Secretary, that it was beyond the sphere of his duty to interfere with the freedom of elections; but he would advise that a copy of the circular be sent, not only to the clerks of benches, but to every magistrate in the colony.

Mr. STEPHENS said it appeared to him that the honorable member for Eastern Downs had done good service in bringing the question before the House. The complaint, as he took it, was, that the Warwick bench had unduly exercised the power, or the discretion, which they possessed, throwing upon a large number of electors the onus of proving that their qualifications were good. A number of complaints of a similar nature were made last year, and some benches had positively allowed the first notice to stand as a notice of objection, which was clearly contrary to the law; and a large number of electors had been disfranchised in consequence. When the individuals composing a bench were known to be strong political partisans, it was very necessary that they should be occasionally cautioned; for, without meaning to go wrong, they might still go a little astray.

Mr. DOUGLAS, in reply, said the honorable member for South Brisbane had very correctly put the case. Perhaps, if he (Mr. Douglas) had expressed himself that the names had been struck off the roll, he might qualify his statement by saying that an objection had been raised, that unless a qualification was proved, it would result in the name of the elector on the roll purporting to hold such qualification being struck off. There could be no doubt that the object of the clause in the Act was to "tick" off those names against which the magistrates had suspicion as to qualification. He regretted that some magistrates of the Warwick bench—he did not speak of the bench collectively—had shewn in such a remarkable degree the elasticity of their consciences, that he was quite justified in concluding—

Mr. CLARK: Name, name! He called on the honorable member to name who those magistrates were.

Mr. DOUGLAS: He had no hesitation in naming several of them, and he referred to the investigations of the Committee on Selections in Agricultural Reserves to support what he said. If it was necessary to name them, he named the honorable member's

brother, Mr. Charles Clark; Mr. Green, of Goomburra; Mr. Arnold Wienholt, of Maryvale; and Mr. Wildash, of Canning Downs; who were deeply implicated in the system of "dummying" for the selections in agricultural reserves, which involved a false declaration. It was a glaring and a shameful specimen of what the gentlemen spoken of by the honorable member for Warwick could be guilty of—those by ordinary education and position, and those who were gentlemen born and bred; though he (Mr. Douglas) did not see why it was necessary to draw that distinction;—members of the Assembly met on an equal footing—they shewed by their conduct whether they were gentlemen;—it exhibited a painful, a disgraceful elasticity of conscience in those men, when their own interests were concerned in opposition to the interests of the people. Was he not justified in assuming that the same elasticity of conscience which characterised them in one case would characterise them in another? He admitted that his information was not full; but it was sufficient to justify what he had said. And he would again assert that, according to the information he had received, a large number of electors had been, by the mere will of the bench of Warwick, called upon to prove their qualifications; and, having regard to what had been done by the gentlemen who composed that bench, it was quite possible that they had been actuated in adopting that course by other than motives for the good of the public. Although it was very undesirable that the action of magistrates should be unduly interfered with by the Executive, still he affirmed—and he did not say that the case was proved or would be proved, because it was very difficult to prove such cases—that if the Colonial Secretary found out that those gentlemen had unduly exercised the power given to them in their capacity of magistrates, he was bound to take action in the matter, and could not refuse to do so. He called upon him to give his attention to the subject, and he held him responsible for the action he might or might not feel bound to take.

Mr. ARCHER: He believed it was unusual to speak after an honorable member had replied to a debate on his motion; but a new element to this debate had been introduced by the honorable member for Eastern Downs, and it was necessary for somebody unconnected with the main subject of discussion to take notice of that. A report from the Select Committee on Selections in Agricultural Reserves had been presented to the House, but it was not the same that had been drafted by the honorable member as chairman of that committee: the committee would not agree to the honorable member's report. It might be said that that was the action of a number of squatters anxious to protect their own friends; but it should be remembered that the honorable and learned member for Fortitude Valley, who was a member of the com-

mittee—and not a squatter, though a judge of evidence—could not agree to the chairman's report. Though not present at the meeting at which the report was discussed, he (Mr. Archer) had read it and the evidence on which it was based very carefully; and not a single imputation against the gentlemen named by the honorable member for Eastern Downs was proved. There was one case in which a gentleman had not given his evidence as frankly as he could have wished. He would not like to have made charges against a number of gentlemen, when they had no chance of answering them, as the honorable member for Eastern Downs had done; but he did not think the magistrates alluded to would suffer from it so much as the honorable member would himself.

The motion for adjournment was, by leave, withdrawn.

POLYNESIAN LABORERS BILL.

On the order of the day being read for the House to go into committee of the whole for the consideration of the Polynesian Laborers Bill,

Mr. DOUGLAS said, before the Speaker left the chair, he should like to draw the attention of the House to certain matters in connection with the measure. True, the Bill was discussed at the second reading, but since then he had gone into it carefully, and it seemed to him to require remodelling. In the first place, he saw no reason why it should be cast in the form of regulations, instead of its provisions assuming the ordinary form of clauses in a Bill, which, in effect, they were. The Coolie Immigration Act was composed of only a few clauses, empowering the Government to make regulations, but those regulations did not appear until after the Act was passed. It was now proposed to give the validity of law to regulations passed by the House. He could, therefore, see no reason why the Bill should not assume the ordinary form. Another serious defect in the Bill was, that no provision was made in it for Polynesian laborers at present in the country. He was informed that there was a considerable number of those laborers out here—perhaps not quite a thousand, but nearly so; and he considered those men as fitting objects for legislation as any Polynesian laborers who might be imported hereafter. The subject on which the Government proposed to legislate most materially affected the future of the colony. He was anxious to treat the Bill fairly, and to apply its provisions to the Polynesians now in the colony. The subject of it involved many details, upon which the whole working of the system of Polynesian labor in Queensland would depend. It was, therefore, a question for the House to consider, whether it would not be more satisfactory, in the first instance, to refer the Bill to a select committee. He believed the Polynesian laborers now in the colony were working under engagements which could not

be enforced upon them by law. There was no legality attached to their contracts. It was desirable that the form of law should be given to them as soon as possible, upon certain conditions.

THE ATTORNEY-GENERAL: There was the Masters and Servants Act.

MR. DOUGLAS: He did not believe that that Act validated any kind of agreement with persons who did not understand the nature of their agreement, as was the case with many of the men who had been imported. It would also be necessary to confine the operation of the Bill to the coast districts only. If the men were allowed to be imported, they should not be allowed to go to the interior and be distributed throughout the colony. The preamble set forth, that many persons deemed it desirable and necessary, in order to enable them to carry on their operations in "tropical and semi-tropical agriculture," to introduce to the colony Polynesian laborers. He was quite prepared to consider the claims of those people earnestly, and would, therefore, give his best attention to the measure; but he did not wish, at present, to see spread over the whole surface of the colony, persons who were not accustomed to our manners, and who were, undoubtedly, at present, an uncivilised race.

THE COLONIAL SECRETARY (*sotto voce*): He knew nothing about it.

MR. DOUGLAS deprecated the interruption of his speech by such audible whispers. If the honorable gentleman waited till he was done, he would have an opportunity to make his remarks, and shew that "he knew nothing about it."

THE ATTORNEY-GENERAL: Did the honorable member allude to him?

THE COLONIAL SECRETARY: No; to me.

MR. DOUGLAS: He meant the Colonial Secretary, who had spoken just now in tones to be heard and ill calculated to preserve decorum.

THE SPEAKER: I have before stated in the House that it is very undesirable that remarks should be made when an honorable member is speaking. It is very improper; and I can only repeat my former ruling.

MR. DOUGLAS: It was not only very undesirable, but very unpleasant, and very indecorous, and not conducive to that harmony which should characterise the proceedings of the House, and which he was, at all times, desirous to maintain. He thought it would be desirable that the operations of the Bill should be for the present, and, indeed, for ever, confined to the coast districts, for the purpose of growing tropical and semi-tropical productions. To effect that, it would be necessary to alter the Bill in several particulars. He believed that other honorable members intended to propose amendments; so that he considered it would be better to refer the Bill to a select committee to make

the necessary alterations. He would, therefore, move—

That the Polynesian Laborers Bill be referred to a select committee, consisting of Mr. Palmer, Mr. Archer, Mr. Fitzgerald, Dr. Challinor, Mr. Sandeman, Mr. Francis, and the mover, with leave to sit during any adjournment, and to report.

THE COLONIAL SECRETARY said he thought the present was an exceedingly irregular proceeding of the honorable member for Eastern Downs, whose objections to the Bill should have been taken at the second reading. He could not conceive that there was any necessity for shelving the Bill by sending it to a select committee at this late period of the session. The present question was one, the difficulty of which required to be looked in the face, and to be dealt with at once. As he had stated when moving the second reading of the Bill, the Government were comparatively helpless; the people were arriving in the colony in great numbers, and there was every reason for passing the Bill at once. The Government did not regard it as a perfect measure, but, if passed, it would confine the immigration within certain limits, and would place the immigrants under the protection of regulations framed with a view to their welfare. Honorable members were bound to assist the Government in passing the Bill. The regulations had been drawn up with great care, in the first instance, by the immigration officer, Mr. J. McDonnell, who ought to be fully acquainted with the wants and requirements of immigrants coming to the colony. They were then supervised by Mr. Manning, the Under Colonial Secretary, who had had considerable experience, and then they were revised by himself (the Colonial Secretary), with the assistance of a gentleman who had lived among the Polynesian laborers; and then the Bill was given to a gentleman in the other House to introduce. He was sorry it was not in the shape in which he had originally prepared it. With regard to the Home Government, he might state that the regulations annexed to the Bill contained everything that the Duke of Buckingham, in the despatch laid upon the table the previous evening, considered to be necessary, with perhaps one exception, though he could scarcely admit that that was an exception. He referred to the paragraph which stated that the laborers must be placed under the special supervision of the local magistrates, and should not be allowed to proceed to estates where they would be removed from under that supervision. They would have to go very far into the interior before they would be beyond the supervision of the local magistracy. The magistrates penetrated everywhere, wherever there were settlements.

DR. CHALLINOR: Such as they are.

THE COLONIAL SECRETARY: No doubt they would compare favorably with those

from the favorite town represented by the honorable member. The honorable member, however, was entitled to his opinion, which would, no doubt, have its usual weight with the House. He maintained that the regulations, in their present state, might very well be considered without the appointment of a committee. Any amendment that might be required, and he admitted that some amendment was necessary, could very easily be made in a committee of the whole. The honorable member for Eastern Downs had taken exception to the Bill, on the ground that it did not provide for Polynesian laborers already in the colony. He contended that it did: that was supplied in clause six. It did not say that the laborers who should arrive after the passing of the Bill should be registered, but that a register should be kept of all hired Polynesian laborers; and it could easily be made to apply to all Polynesian laborers in the colony. He could see no occasion to appoint a select committee to consider the question. As to the legality of the engagements alluded to by the honorable member, he had no hesitation in saying that they came under the Masters and Servants Act. But if any additional legality was wanted to be given to those engagements, a clause of three lines would do it. He was prepared to move some amendments himself, and, no doubt, other honorable members would also be prepared with amendments. A very good Bill could be shaped in committee of the whole House without referring it to a select committee; or, in other words, shelving it for the session. The honorable member for the Eastern Downs had said the islanders were uncivilised. He could tell that honorable member that he knew nothing whatever about it. They had been told by a member of the House, who knew more about these men than anybody else in the colony, from having lived amongst them for fourteen years, that they were very far from being uncivilised. He believed that many of them were more civilised than the honorable member who had addressed the House, and he did not think there was one of them who would get up and malign persons who had no opportunity of replying to them, as the honorable member had done.

Mr. DOUGLAS rose to a point of order. He believed the honorable member was imputing motives to him. He had also drawn a parallel between South Sea Islanders and himself (Mr. Douglas). He was quite willing to admit that a parallel could very fairly be drawn. He did not complain of that, for he knew that the character of those natives was of a most amiable description. He thought, however, that the honorable gentleman was going beyond the bounds of parliamentary language in the expressions he used.

The COLONIAL SECRETARY: What is the point of order.

Mr. DOUGLAS: The honorable member had unquestionably used unparliamentary language.

The SPEAKER: I think the honorable member made use of strong language, but it was not, in my opinion, language for which I could call him to order. I think, however, it would be much better if the honorable member would moderate his language for the future.

The COLONIAL SECRETARY said he thought it would be just as well if honorable members did not interrupt him, as, if they thought they could put him down, they were very much mistaken. He did draw a parallel between the honorable member and the islanders he called so uncivilised. He said there was not a man among them who would get up and abuse gentlemen quite their equals, if not their superiors, and say things about them in the House which they would not dare to say outside. He said that, from what he knew of them, there was not one among them who would do so.

Mr. DOUGLAS again rose to a point of order. The honorable member had stated that he (Mr. Douglas) had said things in the House which he would not have dared to say out of the House. He affirmed that such language was unparliamentary, and unworthy a member of that House; for if these things were allowed to be said, they would lead to bickerings which ought to be avoided. He used his privilege—his parliamentary privilege—and he gloried in using the power which was conferred upon him by the people he represented.

Mr. LILLEY said that such language, used outside the House, might lead to a breach of the peace. He said, distinctly, that if such language were made use of in a ball-room or club-room, it might lead to a very serious disorder, to say the least of it. He would ask the honorable the Colonial Secretary to withdraw any expression of that kind.

The COLONIAL SECRETARY: Not a bit of it.

Mr. LILLEY: The honorable member said "Not a bit of it"; but he thought no honorable member should sit and listen to such language—language which would not bear the light the honorable member wished to put upon it. Although the honorable member for Eastern Downs had differed with the other members of the committee, and he (Mr. Lilley) could not join with him in the report he had drawn up, yet, he was bound to say, there were considerable grounds for suspicion pointing in the direction of that report. Although, perhaps, that honorable member could not put his finger upon any part of the evidence which had been obtained, to shew that the practice which he thought was going on had really been pursued, yet there was enough in the evidence to relieve him from anything like the imputation thrown upon him by the Colonial Secretary. He would put it to the Colonial Secretary

whether the language he had used was strictly parliamentary.

Mr. WALSH said, no doubt the honorable member for Fortitude Valley deserved every credit for the pacifying manner in which he had addressed the House. But the honorable member for Eastern Downs, at the close of his address to the House, had used quite as severe strictures as the honorable Colonial Secretary had done; and if the honorable Colonial Secretary was not ruled out of order by the Speaker, he ought not to be interrupted. He was extremely sorry that the debate should not have been allowed to go on; but, at the same time, if it were the privilege of a member to use the language employed by the honorable member, he ought to be allowed to employ it.

Dr. CHALLINOR said that honorable members had a right to speak in the House, of persons outside the House, in a way which they could not speak in the House of honorable members. The privileges of members in the House and those of persons out of the House were very different.

The SPEAKER: I think the Colonial Secretary, when he was called to order the first time—although he used strong language—was not exactly out of order, though I think more moderate language should have been used. But I think, on the second occasion, he was more general in his remarks, and I do not think I was bound to call him to order then.

Mr. DOUGLAS: The honorable member said that I should be afraid to make use of the terms out of this House which, in my privilege as a member, I used in the House.

The SPEAKER: I did not understand the honorable member to put the question to me in that way.

Mr. DOUGLAS: I put it now, sir. The honorable Colonial Secretary stated distinctly that I should be afraid to use outside this House language which, as a member of this House, I used in it.

The SPEAKER: All I can say is, that if the honorable member made use of that language, addressed personally to any other honorable member in this House, he was out of order.

The COLONIAL SECRETARY said he would at once bow to the Speaker's ruling, and apologise to the House. He could only say that if the language he had referred to had been used out of doors to the gentlemen alluded to by it, he knew pretty well what would have followed. He would now—after this little interlude, in the course of which, he thought, the House would admit quite as strong language had been levelled at his private friends as he had used towards the honorable member for Eastern Downs—proceed with his remarks. He believed that if the committee chose to go into the Bill with the intention of making the status of the Polynesian laborer in the colony as good as it ought to be, it might be

done that morning without much discussion over it. He thought it highly satisfactory that all the suggestions contained in the despatch of the Secretary for the Colonies had been carried out in the Bill before even that despatch arrived, and gave them instructions on the subject. He believed there were members present in the House fully competent to see the Bill put into a proper shape in committee, and he should, therefore, deem it his duty to oppose the appointment of a select committee.

Mr. STEPHENS said the Colonial Secretary had complained that the honorable member for Eastern Downs had taken an irregular course in connection with the Bill. It appeared, however, that he was merely following the example of the Colonial Secretary. That honorable gentleman had informed the House that the Bill was prepared by the Immigration Officer, a Government official, then carefully revised by the Under Colonial Secretary, and revised again by the Colonial Secretary, and then handed over to a private member of the other branch of the Legislature to get through the Upper House. That was not the way a Government Bill should be brought in. It appeared that the Colonial Secretary was not satisfied with the Bill, and intended to amend it. He should have stated at the second reading what alterations he proposed to make. Should the amendment moved by the honorable member for Eastern Downs be rejected, he should be prepared to move that the question be postponed until some future day, when the Government could provide honorable members with the amendments they intended to propose; and it would also be as well if the amendments to be made by private members were also circulated, so that they might be fully considered before the Bill came on for discussion.

The COLONIAL TREASURER said it was never pretended that it was not a Government measure; but the reason why it was not brought forward in the House was on account of the great press of public business in the House with the Land Bill and other important measures; and it was entrusted to a private member in the other House, because he had been so long acting as Health Officer, that it was considered he would be best qualified to take charge of it. His honorable colleague had stated distinctly that the reason why the Bill came before them in the form it did was in order to give the Government power to deal with the matter. If any honorable member looked at the despatches which had just been received from the Duke of Buckingham, they would see that the regulations recommended by the Home Government were very similar to those contained in the Bill—namely, to take care that these islanders were properly treated. With respect to the amendments to this Bill, he did not see that the Government were to blame for that; all Bills were liable to amend-

ments, and it did not follow, because a few trifling amendments were necessary, that, therefore, a Bill should either be rejected or handed over to a select committee.

Mr. WALSH approved of the suggestion made by the honorable member for South Brisbane. He thought some such course might, with propriety, be adopted. He had no faith in the proposal to refer the Bill to a select committee, after the sad experience of the Land Bill. He thought it would be well that honorable members should have time to consider the amendments. He had a strong conviction that there were some very serious defects in it, and that it would necessitate some alterations in the shipping and navigation laws.

The SECRETARY FOR PUBLIC LANDS said that honorable members had had the Bill in their hands for a considerable time. He did not rise so much to oppose the motion as to remove the feeling which appeared to be entertained by some honorable members that these islanders were such awful savages. In the year 1851, he had visited several of these islands—*islands* representing a population of 50,000 persons, at least; and he was quite surprised at the amount of intelligence which he found the inhabitants possessed. He would not attempt to draw any comparisons between them and the inhabitants of the old country, many of whom could neither read nor write; he could only say that in the islands he had visited the exception was to find a child of ten years old who could not both read and write. He had inspected their schools in company with the missionaries, who interpreted for him, and had seen that they were very quick and correct in answering the questions put to them. He had also been in their Houses of Assembly, where they appeared to be exceedingly polite in their language and demeanor, and some of the speeches seemed to be very eloquent. He had certainly never heard a single instance of one of their members denouncing absent persons, as he had heard honorable members do in that House. If these islanders were so very savage and uncivilised, he thought some of those honorable members who were imbued with such pious and philanthropic sentiments could not do better than go among them and endeavor to reclaim them, and take part of the work from the hands of the missionaries who had been laboring among them so long. It was quite a mistake to suppose that these men were not capable of a very high degree of civilisation; and he for one did not view with any alarm the probable arrival of a large number of them in the colony.

Mr. MYLNE said he wished to correct the honorable member for Eastern Downs. He had had a good deal to do with these natives, and had been partly instrumental in introducing them into the colony; and it was quite a mistake to say that they signed the agree-

ments without knowing what they were signing. The agreements were read over to them, and explained in the presence of a gentleman whose word he had never heard doubted, and whose honesty had never been impugned; and they all declared that they understood the nature of the agreement, and the papers were then signed in the presence of a Government officer. He knew a great objection had been made to sending these natives far up the country, and he had some doubts himself as to whether it was wise to do so, although he had sent a party up himself. But it was absolutely necessary for him to do this, because he could not get labor of any other kind; and he believed the honorable member for the Leichhardt, Mr. Sandeman, was in the same position. This, however, was only as an experiment; and he could assure the House that if he found it did not answer—if the men suffered either in their health, morals, or anything else—he would never ask them to stay out their three years, but would send them back directly. At the same time, he did not wish to prevent his neighbors from obtaining this kind of labor.

Mr. PUGH said that, as it was desirable that some legislation on this subject should be consummated as soon as possible, he would advise the honorable member for Eastern Downs to withdraw his amendment, and allow the amendment suggested by the honorable member for South Brisbane to be put, as it was a much simpler, and, as he thought, more effective mode of dealing with the question.

Dr. CHALLINOR said he had already expressed a favorable opinion of the character of this labor. He believed much of it was of a very valuable description. He had given attention to the Bill, and prepared some amendments which he intended to move; and, although these were prepared before he saw the despatch from the Duke of Buckingham, he believed they were in accordance with the recommendations of that despatch. As, however, this question had been made the subject of several despatches by Sir George Bowen, and an answer had been returned by the Secretary for the Colonies, it was not desirable that the Bill should be rushed through the House without allowing time for proper consideration. Reference had been made to the people of those islands by the honorable member for Rockhampton; but he would point out that the people in the group he was acquainted with, namely, the Sandwich Islands, were very much in advance in civilisation of those on the islands where these men came from who were being brought to Queensland. The inhabitants of the Sandwich Islands had a Parliament of their own, and he believed their Queen, or the Queen Dowager, went to England some years ago, and was treated with great consideration. It must not necessarily be as-

sumed that the people who came here were precisely the same class of islanders. It seemed to him a somewhat lame excuse for the Premier to say that the Bill was not first introduced in the Assembly by the Government, because he was so busy. It surely could have been introduced into the Council by one of his colleagues. But it was a still lamer excuse to say that it was entrusted to a private member in the other House, because he had been Health Officer, and understood the subject best; because there was nothing in the whole Bill connected with the health of the passengers, except that there should be so many superficial feet allowed in the ship for each passenger, and that no deduction should be made from their wages for medical attendance during the period of their engagement. It did not provide even that they should have medical attendance when they were sick. There was no reference whatever to the ship, as to its being properly found. It certainly said there should be certain rations supplied to each Polynesian while on board; but no one was appointed to see that the requisite stores were really on board. He did not think there was much to fear from vessels from other colonies engaging in the trade, if the eighteenth regulation remained, because the captains would find that the losses would exceed the gains if they had to pay twenty pounds for each Polynesian landed. He could not see how it was possible for the natives to be made perfectly conversant with the nature of the agreements they entered into, when none of them understood English. It had come to his knowledge, with reference to some of the islanders employed near Ipswich, that they were only engaged at the islands for one year, and were to be returned at the end of that time; but when they got here the term was extended to three years. He could shew a letter to that effect from one of the islanders if he could get it translated, and he thought he could. He trusted the honorable Colonial Secretary would not press the Bill into committee that day, but allow it to stand over for a time, so that the House should be in a position to consider the different amendments which would be brought forward. He had no desire whatever to shelve the Bill. There were already a number of Polynesians in the colony, and a large number on their way here; and it was, therefore, necessary that the House should take some action in the matter.

The ATTORNEY-GENERAL said he objected to the motion of the honorable member for Eastern Downs. He could not see why the House was not perfectly competent to deal with the question as well as any select committee. To refer it to such a committee would unquestionably be to shelve it for the session, which would be most undesirable. He did not go to the length of saying that any injustice had been done, or would be done, to any of these men; but, as an

Englishman, he felt that some legislative action was imperative in order to protect them. He thought that could be done by the House, but there would be no chance of going into committee on the Bill to-day. If the question were postponed for a week, honorable members would know when it was to come on, and would then come prepared with such amendments as were thought to be necessary. He did not see that any great alteration could be made in the Bill itself, because it appeared that the Government had, in this Bill, followed out the instructions of the Duke of Buckingham and Chandos fully, in respect to the introduction of Polynesian laborers; or, rather, he should say, the Government had anticipated those instructions almost to the letter; for the Bill was prepared before the despatch of the Secretary of State for the Colonies was received. The fourth paragraph of the instructions said—

“If the Legislature should be willing to entrust the Governor with a power similar to that conferred by the above Act, of making rules for the protection of South Sea Islanders, all that is necessary might be done.”

The Duke of Buckingham and Chandos, acting as Secretary of State for the Colonies, and being well aware of the necessity for protecting immigrants of the colored race, had given that advice, which, no doubt, the Government would have acted upon. But the Government had anticipated the instructions contained in the despatch; and, indeed, in looking through the chief points enumerated in the despatch, he thought the Government had adopted every one of them. They had not left one out; therefore, the Act, if the regulations that had been drawn up were annexed to it, instead of being embodied in it, would, if passed, be in strict accordance with the instructions of the Secretary of State for the Colonies, and there would be no difficulty in the way of giving the Royal Assent to the Bill as passed. At the same time, he had no doubt that many valuable amendments might be suggested, and that many valuable opinions would be submitted by honorable members, when the Bill came before them for consideration in committee. He must say that he rather differed with the honorable member for the Eastern Downs as to the passing of the Bill in the shape of a series of regulations. He thought that, when the question of Polynesian labor came to be dealt with practically, questions might arise which would have to become the subject of special enactment; but he could not conceive that the Bill now before the House should consist of more than a few clauses giving power to the Government to make regulations as necessity might arise; for he felt certain that the proper way to protect the Polynesian immigrants was by means of regulations. He conceived that a mistake had

been made in another place, by the regulations being made a part of the Bill—by being appended to it in the form of a schedule; because, being part of the Bill, they could not be departed from, or modified in any way, except by the passing of another Act. He conceived, therefore, that it would be better, in respect to such a question, which in every one of its features almost was altogether new to the colony, to give the Government power to make regulations from time to time, than to embody any series of regulations in the Act. In a matter of this kind questions would arise from day to day, requiring the immediate attention of the Government, and rendering a new and authoritative regulation necessary. Now, if the Government were tied down by specific regulations, much time would be lost when the House was not sitting, and even when it was sitting, in getting any new regulations passed that might be found to be necessary—notwithstanding that it might be found that prompt action was necessary. In respect of this question of Polynesian immigration, they were all without experience to guide them as to what regulations should be passed; and any regulations that might be passed in the belief that they would be sufficient, might be shewn by experience to be altogether insufficient. He therefore thought that it would better secure the protection of those South Sea Islanders to give the Government power to make such regulations as they might see to be necessary to meet particular cases, and which they should be required to submit to the House at the first meeting afterwards. He hoped the honorable member for Eastern Downs would withdraw his amendment, and that the honorable the Colonial Secretary would agree to take the consideration of the Bill in committee on some convenient day next week.

Mr. ARCHER said he had not intended to take any part in this debate, but for the reference that had been made by several honorable members to himself, in the course of the observations they had thought it necessary to address to the House. Now, he must say, that he thought those honorable members who professed to be the friends of those immigrants, whom this Bill was intended to protect, were making a great mistake in endeavoring to prevent the measure passing through the Legislature and becoming law as soon as possible. He was not going to object to the islanders being called savages. It was not a designation to be ashamed of in their case, if it was meant by the term that they had not attained to the same amount of civilisation as the people in this colony. But if it was meant by the term, that they were unfit to be introduced into this colony on the ground that they would lower the moral tone of society, he maintained that the term was misapplied. The honorable member for Ipswich, Dr. Challinor, made a great mistake, if he supposed that in his remarks he referred

to the natives of the Sandwich Islands only, who were considerably advanced in civilisation. Now, the fact was, that he did not confine his remarks to any particular island, for he had been on hundreds of islands in the South Pacific, some of which had never been visited by a white man before, and on no island on which he had ever landed, except those inhabited by woolly-haired people, did he find that the inhabitants were not, to some extent, acquainted with agriculture, and in some with the arts of government. He found that in almost every island the laws of property were respected, and though he did not mean to say that the people were so advanced in civilisation that they could read and write, yet in most instances they possessed a strong government—in some cases too strong, as he thought, for they were almost without any individual liberty. At any rate, the people were brought up to the habit of obeying the law, and of being punished if they broke the law. Now, that was not the case in a community of what might properly be called real savages. He felt perfectly sure that before those men were many months in the colony, they would be found as ready to appeal to constituted authorities, and to take advantage of the laws as administered in the country, as any of the white inhabitants would. As to whether the Bill should be referred to a select committee or not, he was a very bad judge, but he must repeat that any delay that might take place in the passing of the Bill would be a serious injury to those people who were coming here. The trade was now going on extensively, and people from the islands were continually arriving, and the sooner they were put under the protection of the law the better, even although the measure might be a defective one. They ought to pass a measure through the House as quickly as possible, even though, with better light being obtained on the subject in the meantime, they should have to amend it in six months hence. He would, therefore, vote against the Bill being sent to a select committee, but would support that course which would secure immediate legislation on the subject.

Mr. LILLEY thought honorable members were generally agreed that some little delay should be allowed, in order that the Bill might be made as perfect as possible; and he therefore suggested that the debate should be adjourned till Wednesday next.

Mr. DOUGLAS said that, on the understanding that the question should stand over for a week, he would withdraw his amendment.

The amendment was then withdrawn.

The COLONIAL SECRETARY also withdrew the motion for going into committee on the Bill; and moved that the consideration of the Bill in committee stand an order of the day for Wednesday next.

The motion was agreed to.