

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 6 MAY 1875

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LEGISLATIVE ASSEMBLY.

Thursday, 6 May, 1875.

Adjournment—Misreporting.—Public Servants Mutual Guarantee Bill.—Oaths Act Amendment Bill.—Adjournment.

ADJOURNMENT—MISREPORTING.

Mr. PETTIGREW said he rose to move the adjournment of the House, and in doing so he wished to draw attention to a report which appeared in that morning's *Courier* in reference to what he said yesterday. He was made to state:—

“Mr. Pettigrew said, with respect to his own electorate, the last selection was made there ten months ago, and that selection had been on very inferior land.”

He must know very little about his constituency if ever he made such a statement as that. It was one of the largest constituencies in the southern division, and there was any amount of land in it still to be taken up, and it was being taken up every day. Not ten months ago, but perhaps ten days ago, there had been land taken up in the same electorate. What he stated was, that the last selection on Laidley Creek had been taken up ten months ago; but there were many other creeks besides Laidley Creek in the electorate of Stanley. He did this, not for the purpose so much of drawing attention to the *Courier's* report of his speech—because it was of very little consequence to him personally what they put in—but he wished to draw attention to a publication that they had got more immediately under control, and that was “Hansard.” “Hansard” was costing them a very large sum of money, and perhaps a more valueless document, as far as he could see, could scarcely be published at the cost of the country. It came out once a week, when all interest was past and gone; and as for being responsible for what appeared in “Hansard,” he certainly, for one, most positively declined to be responsible for anything that appeared there any more than in the *Courier*. Now, last session, there was an arrangement, as he understood, come to, to publish “Hansard” every morning; and he would like to know from the gentlemen who had to do with that—the Ministry, or whoever it was—whether they intended to publish “Hansard” every morning or not; because, if they had no intention to do so, he certainly thought they had better consult the House and see whether they were prepared to have anything in the place of the abortion that came out at the present time. He thought it was a perfect waste of money—that was stated last session—and he did not think they ought to spend money which was not for the interest of the public in general. “Hansard” was of no earthly use at present. At one time it was thought it would “nail” men to what they said; but they could not “nail” them for half-an-hour, and, as for going back

twelve months—why, it was impossible to keep them to the point for any length of time. To go back twelve months and say an honorable member said so-and-so at a particular time, it was, he thought, simply a waste of time to do anything of the sort. He thought the Government ought to give some information on the subject of the daily publication of "Hansard," and that the House ought to decide whether they were prepared to spend money to continue it as it was at present. It was a very large expenditure of money; and he did not suppose honorable members cared to read each other's speeches after they were delivered. It was quite punishment enough to have to listen to them in the House, without sitting down deliberately to read them again, to see what they said. He was sure that if they were as sick of hearing themselves talk, as he was, sometimes, on an electioneering tour, they must be very sick indeed. No doubt there were men who thought their addresses remarkably nice, and wished to see them; but he thought it was the public who wanted to see these matters, and their interests ought to be considered. He thought the matter was one which the House ought to take some action. As he had moved the adjournment of the House, it would be as well to say that an honorable member present said something about a show that was to take place at Ipswich. That honorable member represented a northern constituency, if he did not mistake, and he believed it would be for the enlightenment of that honorable member if he suggested to the Ministry the advisability of closing up next week. He (Mr. Pettigrew) spoke on the part of the officers of the House, and on behalf of the honorable the Speaker, and on behalf of the Ministry. He knew perfectly well they would come there, and never make a House, during the whole of next week, or, if they did, they would do no business; and he thought it would be very much better to part that evening, to meet again, perhaps, a week hence. He had only moved the adjournment of the House to see the opinion of hon. members with respect to the publication of "Hansard," or, rather, of a new "Hansard."

Mr. MILES said he quite agreed with the remarks of the member for Stanley with reference to the reports which appeared in the *Courier*. He thought it would be much better not to report at all if they could not be reported correctly. He was not complaining of the speeches being condensed, because he knew it would be utterly impossible for a paper, situated as the *Courier* was, to report speeches *in extenso*; but he did object, and object very strongly, to the *Courier* putting words into his mouth that he never uttered. He was represented as having said, last night, that—

"He trusted the Government would adhere to their promise, to throw the land open as homestead areas."

Now, what he said was—that if they were going to confine the land to homestead areas it would be perfectly useless, so far as the residents in the neighborhood of Dalby were concerned, and for this reason; that they had had a large extent of land taken up on the Agricultural Reserve on Cunkillenbar, and the whole of the farmers had to abandon it, and dispose of their selections, because they were ruined. He believed that if they had had larger areas, and could have combined grazing with farming, they would all have been successful; and he strongly objected to words being put into his mouth that he never uttered. He observed, also, in another newspaper, the *Border Post*, which he supposed copied from the *Courier*, that he was represented on a former occasion as speaking strongly with regard to the railway to the Gulf of Carpentaria. He was under the impression that he never mentioned it at all, and the object of that report was to convey the impression to his constituents that he would rather support the railway to the Gulf than the extension from Warwick to Stanthorpe. He thought such statements were highly improper. He was quite willing to abide by any statement he made; but he was not willing to be responsible for statements he never made. With reference to "Hansard," the honorable member for Stanley had not been long enough in the House to know that they had dismissed this matter time after time. There was one occasion when "proofs" were issued to each member, so that he could look over his speech and correct it, but the thing was carried to such an extent that speeches were almost entirely re-written. He went to the printing office, on one occasion, and saw a speech as printed, and the corrections, and it was entirely re-written; and as that was a sort of thing that could not and should not be permitted, the system was stopped. He thought the only satisfactory way of dealing with the matter would be to carry out the resolution passed by that House last session; and that was to issue "Hansard" every morning. At the same time he thought the officers of that House ought to have some little consideration; any one who had ever gone into that gallery would find that it was very difficult to report the speeches as delivered; and if any little inaccuracy did occur he was positively sure it was not intentional. He had not the slightest hesitation in saying that he had often, perhaps, been assisted by the reporters in putting anything he said ship-shape. At all events he was positively sure they never endeavored to misreport; and he could see no reason why the proposition to bring out "Hansard" daily should not be carried out. As far as he could recollect, it would not cost more to the country; and if it came out every morning corrections could be made, which it was impossible to make at present. He thought the Government would be perfectly justified in carrying out the resolution arrived at last session.

Mr. BUZACOTT said, as he had something to do with the "Hansard" Committee appointed last year, having brought up the report recommending what he conceived to be a practical arrangement, he might be expected to say a word or two on the subject. Honorable members would recollect that when the report of that committee was adopted, a motion was brought forward forwarding it to the Upper House for their concurrence. Now, he understood, it was intended that the daily "Hansard" should not interfere with the form in which the reports of the debates in both Houses were at present preserved. It was intended to bring out the reports each morning, and afterwards to prepare them in the same form as they were prepared at the present time, which could be done at very small expense; so that when the committee was appointed to inquire into and report upon the subject, there was no intention to interfere with the privileges of the Upper House in any way, or with the system by which the speeches of that House were preserved, and he did not think it was necessary to forward the report for the concurrence of the other House. It was simply to give that House an opportunity of participating in the thing which the Assembly considered desirable for themselves. He had been asked by several honorable members, since he came down from Rockhampton, to bring the matter forward; but he declined to do so, because, having taken a prominent position in the matter last year, he was afraid that, if he brought it forward again, it might be thought he had some personal interest in it. As far as he was individually concerned, he did not care whether he was reported or not, but this was because he had opportunities of setting himself right with his constituents, which, perhaps, no other honorable member had. He thought it was extremely unfair to honorable members to be reported as they were by the *Courier*; but there were some honorable members, who, if a person listened to them for an hour, he could not make out what they intended to say, and to give a condensed report of their speeches in half-a-dozen lines was impossible. He knew from his own experience, that it was very hard to condense a speech, so as to make it assume an intelligible form, and he thought, all things considered, the reporters of the House did their work remarkably well. He did not think any honorable member had reason to complain of the reports, considering the position they occupied in the House. It had been said that the daily report should be commenced at once, but he did not see how this could be done. There must be some increase to the staff; they could not do it with the present staff; and he did not think it would be very easy to increase the staff for the work of this session. They would have to get reporters from New South Wales or Victoria, and that would take some time, at any rate. He thought it was very important indeed that

the speeches delivered in that House should be presented to the country in a way that honorable members should not be misrepresented as they were at the present time. He took it that unless the House took care to have authentic reports circulated throughout the country, they were leaving themselves almost entirely in the hands of editors—"able editors," as they were called—and this was very undesirable. He thought the editors of Queensland had a desire to deal fairly with both sides, and with all honorable members, but every man had his prejudices, and it was impossible to write with perfect impartiality; and if they did not take care that the people of Queensland had the utterances of honorable members presented to them in some other form than they were presented by editors of public newspapers, he was afraid they would have no impartial reports presented to the public. He should be very pleased to see this system of daily publication introduced. It would involve some increased cost at the outset, but he did not think that would be very material, because in a short time there would be such an income derived from the sale of "Hansard" that in reality there would be very little, if any, increase in the expenditure. If this proposal were carried out they would have "Hansard" presented to them every morning, with speeches fairly reported, and authentic information of their proceedings would be placed in the hands of the public each day. At present the people outside did not get a fair idea of their proceedings at all; they had only placed before them a patched-up report of a speech in which they were more particularly interested. He did not think that was the way in which the people of the colony would be educated, and if they wished them to have political education they must supply them with authentic reports of the proceedings of that House, as proposed in the Select Committee report last year.

THE SECRETARY FOR PUBLIC LANDS said he was a member of the committee appointed to inquire into this matter last year, and they went into it at some considerable length; and to his mind the recommendation of that committee solved what had been always considered and felt as a great difficulty, in this way:—They went to enormous expense in reporting and printing "Hansard," which was of very little use in the state in which it came out now—a week afterwards—and he had always held strongly to the opinion, that either the expense ought to be stopped, or it ought to be utilised; and, he might say, that that was the unanimous expression of opinion on the part of the committee. A considerable amount of evidence was taken; and it was considered by the committee that it would be very little extra cost to increase the staff and bring out a broad-sheet each morning; and in a short time, if not at once, the receipts from sales would go a large way to cover the expense, so that probably instead of an

increase in the expenditure the cost would be less, and the reports would appear in a more efficient and useful form than at present. The committee recommended this, but it was not carried in the Council, and consequently nothing could be done in the matter. He held stongly to the same views that he entertained in committee; and he would suggest to the honorable member who was chairman of that committee, that he ought again, at an early date, to bring forward a resolution inviting the House to carry into effect the recommendation then made, and sending that recommendation to the other Chamber for their concurrence also. He believed if he did so, they would come to a satisfactory decision on the question.

Mr. PALMER thought that after the resolution came to by that House last session, on the subject of "Hansard," the Government would have been quite justified in carrying out the recommendation then made. He considered that referring it to the other House was not at all necessary, nor was it intended to get their consent to the Assembly publishing its journals of proceedings in any shape they thought fit to adopt. It was referred to them as a mere matter of courtesy, that they might join in it if they liked; and, for himself, he might say, he fully expected, after the resolution passed last session, that when they met again they would have found the recommendation adopted by the House carried into effect. It was not too late to do it now; they might not be able to do it quite as well as if arrangements had been made in time, but still it was possible to do so, and he believed there was no other course open but to accept the recommendation of the committee, or do away with "Hansard" altogether. He quite agreed that "Hansard" in its present form was utterly useless—valueless to a degree. It was throwing away money for no earthly purpose, and the sooner the resolution was agreed to the better. If another resolution were necessary, it could be brought forward and agreed to at any time. In making these remarks he guarded himself against saying anything in reference to the *Courier*. He thought it was impossible for daily papers, in the hands of private proprietors, to publish full reports of speeches made in that House, and he thought honorable members ought to be sincerely thankful that they did not do so. It would be something frightful and heartbreaking to be condemned to read all that was said in that House. He thought no one would think of imputing personal motives to the honorable member for Rockhampton, and he had no doubt that if he brought forward a resolution on the subject it would be agreed to by a large majority, if not unanimously. He considered they had a perfect right to do what they pleased with their own proceedings.

The COLONIAL SECRETARY said there would be no difficulty so far as the Government were concerned. They were perfectly pre-

pared to have given effect to the resolution passed last session, but, unfortunately, that resolution was a joint one, and the other House not consenting to it, the Government were therefore stultified in the matter. During the recess, the President of the Council, who was anxious to see the recommendation carried out, the Speaker, and himself met to consult as to what should be done at the commencement of the session, and they were at last obliged to come to the conclusion that, in consequence of the form of the resolution, it would not be advisable to take any steps in the matter until the honorable member for Rockhampton, or some other honorable member, brought forward a formal resolution to carry it out. As the honorable member for Port Curtis had said, it could be carried out now; and if a resolution were brought forward and passed, he had no doubt the Honorable the Speaker would endeavor to carry out the wish of the House.

Mr. BUZACOTT was understood to say he was quite willing to act on the suggestion that had been made.

Mr. PETTIGREW said, that having obtained the information he had in view, in moving the adjournment, he would now, with the consent of the House, withdraw the motion.

Motion, by leave, withdrawn accordingly.

RETURN.

Mr. IVORY moved, pursuant to notice—

That there be laid upon the table of this House a Return specifying names and leases of all runs in the settled districts; original area and area of resumed portions of said runs, area alienated, conditionally selected, or reserved, and area still available for selection within the said portions; also, area of leased half and the area selected or reserved, and area still available for resumption within said portions of said runs.

Question put and passed.

The SECRETARY FOR PUBLIC LANDS said he had a conversation with the honorable member on Friday last, respecting this return, and he then told him that he would be able to give some of the information at once, or within two or three days. He promised that it would be ready this week; but the motion had been altered and several additions made, and the consequence was that a considerable portion of the information asked for would take some time, perhaps a couple of months, to have prepared. In accordance, however, with his promise, he had the information asked for in the latter part of the resolution. He had not had time to alter it, and put it in the form of the words of the motion; but it was so exactly what was asked for that he would place it on the table of the House. He moved

That the paper be printed.

Question put and passed.

PUBLIC SERVANTS MUTUAL GUARANTEE BILL.

The COLONIAL TREASURER said he did not think it would be necessary for him to make any lengthened remarks in moving the second reading of the Bill, because the object of it was sufficiently apparent. It was intended to remedy an evil which had existed for some time—that was the system of the guarantee of the public servants of Queensland, by means of private companies. He might explain to the House, that under the Audit Act every public accountant was required to find security in the shape of a fidelity bond, and the system of guarantee in the public service by means of private companies in town, on individual guarantee, worked very unsatisfactorily in this way:—Supposing, for instance, a clerk of petty sessions was appointed, he was required to find a guarantee. He applied to one of the offices and they wrote back requiring references, and possibly two or three months would elapse before the policy could be secured. In the mean time the officer was proceeding with the discharge of his duties, and before he had given his fidelity bond he might have appropriated or embezzled considerable sums of money. Another objection was this:—Supposing an officer was guaranteed as a clerk of petty sessions, for the sum of—say, £200 or £300, the Government might also make him land agent, as was frequently done in the country districts, but this bond, for the faithful discharge of his duties as clerk of petty sessions, did not apply to him as land agent, or to any other office not expressly included in the policy. Again, it frequently happened that the Government had to remove public servants from one department to another, and the same objection applied to all changes. When the Government found it necessary to send a clerk from the head office to the country while the officer in charge was, perhaps, absent on sick leave, it would be very oppressive if they compelled the person to find security simply for a few weeks. The Bill proposed that the public servants themselves should establish a system of mutual guarantee, and it was proposed that they should pay a sum not exceeding half per cent. on the amount of their annual salaries, which was to go to form a fund to be styled “the Mutual Guarantee Fund,” and this fund was to be contributed to until the amount of £5,000 had been reached, when contributions were to cease. There was another clause to the effect that if at any time the fund should fall below a minimum limit of £3,000, the Governor in Council might require payments to be resumed until it again reached £5,000. This would work much more satisfactorily for the interest of the Government, because the contribution of £1, or whatever it might be, yearly or half-yearly, as the case might be, would commence with the appointment, and the guarantee would at once begin to take effect. He thought there were many incidental advan-

tages in connection with the system which would suggest themselves to honorable members. There was at present very great difficulty in deciding who were public accountants, because there were many civil servants, who did not handle money, who were placed in positions of very great trust, and it was quite necessary that there should be a guarantee of their fidelity. Lockers, and other Custom House officers, for instance, having to certify to facts, were placed in positions of great trust, and it was highly desirable that the Government should have some means of recovering, in the event of any frauds being committed through their instrumentality. There was another difficulty in the present system. Of course the Government could say, when an appointment was made, that the officer should take out a policy; but he knew there were many instances where policies were allowed to lapse, and it was no one's business to be always looking after little members of the public service, and seeing that they kept up their payments. Then, of course, the excuse would be that it was an oversight, and the Government could take no action on what might have been a mere accident; and yet, if any defalcations occurred, the revenue would have to suffer. The plan now proposed was recognised in several of the banks. They had a fund to which all who were employed were bound to contribute, although in a very much larger rate than proposed in the present Bill. This fund would be augmented from time to time by appointments and promotions, and he believed that when it reached £5,000 the contributions of the older members of the service should be expected to cease. It would be observed that the 9th clause provided for certain exemptions:—

“Nothing in this Act contained shall apply to the Governor's establishment or to any responsible Minister or to any Judge of the Supreme Court or District Courts or to any member of either House of Parliament or to the Auditor-General or to any retired member of the public service or to medical officers receiving salaries not exceeding one hundred pounds per annum or to ordinary constables or to mechanics guards porters watchmen boatmen chainmen and laborers or to such other person or persons as the Governor in Council may from time to time exempt.”

He had heard it objected that it was a hardship on members of the civil service, who had no direct pecuniary responsibility, to have to contribute to this fund, but there were very few of these. Almost every member of the civil service, except those exempted in clause nine, had duties to perform, which, if not performed, might involve the Government in considerable loss. The minimum contribution was £1, and he thought that no member of the public service would have any reason to complain about an amount of that kind. At the present time, the Government could fix what amount they thought fit, and he believed the proposed system would be found to work much more

satisfactorily, both in the interests of the Government and in the interests of the members of the service.

Mr. PALMER said it struck him that this Bill was an attempt at over legislation. He could not himself see the necessity for it. He thought, also, that it was exceedingly hard and exceedingly unfair to call upon members of the public service in this colony, to guarantee the honesty of every person in that service. They had no voice in the appointment of the members of that service—none whatever—the Government of the day put any person they pleased into the service, and he thought it was exceedingly hard, unfair, and un-English, to call upon the members of that service to be responsible for the fidelity and honesty of parties so appointed. He could quite understand that it was very fair to call upon an officer to provide a guarantee for his own fidelity, and to call upon him to pay for it; but why he should be called upon to guarantee the fidelity of every man in the service, he was quite at a loss to understand. Another reason why he thought the present system was much better, was this:—That all officers in the public service, through whose hands money passed, were compelled to find security, and he believed the fact of their being obliged to find security through a society, independent of the Government, was some species of guarantee in itself that utterly unfit and incompetent men were not appointed. Because before the society would give a guarantee for the fidelity of an officer, they would take good care to inquire into his private character and the prospect of having to pay for him or not. He thought they would take a great deal more care in this respect than any Government in any colony could be expected to take, and for that reason he thought the present system was a great deal better than was proposed by this Bill. He thought, as he said before, it was extremely hard that a member of the public service who had no responsibility, through whose hands no money ever passed, who could not by any possibility defraud the Government, should be compelled, out of a limited salary, to pay a sum yearly to insure the honesty of other members of the service. The honorable the Colonial Treasurer said the minimum would be one pound, but he did not say what would be the maximum.

The COLONIAL TREASURER: Half per cent

Mr. PALMER: It was a heavy tax to guarantee the fidelity of persons with whose appointment the parties themselves had nothing to do. And, on looking down the Bill at the end of clause nine, he saw another attempt at centralising the whole authority in the hands of the Government:—

"or to such other person or persons as the Governor in Council may from time to time exempt." There was an attempt to throw the whole power into the hands of the Ministry of the day, and he should always object to that. He thought it would be far better to with-

draw the Bill. He did not believe the sympathies of the House were with it; and for his own part, although he had not looked at it until it was put into his hands in the House, he certainly thought it an attempt at over-legislation, and he should oppose the second reading.

Mr. PETTIGREW said he did not agree with the remarks of the honorable member who had just sat down. He thought it was really a good Bill—that it was legislation in the right direction, and not over-legislation at all. The minimum would be £1, and the maximum half per cent.; and he would undertake to say that no officer at the present time in the civil service had got a guarantee for his fidelity at anything like half per cent. There was another point which the honorable member seemed to make a good deal out of—and that was, that an outside institution would take greater care in finding out the honesty and respectability of the parties than the Government; but he did not think that was usually the case. The parties generally made it a personal favor for some one to fill up the paper; the party who did so knew nothing whatever about them, but, not wishing to offend or quarrel with them, he filled it up to the best of his knowledge and belief, and it was passed on. He had not the slightest doubt that was the way these matters were managed. He believed the sliding scale proposed would enable members of the service to pay without any difficulty, and for many years they would be required to pay nothing. He did not believe they would have to pay every year, or anything like every year. He saw there were a great many exemptions in the ninth clause, with some of which he could scarcely agree. For example, he did not see why medical officers should be exempt, when they were receiving salaries; and then, with regard to ordinary constables and watchmen, if they did not receive money, they very often received property into their hands which was of very great value. He thought the exemptions were, perhaps, a little too liberal, but that, on the whole, it was a Bill in the right direction, and would save money to the civil servants, instead of the opposite. He should support it.

Mr. McILWRAITH said he quite concurred in the remarks of the honorable member for Port Curtis, that this was a step in the way of over-legislation. But, going a little further, he said the Bill displayed the peculiar qualities of the Honorable the Colonial Treasurer, in his zeal for his own department. It was a Bill purely and simply to benefit the department of the Treasury, at the cost of the whole of the civil service. If the honorable member had come down prepared with information as to those who were bound to give fidelity bonds, the House would have some definite information to go upon; but, so far as his recollection went, the great bulk of those who had to give these bonds were in the Treasury.

The COLONIAL TREASURER: No, no!

Mr. McILWRAITH: Well, the great bulk of them, in proportion to the service, were in that department. He knew there were a great many in the railway and other departments, but they were confined to those who had some money responsibilities. But he had an additional objection—which was, that the Government should not attempt in this way to destroy business started by private enterprise throughout the colony. It had been the custom of the Governments of the colonies to require security for the fidelity of the public servants, and business had been started by different parties especially to take up these Government fidelity bonds, on the understanding that they would not be interfered with by legislation; and now the Government proposed to step in and make arrangements which would take this business from them, which they had no reasonable cause to suppose would be taken away. He agreed with the honorable member for Port Curtis, and maintained it was perfectly unfair now to come in and make the members of the civil service, who had never been called upon to give fidelity bonds before, pay for those from whom they were required. It was clearly benefiting one at the expense of another; and for this reason he should vote against the Bill. With respect to the exemptions, he could see very little reason for them. They exempted the Governor, but he did not know that he was a civil servant and should therefore be exempted. Then there were Ministers and judges: he did not see why they should be exempted except as a personal compliment to the judges. He supposed it was on the principle that a man should be above suspicion whether he was or not. He could not see why the Auditor-General should be exempted, unless there was some legal reason. He contended it was most dangerous to leave the power of exemptions entirely in the hands of the Ministry in the future. That was the most dangerous part of the Bill. It was exactly the same as the land legislation of the Government, and their railway legislation. They wanted to have the power to make railways wherever they liked, to give deeds to whom they pleased, and to resume land where they liked, quite independent of the House—in fact, they wanted to be Parliament, Executive, and everything—and this Bill was an exemplification of it.

Mr. DICKSON said he was inclined to think that, in its present shape, the measure partook very much of the same character as the honorable member for Port Curtis had described. He had anticipated that the honorable gentleman who introduced the Bill would have advanced some argument why the respective limits of the guarantee fund should be fixed at £5,000 as the maximum, and £3,000 as the minimum; and, also, that he would have shown what the annual contribution of half per cent. on the salaries of

the officers contributing to the fund would amount to. He should not look at the question as interfering with the joint-stock companies, as a preceding speaker had done; that would be travelling outside the proposition before the House; but he should consider it in its bearing upon the public servants. The Bill would make that class of the community insurers against risks in their official departments. That might be a very desirable thing; but he should like to see a corresponding benefit that the civil servants would receive. He could only see in the Bill that they were called upon to contribute a certain sum per annum until a certain fund was formed, £5,000. Then their contributions were to cease, until some defalcation arose, or until the fund was reduced to £3,000; when their contributions must be resumed until the fund was raised again to £5,000. He hardly saw the force of a fund being established in that manner, nor any advantage accruing to the civil service. If, after the sum had reached a fixed maximum amount, the officers who had been contributing to the fund a certain time should be relieved from further payments, he could understand the measure; because, in that way, he thought it might be regarded as affording a very cheap and efficient system of procuring fidelity guarantees from those officers who had to give them, and on that ground he should support it. But on what principle faithful officers should have to make up a deficiency in the fund when it should have been decreased by the defalcation of other officers over whom they had no control—by persons introduced into the service of whom they knew nothing—he failed to understand. The introducer of the Bill was bound to demonstrate clearly that, in the first place, its advantages would re-act upon the public servants. Those who had served long under the Crown should, after a time, be relieved from further contributions; and the fund should be kept up by the contributions of the fresh employees. In that way, he should regard the Bill as a more equitable measure than it now appeared to him.

Mr. PALMER said, in answer to the honorable member for Stanley, that the Queensland Insurance Company charged one-half per cent. on all guarantees.

The SECRETARY FOR PUBLIC LANDS said he thought if the honorable member for Enoggera had read the Bill he would have found that the officers at present in the civil service would have to pay contributions until the fund reached £5,000. After that, the payments would cease, except in the case of officers appointed subsequent to the passing of the Act, who would have to go on paying for the same period as the original contributors.

Mr. DICKSON: If the fund is down to £3,000?

The SECRETARY FOR PUBLIC LANDS: When the fund fell below the minimum limit, then

all must contribute again, until it reached the maximum of £5,000. Some curious and very opposite objections were urged against the Bill. The honorable member for Maranoa had broken out into objections which showed considerable ignorance on his part of constitutional government. He seemed to think that the duties of the Assembly were executive. If that was the case, what was the object of having a Ministry at all? He seemed wholly to have overlooked the fact that the Government was in the Executive Council. The House had no desire to take upon themselves the duties of the Executive Council; for no large body of men could discharge those duties. The Bill made no difference whatever in the power of the Government. The Government could now call upon any member of the civil service to provide a guarantee. The power was wholly in their hands; so that the Bill made no difference in that respect. It had been stated that it was hardly fair to call upon every member of the service to guarantee the honesty of the whole body; that it was enough for a man to guarantee his own honesty, without being required to answer for that of other persons. No one believed that more than he. But it must be remembered that the insurers in a company not only guaranteed their own fidelity, but paid the losses sustained by the company, and the interest and profits on the capital of the shareholders. The Bill would enable the public servants to effect a saving of their premiums. The rule had been for the companies to charge three quarters per cent.; the rate was lately reduced to half per cent. A person with a salary of £400 a-year having to provide a guarantee of twice the amount of his salary, must, at the rate of half per cent., pay £4 a year. Under the Bill, he would contribute to the fund the same rate on the amount of his salary. There was an absolute saving. The Colonial Treasurer had pointed out that the Bill would afford a sure way of the Government securing the guarantee of all their officers. Losses occurred because it was often difficult to know how an officer was guaranteed, or if his guarantee was kept up. Honorable members would remember that a land agent at Too-woomba was absent. A clerk was sent up. It so happened that that clerk had not a guarantee—it was overlooked;—and yet he was put in charge of the office. The proper plan was to have a guarantee extending over all public officers. The sum that each would have to pay was only one-half of what they paid now, with the additional advantage that when the guarantee fund rose to the maximum limit of £5,000, their contributions ceased. The fund would be about £1,800, less than £2,000, by the first year's contributions; which would be more than any sum the Government ever recovered from an insurance company. Certainly, between twelve and eighteen months' contributions would

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pay the Government more than all they had ever received since Separation. The statements he (the Secretary for Lands) had made must prove conclusively that the Bill would prove advantageous to the civil servants: instead of a man paying £4 a year to a guarantee company as long as he remained in the service, he would have to pay £2 a year for a time, and then the payment would cease unless the fund should be reduced to the minimum limit. The advantages to the Government of having every servant secured should not be overlooked. It was worthy of note that of all the servants appointed by the Government to any office, not one had ever been refused by a guarantee company. If companies would take the risks, he thought the civil servants might as well do it themselves. Forming an insurance company themselves, they would have a direct interest and be of great assistance in keeping matters right. There would be the advantage in such a system of reducing the chance of loss by the civil service.

Mr. MILES considered the Bill quite uncalled for. There were plenty of other measures that the Treasurer might have taken up, and many of them urgent. If he remembered right, some time ago, an officer connected with the Savings Bank committed some defalcations, and the insurance office was called upon to pay up on his guarantee bond. That officer was, he believed, dismissed the service, and, if he (Mr. Miles) was not mistaken, the honorable gentleman who spoke last re-employed him, and that officer was now in the public service. He should like to know, supposing the Bill passed, if, when an officer committed a defalcation, and the other public servants had to pay for it out of the fund, and that officer was re-appointed, would the fund be liable a second time for his defalcation? The Minister for Lands ought to be the last to support such a Bill. He (Mr. Miles) should oppose it. The endeavor of the Government, their guiding rule in all things now, was to get power into their hands. In the present instance, they were wasting their time. He should like some Minister to get up and explain the case which he had mentioned.

Mr. PALMER: Unsworth's.

Mr. MILES: That man was a defaulter; the insurance office was called upon to pay under his guarantee; he was dismissed the service; and what followed. The honorable gentleman at the head of the Lands Department re-employed him, and that man was even now in the public service.

HONORABLE MEMBERS on the Treasury Bench: No, no.

Mr. MILES: The Bill was not, in the face of such a result, worthy of being discussed; it was only fit to be thrown into the waste paper basket; and he should not take up the time of the House in saying any more about it.

Mr. FRYAR said that, like the honorable member for Port Curtis, he had not looked

at the Bill before he came to the House this afternoon; and objectionable as it at first appeared to his mind, the speech of the Minister for Lands made it appear more so. It appeared that half the burden borne by the civil service was to be thrown upon the shoulders of that good old donkey, the public. The rates were to be reduced, and the public had to take the risk. The honorable gentleman who introduced the Bill should have given some good and sufficient reason for the change. There were two or three objectionable principles in the Bill, which were enough to justify the House in not entertaining it. First—the civil servants were to be mutually responsible for their fidelity; and they had no voice in the appointment to the service of persons whom they might not desire to guarantee. The second objection was, that officers with a salary under £100 a year would have to pay one per cent., while others with larger salaries would have to pay only half per cent., holding responsible offices and much more likely to need a guarantee. The third objection was, that the persons most directly responsible, or who ought to be held responsible, were the Ministers of the Crown, and they were exempt from the operation of the Bill. Three such objections in such a short Bill, to say nothing of the powers of exemption reserved by Government, were quite sufficient to damn the Bill, without reference to what had been said by other honorable members. The best thing to do was to send the Bill back to the place whence it came.

Mr. STEWART disagreed with the remarks that fell from the honorable member for East Moreton, and said he thought the Bill was a very fair one, and that it would prove a relief to the civil service. It had been explained to the House that the Bill would be a convenience to the public, inasmuch as the guarantee would always be enforced. When officers were shifted from one department to another, the Government had not always been able to see that the payments were made upon their bonds, as the House had heard in the case at Toowoomba, and the guarantee lapsed. There might be many other cases in the same position. The Bill would afford a cheap mode of assuring guarantees for public officers at half what they paid now; and it would be advantageous to them and to the Government. On that ground, it should have his support. There were, however, some objectionable points in the Bill, which he should endeavor to direct attention to in committee. From the remarks of the honorable member for East Moreton, it seemed that the Bill was misunderstood by him. The public would have to bear no part of the burden of contributing in any way to the fund for making good the guarantees of the civil servants. Contributions were to be made by the civil servants until the fund reached the fixed maximum limit of £5,000, and then stop; if, from any cause, the fund should fall

below the minimum limit of £3,000, the contributions were to be renewed until the maximum was reached again. As far as the House understood, there was not likely to be any difference in the appointment of offices in the future from the system in force now. They had heard that no insurance office had refused to guarantee any public servant applying to it. No Government would, he thought, appoint unsuitable persons to the service. In that respect, no objection could be urged against the Bill. To the principle of the Bill, perhaps the only objection that could be urged was, that some persons in the public service, who were now not bound to find security, would have to contribute to the mutual guarantee fund. He might mention that so many public officers were now, in some way or other, connected with the Audit Office, or in some position of trust, that a means of covering all by guarantee was very desirable. There were very few indeed, except the class exempted by the Bill, who were not so situated; and a *laches* on the part of anyone, even from certifying a false statement through carelessness, was so easy. If he went through the service he would find very few public servants who were without responsibility. Take the lockers in the Customs. He did not know whether they furnished security or not, but if not they ought to do so: even those men who were paid by the day ought to be guaranteed, as dutiable goods might be landed so as to lead to a loss of revenue to the country. He took objection to that part of the Bill which provided that no contribution to the fund should be less than one pound. If junior officers were employed at a less salary than £100 a-year, he could not see why they should pay double the percentage of those officers who had large salaries. That ought to be amended in a way to exempt all officers who received under £100 a-year.

Mr. J. SCOTT said the Bill had been shown to be a very faulty one, indeed; but one or two effects that it would have, if passed, had not been sufficiently pressed upon the attention of the House. The civil servants who were not now called upon to find a guarantee for themselves would, under the Bill, be called upon to guarantee those who might commit defalcations. They, with no temptation, no opportunity, must be responsible for the fidelity of those who might have both, and perhaps the inclination to take advantage of their position to do what the others could not do at all. So far from the Bill affording encouragement to the members of the service to show any fault that had been committed, it would be, under the circumstances, to their direct interest to screen any one who had committed a defalcation; because, upon this becoming known, they would have to pay more to the fund to make up any deficiency. At present, comparatively speaking, they had no interest in hiding any such irregularity. It was

altogether unjust that men who could not commit defalcations should be forced to pay for those who could—that the honest man should be made answerable for the rogue in the public service. No doubt, those members who had to pay for their guarantees would like to relieve themselves from half of their burden, in the shape of premiums which they had now to pay; but he could not see why those who had not to provide a guarantee should be called upon to bear part of those burdens. That was the point which had not been taken notice of by the Government; yet on that turned the principle of the Bill.

THE SECRETARY FOR PUBLIC WORKS said, when the Colonial Treasurer moved the second reading of the Bill, the honorable gentleman explained very fully the reasons why it was advantageous to the Government that the Bill should be introduced. When he said that, he meant that it had been found by experience that the guarantees with the societies were very unworkable. A man was clerk of petty sessions, then he got an appointment as district registrar, then another as land agent, with half-a-dozen other offices, none of them sufficiently valuable for a separate guarantee, but, altogether, involving a good deal of responsibility. If a defalcation was committed by such an officer, the difficult question arose, whether he had been guilty of misconduct as clerk of petty sessions, or whether he had received money not accounted for in any other of his several capacities, as registrar, or land agent, or something else. The Bill would give the Government security over the whole of his transactions. The objections of the honorable member for Enoggera had been fairly answered by the Minister for Lands. The whole principle of insurance was based upon the combination of persons contributing funds to pay for losses occurring to some amongst the contributors. A man who was paid for a loss from fire, say, was paid by those who were lucky enough to escape losses. In the same way, those who did not commit defalcations had to pay for those who did commit them. And, in addition to paying for losses, the insurers had to pay the profits of the shareholders in the company. And this was well known, that the companies did not exercise sufficient vigilance or care in granting insurances; they struck an average of loss, fixed by calculation, and they then charged rates which would afford them a return to recoup their losses and leave a margin of profit. By adopting the Bill, the payments of those civil servants who now provided guarantees would be at once reduced one-half; not only that, but at the end of a few years, when a fund of the maximum limit had accumulated, payments would cease, unless the fund should come down to the minimum limit fixed. Honorable members must be aware that, since the passing of the new Audit Act, the number of civil ser-

vants who had to give security was very much increased. All clerks of petty sessions, all wardens of gold fields, mining registrars, country postmasters, officers of the Savings' Bank, telegraph station masters, besides land agents and several Custom House officers, and others that he would not particularise, had to do so. It would be found that very few officers in the service were exempt. That being the case, the Bill would prove a great boon to the civil service. It would give the Government this security—that, in the event of a defalcation occurring, no question would arise about the guarantee; the Government would enforce it and pay themselves out of the fund. The guarantees would be kept up. The Government would not, as at present, have to look sharply after officers to see that the premiums were paid, as they would be kept up without difficulty under the Bill. There was great trouble in keeping up guarantee payments, particularly on the part of officers at a distance from the seat of Government, in the northern part of the colony. Great objection had been made to the latter part of the ninth clause, which gave the Governor in Council power to exempt certain persons from time to time. He considered that those objections were puerile; because he did not think that any one, even the most rabid politician, would believe that a Minister would recommend the Governor in Council to exempt any officer who ought not to be exempt from payment of half per cent. The object of the clause was, that persons might be appointed whose designations were not enumerated in the list contained in the clause. Persons might be employed in various capacities as laborers, and receive public money, as, for instance, on the railways, and there might be some name given to them which was not in the clause. To enumerate all the names of the various classes of laborers that might be employed, a clause would have to be drafted nearly as long as the Bill. It would be like drawing up a definition of murder in which every instrument by which murder could by any possibility be committed should be enumerated. No Minister was likely to seek to exempt any one who should not be exempted.

MR. McILWRAITH: It was sure to be done.

THE SECRETARY FOR PUBLIC WORKS: He did not believe any Minister would have the cheek to go up to Government House and ask the Governor to exempt any one improperly; and none could hold a position in the colony after doing such a job as that. It had been said that every man had his price, but would anybody do that?

MR. McILWRAITH: The honorable member was entirely wrong. He (Mr. McIlwraith) had said it was sure to be done. If the honorable member liked to fit the cap upon himself, there could not be the slightest objection.

MR. IVORY congratulated the Government upon introducing a measure of such vital

importance as the present Bill was to the country, at a time when such paltry matters were asked for as a Land Bill? The Mutual Guarantee Bill ought to be kicked out of the House. There was no call whatever for it. The Government did not, as had been shown, want to give any information to honorable members. Two or three questions had been carried through with a high hand, and he was not surprised at their bringing forward such a measure as the one now before the House. There was no mutuality, certainly no advantage to a large number amongst the civil servants, under the Bill. In the case of fire insurance, there was some liability to be injured even on the part of those who escaped loss; whereas, there was a large number of the civil servants who could not, by any possibility, in their positions, commit defalcations; and yet they were called upon to pay for any defalcations committed by those who had such opportunities. The Bill would be no advantage to those who ran no risk. The Bill was unnecessary. It was a piece of over-legislation, by which time was wasted and delay occasioned, and the House prevented from going into more important business for the country.

Question was put, and the House divided:—

AYES, 14.

Messrs. Edmondstone, Beattie, Morgan, Macrossan, Hodgkinson, Low, Stewart, Macalister, Stephens, Griffith, King, Hemmant, Douglas, and Fraser.

NOES, 12.

Messrs. Palmer, Morehead, J. Scott, W. Scott, Dickson, Lord, Royds, W. Graham, Miles, McIlwraith, Ivory, and Fryar.

Resolved in the affirmative.

The Bill was committed.

The House having resumed,

The COLONIAL TREASURER moved—

That the Committee have leave to sit again on Tuesday next.

Mr. PALMER said he hoped the honorable the Colonial Treasurer, after the summary way in which his motion had been disposed of by the honorable the Colonial Secretary, would get up and withdraw the Bill altogether. It had been taken out of his hands entirely by the Colonial Secretary, and how he could go on with it was more than he (Mr. Palmer) could imagine. He thought that if the honorable the Colonial Secretary had gone a little further, and said the whole Bill was of no importance, he would have been nearer the truth. That honorable member said the first clause was of no importance, but he (Mr. Palmer) thought if he had said the whole Bill was of no importance he would have made a capital hit of it. He hoped they would see no more of this Bill.

The COLONIAL SECRETARY said, what he said was that this Bill, properly understood, would meet with the approval of both sides of the House.

Question put and passed.

OATHS ACT AMENDMENT BILL.

The ATTORNEY-GENERAL said he rose to move the second reading of this Bill. It was a Bill, in one sense, of considerable importance, and in another not of much importance. It was of importance so far as regarded the administration of justice in the courts of the colony; in that way it was of great importance, but it was not of importance as being likely to cause any long discussion. In the House of Commons many Bills of this character were passed in a single session, without it being thought necessary to take much notice of them, or make any great flourish of trumpets respecting them. He would call the attention of the House only to some very great difficulties in the way of the administration of justice which had existed for many years, and which had led to the introduction of the Bill. He might inform honorable members that somewhat similar provisions were in force in an Imperial statute, but in respect to a limited class of evidence. The first portion had been the law in England since 32 Victoria, passed seven or eight years ago, and provided for the cases of persons who, from conscientious motives, objected to taking an oath. The first section was a copy of the section in the English statute, with the exception that the words "for any cause other than ignorance of the nature of an oath," which were dealt with separately in the next section. This matter had been discussed and affirmed in the House on several occasions, but had always been dropped in consequence of the idea that it would render the evidence of aborigines admissible without oath. Passing on to section two, he might inform honorable members that although it was not in exactly the same words, it was nearly a transcript of the fourteenth section of the Kidnapping Act which was in force in the colony, and applied to all trials, whether before the Court of Admiralty, or proceedings in civil courts of justice. Now, it had come to his knowledge, during his short experience as Attorney-General, and his somewhat longer experience practising at the Bar, that in many instances in this colony the greatest outrages had been perpetrated on foreigners, who were ignorant of the nature of an oath and could not therefore be sworn, and consequently the offenders escaped unpunished. In Torres Straits some of the most fearful outrages had been committed, not only on natives but also on Europeans, by persons who frequented those seas, and against which no redress could be had. The information that had reached him on these matters was perfectly horrible. He did not like to repeat it; because it might yet come before the courts; but the most fearful outrages on men and women had been committed, and the law was powerless to reach the perpetrators, because they took care that the only witnesses were persons who could not be sworn upon the Christian Bible. If the persons outraged had been Polynesians, the offenders could

have been convicted under the Imperial statute; but, as they did not fall within the letter of that statute, the law was powerless. It was, he thought, highly important for the good fame of this colony, where they had so many Polynesians and others trusting to their laws for protection, that the law should be amended in such a way as to deal with offences against them. He understood there might be some objection with regard to aboriginal natives giving evidence, but he thought it was entirely an unfounded dread. At the same time, however, if the House should think it was important that they should be excepted, there was no reason why a provision to that effect should not be added. He did not think there was any danger that an intelligent jury would convict a man on unsworn testimony, unless they had strong reason to believe it to be true.

MR. MILES: I would not like to chance it.

THE ATTORNEY-GENERAL: If the majority of the House thought proper, there could be no difficulty in adding a proviso to the second clause, excepting these people. He had a proviso in manuscript, more than three years ago, when a very similar Bill to this was before the House. The next related to interpreters, and he might inform the House that it was within his own experience that men had been brought to trial in the Supreme Court, and, in consequence of the complicated oath required by the present law, it was impossible for the interpreter to be sworn. He had seen a man arraigned for murder, and, because the interpreter could not swear that he could fully and accurately interpret "feloniously," the prisoner was acquitted. That he had seen himself; and he would like to know how many European prisoners out of a hundred knew the exact meaning of that word? Other judges might not be so particular; and he thought if the interpreter could convey a good idea of the charge and the proceedings to the prisoner, it did not matter to give the precise legal meaning. That was a difficulty in the administration of the law that ought to be remedied. Another difficulty was, that they might have a prisoner in the box and an interpreter, and, if a difficulty arose in regard to a few words and they could not find another interpreter, the whole trial must break down—there was no alternative—and the prisoner must be acquitted. The section provided for difficulties of that kind. Of course, it was not a political Bill in any sense. It was simply a Bill to remove difficulties which had been noticed by every one connected with the administration of justice under the peculiar circumstances of the colony for many years. He trusted there would be no objection to the Bill, either with or without the proviso he had mentioned.

MR. IVORY said, no doubt there was a certain amount of importance connected with this Bill, but of what importance was it relatively to what they had been told in the

Governor's Speech was the most important measure that could be brought before the country? Why should the time of the country be frittered away with secondary business like this? Why not bring forward the Land Bill instead of paltry little Bills, which were acknowledged by the Government themselves to be secondary in importance to their Land Bill? He thought it would be far more satisfactory to the House and the country, if they brought forward the measures which they acknowledged to be most important.

MR. MOREHEAD said his own impression was that the Government were endeavoring to pass this Bill by a side wind. The Bill was an important one, but it should not come on now, because, as the honorable member for the Burnett had forcibly put it, there was much more important legislation that ought to precede it. He would object to that portion of the measure that allowed the evidence of aboriginals to be taken as to facts. He was sure any person, who had any knowledge of the aboriginals in this colony, would know that after a few minutes they could be made to say anything. He agreed with the honorable member for the Burnett, that they should go on with more important legislation than that now proposed by the honorable the Attorney-General.

MR. McILWRAITH said since he had been in the House several measures had been submitted by the Government, and he knew that he had done very little else than to try and keep up with the work of the House, and to read all the information that had been given. But from the very bad system by which information was put before Parliament, it came very heavy on honorable members when the House met. He found that some important information, such as the report of the Education Commission, could not, in consequence of want of form, be placed on the table of the House, and there was other information which could have been given to honorable members if Parliamentary rules had not interfered. He did not blame the Government in any way for this; it was the fault of the system, and it would be a great advantage if information of this kind were given before the House met. With regard to the Bill, he considered it was one of considerable importance; but he must confess that, although he had done his best to keep up with the information on the table, he had not had time to read it, and consider what effect it would have, and he should like to have an opportunity of doing so. He believed it was based on the extensive experience of the Attorney-General, but they must not be satisfied with that; they were bound to consider it for themselves, especially as Bills of that character were made to be rushed through in a few minutes. He would suggest to the Government as it was a private business day, that, if they had any formal business to push through, they might do so;

but he thought a Bill of so much importance as that should not be rushed through without consideration.

Mr. MILES regretted that he would not be able to support the passing of this Bill. It proposed to do away with the necessity for oaths, and to substitute declarations, and he thought if there was one thing more than another that had led to the dummying of land, it had been the making of these declarations in lieu of oaths. He believed that if these parties had had to come forward before a magistrate and solemnly swear they were taking up the land for their own use, they would have had very little trouble about dummed lands. A declaration was considered a mere matter of form, and yet it was proposed to introduce it into an important Bill like this, and he for one, would not be a party to it. He firmly believed that had it not been for these formal declarations, the immense outcry about dummying would never have taken place; and yet they now found the honorable the Attorney-General proposing in this Bill that a witness who was to be examined, perhaps in the case of a capital offence, where it was life or death, was simply to make a declaration that his evidence was true. And more than that; the judge who tried the case had to decide what amount of credit was to be given to that evidence. He thought it was the most monstrous Bill he had ever seen. It was worse than giving power to the Government to make rules and regulations! In fact, as a rule, the Bills presented by the Government were a perfect farce. He would like to ask the honorable the Premier if he had ever read this Bill? He was positively sure he had not; but if he did, and then let it come before that House, he must have lost his senses. The second clause read:—

“If any person shall be called to give evidence in any court of justice whether in a civil or criminal proceeding and it shall appear to the presiding judge that such person is ignorant of the nature of an oath it shall be the duty of such presiding judge to declare in what manner the evidence of such person shall be taken. And the evidence of such person taken in the manner so declared as aforesaid shall be as valid as if an oath had been administered.”

Why, he was perfectly horrified that such a document as that should ever have been introduced into that House, even to consider it. They were to leave it to the presiding judge as to what value was to be put on the evidence, and to decide accordingly.

Mr. PALMER said he could not agree with the arguments of the honorable member who had just sat down. He believed the Bill would want some amendment in committee, but the principle was a good one, and he should support the second reading. But he trusted, in doing so, that if the second reading were carried, there would be no attempt to press it any further to-night; with that understanding he would be glad to support it. So far from agreeing with the

the honorable member for Carnarvon, that declarations had made any difference with regard to dummying of land, or any other matter, he could not agree with him at all. He could quite believe that a man who would make a false declaration would not hesitate to take a false oath. He believed the Bill would be of great use in the cases the honorable the Attorney-General had mentioned. He was afraid a great many crimes had been committed in the northern seas and on the coast of the colony, which, owing to the inability to get witnesses sworn in the usual way, could never be punished. Many things which came to his knowledge as Colonial Secretary, had convinced him that great crimes had been committed in the pearl fisheries, not only against natives of the islands on the coast, but against Europeans. He had a lively recollection of one case in which he had no more doubt that a German carpenter was murdered in a vessel on that coast, than that he was standing on the floor of that House; but there were no witnesses whose evidence could be taken, and the perpetrators escaped for a time. He thought the principle of the Bill was good, but he should object to the evidence of aborigines of this colony being taken. He had seen so much of them;—he could guarantee that any person knowing as much as he did of them could, in two hours, without any trouble, induce a black man or gin to swear anything, not only what they were asked to swear, but what they thought. He might allude to a statement in the papers the other day, about a gin having said the man King shot Burke. No doubt that was raised by some question being put to her about King doing something of the sort, and she said “yes”; he would not pay the slightest attention to any such statement, or to any statement made by an aboriginal. He would support the second reading of the Bill.

Mr. DOUGLAS said he was glad to hear the honorable gentleman opposite state he would support the second reading of the Bill. Like the honorable member for Maranoa, he must confess there was a vast amount of information in the papers before the House, which he thought very few honorable members had been able to master; and the consequence was, that when Bills were brought forward, honorable members were hardly able to go into them at once. He was aware that in the House of Commons, and other deliberative assemblies, it was customary, on moving the first reading of Bills, to give a brief statement of the subject by way of introducing it, and by this means attention was drawn to it. He believed that practice had been followed by the honorable member opposite when he was at the head of the Government.

Mr. PALMER: Always.

Mr. DOUGLAS: He thought it commended itself to their convenience, and it would certainly be desirable to obtain some additional information to that given in the Bill, and it

had the further advantage of attracting attention to the various measures introduced. With regard to the report of the Education Commission, referred to by the honorable member for Maranoa, it was, no doubt, a fact that it was printed and ready for distribution before Parliament met, and he thought it would be wise if Parliament expressed some opinion that such documents as that, and the Registrar-General's Report, and others, should be made available for the public at large when they passed out of the printing office. The mere form of laying them on the table of the House was unnecessary. As to the matter of the Bill, he had no doubt the honorable the Attorney-General treated it as a most important subject. The whole question of evidence was one he should not pretend to go into, but he believed lawyers would tell them that the gist of evidence was to get at the truth; and that it was better to admit the whole history of evidence before courts of law was shown by the releasing of persons from disability. At one time women were absolutely prohibited from being sworn in court and giving evidence; but it was found that the oath of an intelligent woman was quite as good as that of a man, and eventually this disability was done away with. He thought probably the statement of these islanders—who did not understand the nature of an oath, ought to be accepted for what it was worth, and that if so placed before the jury, on the advice of the judge, it would be taken for what it was worth. If he understood the honorable the Attorney-General aright, this was an assimilation of their law to the law of England, and that it embodied a clause which was law under the Kidnapping Act. He took that opportunity of saying that the whole system of the administration of oaths in courts of justice was at present very often defectively applied. He had on many occasions been present in court when oaths were administered in the most slovenly and disrespectful manner. He thought it ought to be the duty of every magistrate, for instance, to undertake to administer the oath himself with as much solemnity as possible. And even in the higher courts, where judges presided, this duty was, as he was aware, often delegated to a tip-staff, and was most perfunctorily performed. In fact he had seen it administered in a manner in which he could not conceive any process more calculated to attach indignity to it, and he should prefer oaths were not administered at all, if administered in that way. As to declarations, he thought they had gone rather in the wrong direction when they admitted declarations without requiring that some solemn affirmation should be made in public. He was confident a great deal—and in this respect he must differ from the honorable member for Port Curtis, who said he was of opinion it had not had any influence upon dummymg—of

dummymg had arisen from this cause. A man was told to go to a magistrate, and only just to sign the paper, without knowing that it contained a declaration; and he believed that in many cases if it had been brought under the notice of the parties that they were making a solemn declaration to a statement that was to be held absolutely true, they would not have done so in the presence of others. Unless they attached some solemnity to these declarations, they had better not indulge in them at all. There might be a time when it might be considered advisable to do away with oaths altogether, and simply apply the penalties of the law to any infraction of the truth, when that infraction was proved. It was quite possible they might arrive at such a state of things; but when they did make these solemn appeals to the highest source of truth, it should not be done in a careless way; and he should be glad if the honorable the Attorney-General had even extended this Bill, and done something to prevent that which was very likely to sap the administration of justice here. If honorable members who had witnessed the manner in which oaths were administered in courts of law in Scotland would contrast that with the manner in which it was administered in this colony, it would be at once apparent what the difference of effect must be to the person to whom the oath was administered. He, therefore, trusted the honorable the Attorney-General might take this seriously into consideration; and he would also take that opportunity of expressing a hope that the judges in the courts of higher jurisdiction would endeavor, by taking this duty into their own hands, to convey to witnesses coming before them, in a higher sense than at present prevailed, what the obligations were under which they were bound to speak the truth.

Mr. J. SCOTT said, in regard to the second clause of the Bill, he would like to see some provision made by which the evidence of aborigines could be heard, and perhaps the honorable the Attorney-General would see his way to making some amendment to that effect. But he did not suppose, for one moment, to attach the same value to their evidence that would be attached to it according to the second clause. He had seen a great deal of natives, and he knew their word could not be taken with regard to any circumstance, but at the same time he thought their evidence could be heard in courts of law. Perhaps the honorable the Attorney-General would be able to add something to the clause to admit evidence of that kind being heard without making it of the same weight as sworn testimony. It might be taken as collateral evidence or something of that sort. He did not think it would be right to attach the same weight to it as to the evidence of an ordinary person, because he was sure a blackfellow could be made to say anything. At the same time, in many

cases they did and would speak the truth, and he thought it a pity that their evidence should on all occasions be shut out.

Mr. MACROSSAN said he could hardly allow a Bill of such great importance to pass without saying a few words upon it. He thought there had been nothing of so much importance placed in the hands of honorable members since the session commenced as this Bill. Of course he was a layman and not able to judge of these matters as well as a lawyer; and it seemed as if they were completely at the mercy of one or two lawyers in the House, who might choose to take advantage of the ignorance of honorable members, for it appeared to him that this Bill would strike at the root of the present system of the administration of justice, and the result might possibly be very serious. It had been stated by an honorable member that a man who would make a false declaration would not scruple at taking a false oath; but he thought the honorable member who stated that, had a very wrong idea of human nature. There were numbers of men who would do the one who would not do the other. There were many men whose word would be taken as well as their oath, but that was not the case with the majority of mankind, because if it were there would be no necessity for an oath. He thought, with the honorable member for Maryborough, that the greater the dignity and sanctity, and the more important the ceremony of taking an oath, the more likely were they to obtain the truth. He had seen the oath administered in Scotch and in English courts of justice, and, with the honorable member for Maryborough, he said there was a vast difference, and he thought they ought to be very careful in allowing such a Bill to pass. It gave the privilege to a man who objected to taking an oath, though he might not be ignorant of the nature of an oath—which might mean the whole community—of making a declaration; and men who were unscrupulous with regard to taking oaths, would be most likely to take advantage of this, so as to soothe their consciences a little. He did not mean to oppose the second reading of the Bill, but still he thought the honorable member who introduced it must consider it something very serious to remove the sanctity and safeguard which attached to the oath as at present administered. If they began to tamper with justice and the taking of oaths, as they had been tampering with the land laws and declarations made in the different forms prescribed by those laws, they might perhaps end in the same way, by corrupting the community. He did not mean to say anything more on the subject further than this:—That besides aborigines, there was a numerous body of aliens coming to the country at present, who must have justice administered to them as well as aborigines, and these men would probably agree to this mode of declaration. He meant the Chinese. He did not mean

their mode of administering the oath, but they might alter it in such a way as Europeans would not be able to estimate its value. Even at the present time, he did not think there was a man of good sound sense who would take a Chinaman's oath on the same scale as a European's; and if they allowed men who were nearly as degraded as Chinamen to object to taking an oath, and allowed the judge to say his affirmation or declaration was the same as if he had taken an oath, he thought it would be a dangerous principle to introduce. The honorable the Attorney-General had said that numerous cases had come to his knowledge where criminals had escaped, but he thought it would be better if they followed the old English proverb—"Better ten guilty men escape than one innocent should suffer."

Question put and passed.

ADJOURNMENT.

The COLONIAL SECRETARY said he had intimated at an earlier part of the evening that, on moving the adjournment of the House, he should move that they should adjourn until Tuesday, at 5 o'clock; and he did so with a view of ascertaining whether the proposal would be acceptable to the House or not. If there should be any opposition, he would simply move that the adjournment be until the usual hour on Tuesday; but he was afraid that, unless this were done, they would run the risk of not being able to make a House on Tuesday. If the proposition were carried out, he had no doubt they would be able to meet at 5 o'clock, and go on with the business of the country. He therefore moved—

That the House do now adjourn until 5 o'clock on Tuesday next.

Mr. MOREHEAD thought it would have been much better if the honorable member had moved the adjournment of the House until Tuesday at the usual hour, without any suggestion as to what might or might not be. He was not prepared, nor did he think honorable members who had come long distances were prepared, to waste another week, because practically that would be the result of the proposition. The races followed the show; and, as they had much greater attraction for some honorable members, he did not believe they would be inclined to return and go on with business at 5 o'clock. He spoke more particularly in the interest of the country members, who had already had two weeks of the session practically wasted, and now stood a chance of having a third wasted, if they did not oppose this motion.

Mr. DICKSON said he believed that, in consequence of the intimation given by the honorable the Premier that he would move the adjournment of the House until Tuesday, at 5 o'clock, some honorable members had left town on that understanding. So far as he, and other honorable members residing in Brisbane, were concerned, it was a matter of

indifference whether the proposition was carried or not; but as some honorable members had gone away under the impression that the House would not meet until 5 o'clock, he thought no alteration should be made to their disadvantage.

Mr. MILES said he knew perfectly well that the honorable members referred to by the honorable member for Enoggera had made up their minds to leave before ever the subject of adjourning until 5 o'clock on Tuesday was mentioned; and, in fact, some of them had left before that time. He would be no party to any delay in proceeding with the business of the country; and he hoped the honorable the Colonial Secretary and his colleagues would be there at the usual hour on Tuesday to go on with the business of the session.

Mr. IVORY thought it was high time that these adjournments for Ipswich performances should come to an end. He thought the incubus of Ipswich influence had weighed heavily enough in former times, and that they ought to endeavor to get clear of it. He could not see why there should be an adjournment for the Ipswich show and races any more than for similar festivities in other parts of the country, and he should oppose any adjournment beyond the usual time.

Mr. EDMONDSTONE said he had always set his face against these adjournments, and he did so in order to meet the wishes of the country members, who were anxious to get on with the business of the country. It was perfectly immaterial to him personally whether the motion was carried or not, but in the interests of those honorable members he would oppose it.

The COLONIAL SECRETARY said he was perfectly in the hands of the House with regard to the matter. Personally, he had no object in moving the adjournment until 5 o'clock, and so far as the show was concerned, it was very probable he would not be there at all. The proposal was made more for the convenience of honorable members opposite than for honorable members on that side of the House, and the adjournment was only two hours later than the usual time of meeting; but if it was the wish of the House he would withdraw the motion and move the adjournment until the usual hour. He was perfectly sure that if the adjournment was until that hour the Government would make a House whether the Opposition were there or not.

Mr. McILWRAITH thought the last statement of the honorable the Colonial Secretary went to the gist of the matter. If he was really in earnest in saying that honorable members on his side of the House were prepared to meet and make a House at 5 o'clock on Tuesday, it was only reasonable to do so, and give all honorable members an opportunity of going to the show. Of that, how-

ever, he had some doubt; but if the honorable member at the head of the Government could be sure of making a House at 5 o'clock, he knew that the Opposition would be there to meet him.

Mr. BUZACOTT thought the proposal of the honorable the Colonial Secretary was a reasonable one. For his own part, he was rather anxious to see Ipswich, and he believed it had always been usual for the House to adjourn for the festivities at that place. The concession asked for was a very small one—that they should meet at 5 o'clock instead of 3, and he had no doubt that, as the honorable the Colonial Treasurer's financial statement was to be made on Tuesday afternoon, there would be a House.

Mr. W. SCOTT did not believe in an adjournment for so short a time. He thought, if the honorable the Colonial Secretary was anxious to do justice to the country members, he would adjourn for a week, or even a month, and then they could go home and attend to their business and see the show and races as well. He moved, as an amendment, that the House adjourn for a month.

The amendment, not being seconded, lapsed.

Mr. PALMER thought unless they met at the usual hour, the whole evening would be wasted. It would have been much better, if the honorable the Colonial Secretary wanted to go to the show, to say so, and move the adjournment until Wednesday. He moved—

That the House adjourn until the usual hour on Tuesday.

The COLONIAL SECRETARY expressed his disagreement with the suggestions as to the alleged effect of the show to prevent honorable members from proceeding with business on Tuesday. There would be a House at 5 o'clock if they knew that the Treasurer would deliver his financial statement. Between that hour and the adjournment for dinner, all the formal business could be disposed of, and at 7 o'clock the House could proceed with the more serious business of the day.

Question—That the words proposed to be omitted stand part of the question—put, and a division was called for; but there being no tellers for the "Noes," the question was declared to have been resolved in the affirmative.

Original question then put, and the House divided; but there being only one teller for the "Noes," the question of the adjournment of the House until Tuesday next, at 5 o'clock, was declared to have been resolved in the affirmative.

Attention was called to the state of the House, and there not being a quorum, the House was counted out.