

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 19 OCTOBER 1876**

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## LEGISLATIVE ASSEMBLY.

*Thursday, 19 October, 1876.*

Discharged Prisoners.—Resumption in the Settled Districts.—Disturbances at Trinity Bay.

## DISCHARGED PRISONERS.

Mr. BAILEY moved the adjournment of the House, for the purpose of impressing upon the Government the necessity of making inquiry into the management of the various institutions under their charge. He was informed that the prisoners who were released from the gaols, having been committed for short sentences, were, during the latter months of their incarceration, half starved, the consequence being that when they left prison they were incapacitated from performing any useful work. They were, in fact, unable to do a day's work, and the result was that they frequently relapsed into crime. It was very important, therefore, that the Government, during the coming recess, should make some inquiry into the system pursued in the gaols—whether it was so good as some supposed, or whether prisoners were treated in such a manner that the result was what he had been informed. This was a matter of great importance to the community; for he took it, the punishment of crime should prevent the commission of offences in the future, and punishment should not be conducted in such a way that when the prisoners were released from gaol they had scarcely strength left to perform manual labour, and of necessity fell into

their old habits, and found their way back to the gaols again at a great cost to the country. He hoped the Government would, during the recess, take pains to acquaint themselves with the working of these institutions.

The COLONIAL SECRETARY said the charge brought by the honorable member, for he looked upon it as nothing less than a charge, was something that ought to be substantiated. The honorable member stated that prisoners were half-starved in the gaols of the colony. He (the Colonial Secretary) had no hesitation in saying there was not a vestige of truth in the statement.

Mr. PALMER: You must have altered the régime very much indeed if there is.

The COLONIAL SECRETARY: No, it is not altered, and I cannot make out how any honorable member can get up and make such a statement without being prepared to substantiate it on the spot. It is a charge that can easily be met; it is not true.

Mr. PALMER could only say that if the prisoners were half-starved the régime was very much altered from what it was when he knew it, and he believed no change had taken place. So far from the prisoners being starved, he had no hesitation in saying—and all the medical men who had investigated the subject would bear him out—the inmates of the Queensland prisons were, by comparison with other prisoners, over rather than under-fed. They had always, in his opinion, been a great deal too liberal with their prisoners, and as to their coming out of gaol too weak to work, the idea was nonsense to anyone really acquainted with the real facts of the case. The men had too much hard work to do to get out of condition; and the short sentence men at St. Helena had to be out of doors continually. The member for Wide Bay ought to be more careful in his accusations upon matters where the least inquiry would convince him of their groundlessness. As to recommitments, he (Mr. Palmer) could not speak from late data; but for the satisfaction of Lord Normanby, who was then Governor, he had a return made showing the proportion of reconvictions; he could not state positively, but as far as his recollection went, the recommitments for years had not exceeded five per cent., and a great number of the prisoners who constituted this five per cent. were criminals who never could be kept out of gaol. As a rule, the recommitments of men who had been thoroughly punished for their crime was very small; he well remembered that the returns to which he had just referred gave great satisfaction to the Marquis of Normanby, who took as much interest in prison discipline as any man he had ever met, Governor or no Governor. Whether the prisoners went away to other colonies to pursue a career of crime, there was no means of knowing; but so far from their being under-fed in the prisons of the colony, people who had compared the system with that of other colonies declared that, if anything, they were too well cared for.

The ATTORNEY-GENERAL said he was glad to be able to corroborate the statement of the honorable member for Port Curtis as to the infrequency of recommitments. The cases which had come under his notice—and a record was kept of all convictions—showed that very little more than five per cent., and at the outside ten per cent, was the proportion of reconvictions. He had in his possession a return from the beginning of this year, prepared at the suggestion of one of the judges of the Supreme Court, with the object of comparing the effects of long with light sentences for first offences, and the general result was just what the honorable member for Port Curtis had said, namely, that the proportion of recommitments was very small indeed in Queensland.

Mr. BAILEY said he did not bring forward the subject without some data to go upon; he was unwilling to mention names, and his only wish was that Government should inquire into the matter. He believed they actually knew very little about it, and that the Colonial Secretary had not made such inquiries as would lead him to know the accuracy or otherwise of his (Mr. Bailey's) statements. He repeated that men who were recommitments were, during the latter portion of their sentences, subjected to such a diet that they left the gaol so weak that they could not only not do a day's work, but half a day's work. He had met prisoners himself whom he had assisted in a small way, and they had been in a very low state, which they attributed to their insufficient diet. He repeated his hope that during the recess the Government would inquire into the whole system, to see whether it were good or not.

Motion for adjournment withdrawn.

#### RESUMPTION IN THE SETTLED DISTRICTS.

The MINISTER FOR LANDS laid upon the table the schedule of lands proposed to be resumed from runs in the Settled Districts of Moreton, Darling Downs, and Wide Bay and Burnett, in pursuance of the powers conferred on the Legislature by the 10th section of "*The Crown Lands Alienation Act of 1868*" in substitution for the schedule laid upon the table of the House on the 12th July last.

Mr. WALSH said he believed he was correct in taking this opportunity of pointing out the work which the Minister for Lands was engaged in. If the honorable gentleman did not take care, he would be repeating the mistakes exposed in the schedule the other night. He had already warned him against rushing without due caution and deliberation into the subject again, and against bringing forward the resolutions again to-day. He (Mr. Walsh) did not hesitate to say that the amended schedules he held in his hand, although he had only been able just to glance

over them, contained mistakes not as absurd perhaps, but as numerous as those previously pointed out. Even after the honorable member had laid the papers on the table of the House, he had to make additions; and he never before knew a Government who would dare to bring up such a document to the House, to ask that it should be printed and received. The very first page was full of corrections that no honorable member could understand; and upon the second and third, and no doubt upon all of them, there were the most extraordinary corrections. When he came to his own unfortunate run, he found that as a reward for pointing out the errors he had exposed yesterday, the Government proposed to resume fifty per cent. more than they did before. In fact, it was impossible the Government could act upon the schedule. A creek was described as being upon his run—it was the first error that occurred to him—and he would stake his existence that such a creek did not exist. There was no creek of the name there, and it did not appear in any map; if there was, he would make the run a present to any honorable member who could prove that it was there. The description was a deception, founded upon he knew not what. He pledged his word there was no such creek on the run, although it was inserted as an important feature of it. He cared not how much of the run they took away, or punished him for doing his duty in the House, but he did insist upon the Government not rushing in with that extraordinary haste which now seemed to overcome their good sense and judgment in conducting the business of the country. He maintained that in the schedule put upon the table, there were more faults than in that he had previously discussed, and, as he had shown, there was one error manifestly absurd. With regard to his own run, he did not hesitate saying that unless the errors were corrected in time, the entire resumption would be invalidated. The very first page was marred, and the whole production, from its numerous erasures, was unworthy of any Government. He could not help noticing amongst the hundred productions that had been made in twenty-four hours, that many were in favor of Government supporters; it was as transparent as anything could be. Anyone who possessed any knowledge of the country could see that there had been reductions made in the original schedule in favor of men in the colony who were well known to be supporters of the Government. He could point them out if he chose, and would do so when the proper time arrived. This was transparent to him, and might be obvious to any other member of the House who possessed the same knowledge as he did of localities and individuals. He warned the Government that, as the schedule now stood, he could show that while in his own case fifty per cent. more land was proposed to be resumed than

was resumed in a former blundering resumption, fifty per cent. had been reduced from men—from a man, at any rate, who was a well-known supporter—

AN HONORABLE MEMBER: Name! name!

MR. WALSH: A neighbor of mine, who is a well-known supporter of the Government. I beg to move the adjournment of the House.

THE MINISTER FOR LANDS said the honorable member, in the remarks he had just made in reference to the schedule, had been pleased to say that it had been done in order to punish him for his opposition to the Government.

MR. WALSH: I did not say so.

THE MINISTER FOR LANDS: The honorable gentleman said—

MR. WALSH: I did not; I was very particular to be guarded.

THE MINISTER FOR LANDS: The honorable gentleman is pleased to make an accusation that we punished him for doing his duty in the House. He knows it is untrue.

AN HONORABLE MEMBER: Order. Take down the words.

MR. WALSH: I do not care about a mere word. It is very natural, when the Government find themselves in such a mess, that they should use strong language.

THE SPEAKER: If the honorable member wishes the words to be taken down, he must move it.

MR. WALSH: Oh, no! It is not worth while.

THE SPEAKER: The question is, whether the Minister for Lands will withdraw the expression.

THE MINISTER FOR LANDS: I will comply with the forms of the House and withdraw the words, and, in like manner, it ought to be necessary for the honorable member to withdraw the accusation he made. It was equally incorrect. He knows very well that nothing of the kind has been done, and that it is an unworthy charge to bring. It is quite beyond the merits of the case; he knows very well we have no wish to make it a personal matter between him and us. In like manner, he is pleased to say there is some other gentleman who is distinguished by favor, because he is a supporter of the Government. I am absolutely ignorant of any supporter or opponent of the Government in reference to these schedules, and if it was possible for a moment that I could demean myself to such an extent as to play false to everything that is good, and true, and just, and exhibit myself in this place as either the avenger or rewarder of support to Government, I should be utterly unworthy of a seat in the House, and should consider myself incapable of holding a public position, or any position in which I should be recognised as a man. Yet, this is the sort of accusation which the honorable gentleman is pleased to level against me and the Government. He outdoes his discretion altogether in saying these things. And I doubt very much

whether it was wise to criticise the form in which the schedule is laid upon the table. He knows it will be printed in due time, and that it is very important to gain time at this period of the session; and he knows that delay would have ensued if the new schedule had been written out. The Printing Office at the present time is overworked, and we find it impossible to overtake the work which we have on hand. There are many returns which cannot be done with the staff we have at present. With regard to the correctness or falseness of the descriptions now laid upon the table of the House, I have merely to say they have been gone over very carefully several times by the Under Secretary, and the Acting Surveyor-General, and that is my guarantee that they are now presented in a correct form. I can offer no other, and I can state that they are correct copies of the leases by which these runs are held. If there is a mistake in the creek to which the honorable gentleman refers, that is a mistake which is inherent in his title-deeds. And after all, what is the importance of a mere name, if the main features of the country are sufficiently indicated? What matters it if one is called Sandy Creek and another Blackfellow's Creek? There are dozens of creeks so named all over the colony, and there is no necessity to describe each of them by a special name. What is sought in these descriptions is to give a general topographical idea of what the country is. There is no pretence to absolute accuracy any more than there is in the map to which the honorable gentleman refers. It is an approximate statement of the information we have as far as we can give it; it may be many years before we shall be able to map out correctly the whole of the topographical features of this great country, and it is absurd to take exception to small matters of this kind, when the real merits of the case are fairly met.

MR. HALY said he did not believe the Government wished to carry these resumptions, although they must know that by their present conduct they were injuring the country to a frightful extent. After the speech of the Minister for Lands, the House must come to the conclusion that the Government wished the resumptions to be thrown out.

MR. WALSH said he should like to say, in justification of his former remark, that whereas the Government were going to take away fifty per cent. more of the run than they proposed in their other schedule, he would remind them that in the very first schedule laid upon the table, he was honored by being omitted altogether, and the second schedule was in the incorrect form he had described; and now while his run was to be resumed—and he did not care what any Ministry did with it, although one of them had made him a threat, or, rather, notification of what they would do with it—

THE MINISTER FOR LANDS: I rise to a point of order. The honorable gentleman says that one of the Ministry had held out to him a threat in reference to his run. I do not believe it.

MR. WALSH: I say, sir, as I was going out of the House the day before yesterday, the Attorney-General gave me warning that they would not let my run go now, or after this, I am not certain which words, but I know I turned round and said, "I despise your threat." It is true, sir, and I do despise the threat. I will now say that while fifty per cent. of a run is added to my run, the owner of the Tantitha run, who was down at 16,000 acres to be resumed, is now only mentioned at 5,080 acres. He is a well-known supporter of the Government, and why is it?

THE ATTORNEY-GENERAL: Well, who is it?

MR. WALSH: He is a well-known supporter of the Government, and I should like to know why this difference exists?

THE ATTORNEY-GENERAL: I claim the right to say a word or two, as I have been attacked by the honorable member for Warrego. First of all, as to his run, Munduran, he says it is proposed to take a great deal more from it. He mentioned also another run in which he pointed out a difference. Of course, the honorable member knows quite well how it occurs; the former descriptions were incorrect; these are correct, and it is the whole of the run in each case that is given. That is the whole of the mystery, and the honorable member knows it as well as any one. With regard to the alleged threat, the honorable gentleman is known throughout the colony as the possessor of a very lively imagination; indeed, he sometimes mistakes the products of his own imagination as facts, and repeats them in various places. This to-day is an instance of it. The honorable gentleman is entirely drawing upon his imagination as to the statement of what took place at the door. The facts are these. The day before yesterday the honorable gentleman was going out at the door, and I was coming in, and we met smiling, and I made some jocular observation to him of which I have not the slightest recollection. He replied, "I will not be threatened by you"; and I laughed at him and said, "What is the matter with you? What do you mean?"

MR. WALSH: I said, "I despise your threat."

THE ATTORNEY-GENERAL: Very likely. What I am saying is, that whatever I said I said jocularly. The words I used could not have been a threat. Am I a born idiot to go and stand in the gangway and threaten the honorable member for Warrego? Why, sir, the accusation bears the stamp of embellishment on the face of it. It is really too absurd. It would be a violation of the privileges of the House, and I fancy I should be the last man to make such a fool of myself. I have long been in the habit of speaking to the

honorable member in a friendly way, and did so then, and was never more surprised in my life than when he turned round and replied to my jocular remark with his assertion that he despised my threat. I did not know what he meant, and told him so.

MR. WALSH: No.

THE ATTORNEY-GENERAL: Ah, we all know the honorable member's memory is bad. That is the end of the whole matter.

MR. PALMER: If the honorable member drew upon his imagination, he drew upon it very quickly, for within five minutes he told me that the Attorney-General had threatened not to omit his run, after what had taken place.

THE ATTORNEY-GENERAL: What was said was in a jocular way.

MR. PALMER: Yes, we are quite aware what the Attorney-General's jocular way is, and we are quite aware of his amiable temper, and that he has not been put out of temper at all lately. But let me tell the House he is not the only Minister who has been threatening members. I think a certain gentleman sitting near him has been threatening; we could give chapter and verse, but we despise him so much that it does not matter.

MR. MOREHEAD asked, if the Attorney-General did not know what he said, how could he accuse the honorable member for Warrego of drawing upon his imagination?

MR. JOHN SCOTT said he was very glad to hear that threatening was a breach of the privileges of the House, because he had been threatened some time ago.

Motion for adjournment withdrawn.

#### DISTURBANCES AT TRINITY BAY.

MR. GROOM asked, without notice, Whether there was any truth in the telegrams received during the day in the city, stating that further disturbances had taken place in Trinity Bay, and that violence had been resorted to to prevent the Chinese from landing at Trinity Bay?

THE COLONIAL SECRETARY said the Government were in possession of a telegram from Mr. Howard St. George, dated Trinity Bay, yesterday, to the effect that the Chinese were not permitted to land, but were driven into the sea. The following had also been received from Sub-Inspector Clohesy:—

"I arrived here from Broudsound with two constables, and three mounted troopers; also, Mr. St. George. The rowdy crowd prevented Chinamen from landing, and Mr. St. George and myself did our best; but to prevent murder, we thought best that they should return on board. I must have a strong force here until the place gets settled.

"THOS. CLOHESY,  
"S.I. of Police.

"Trinity Bay, 18th inst."

The present force was this:—There were five constables on board the "Florence Irving," which would be in Trinity Bay that day, and

ten men had been ordered down by the first steamer from Cooktown. This, with the two constables already there, and two ordered in from Thornborough, would make nineteen constables at Sub-inspector Clohesy's command. A telegram had been sent to Mr. St. George, requesting him to let the Government know at once what additional force he wanted, and informing him that all necessary aid would be sent from Brisbane to insist upon the landing of the Chinese, and to prevent disturbances.