

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 22 NOVEMBER 1876**

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## LEGISLATIVE COUNCIL.

*Wednesday, 22 November, 1876.*

Assent to Bills.—The Polynesian Question.—Trigonometrical Survey of the Colony.—Department of Justice Bill.—Construction and Extension of Railways.

## ASSENT TO BILLS.

Messages were received from the Governor informing the House that the following Bills had been assented to by His Excellency :—  
Municipal Endowments Bill.  
Insolvency Act Amendment Bill.

THE POLYNESIAN QUESTION.

The Hon. A. H. BROWN asked —

Is it the intention of the Government to bring in a Bill, during the present session, dealing with the Polynesian Question?

The POSTMASTER-GENERAL answered :—

“A Bill dealing with the question has been already introduced by the Government and read a first time in the Legislative Assembly; but owing to the pressure of other business, the Government will not be able to proceed with it further during the present session.”

The Hon. A. H. BROWN rose to move the adjournment of the House with the view of discussing very briefly the subject of a return that was laid before Parliament at an early part of the session, dated 30th August, this year. It professed to be the reports sent in by the Polynesian Inspector, Mr. R. B. Sheridan, residing in the district of Wide Bay, where a large number of Polynesians were employed. His (Mr. Brown's) apology for intruding the matter upon the House, at the present moment, was, that he considered the reports contained statements of a very gross character, imputing to residents of this colony crimes of which they were not guilty. He believed that some other reports were on the table; and he should look through them, to see how necessary it was that a matter of such importance should be considered and dealt with before the session closed. It was possible that the session would be brought to a close very quickly, otherwise a Bill would have been sent up to the Council, and he should have had a more legitimate opportunity than this for expressing his views on the subject. True, a Select Committee of the Assembly had been appointed to inquire into and report upon the general question of Polynesian labor, and they had brought up a report of a very elaborate character, to which he should presently refer. As, however, the interests of colonists were involved very largely in the question, he should, first of all, attempt to point out how important it was that its consideration should be prompt and exhaustive. He did not think the community sufficiently appreciated the value of the territory it possessed. The colony of Queensland, he looked upon as the brightest gem by far in the Queen's diadem. This colony was the most valuable colony of the Australian group; and nothing would do it so much injury as to interfere in any way with the labor towards which it seemed particularly affected—he alluded to the labor of Polynesians, or any other labor of that description which was capable of standing the heat and the oppression of this latitude. This colony possessed a fertility of soil which was not to be found elsewhere. He had not visited the extreme north himself, but persons who had done so, described it as of surpassing richness; and he should be very sorry if any action of the Parliament of the country should induce the repression of labor

that was so valuable to the best interests of the country. He repeated that the community did not sufficiently estimate the value of the country, and the legislature did not evince a sufficiently high appreciation of its value or of the practicability of turning it to the greatest advantage. We had attempted in a very mild manner to grow tropical products in the southern portions of the colony. Sugar had succeeded to a tolerable extent. The planters had certainly great hardships to contend against. Speaking of himself as a sugar-grower, although he had made a moderate profit from that source, yet there were numerous other cases in which persons had not been so fortunate either in the tracts they had chosen or in realising the success they had hoped for. He believed, himself, that the planters must still go further north to meet that success which was necessary; and if they did go, they would require that labor which was referred to in the report, and which should be encouraged to come to the colony for the purposes to which it was so well adapted. Engand was, of course, dependent on tropical countries for tropical products; but this country need not be dependent on any other country. Queensland had a soil equal to if not surpassing that of any of the countries of India, the vast treasury, at the present moment, of the British Crown. Compared with Ceylon, Mauritius, and the richest parts of the Peninsula of Hindoostan, we should more fully realise the worth of the colony and the immeasurable value of our northern territory; and some commensurate effort should be made to utilize it. He regretted very much that some persons who were moved by prejudice—some by principle—were opposed to Polynesian labor, or any labor of that description. There was another reason why the opening up of the north to tropical agriculture by colored labor should be promoted as much as possible. Through the opening up of gold fields, intercourse with the north by steamers was easy, and it appeared that the north recommended itself to the laborers who went there. For European labor, more profitable occupation would be found on the gold fields than in tropical agriculture. He trusted therefore that the Council would see, if not this session, at any rate, next session, that greater facilities, and inducements were offered to immigrants and others who devoted themselves to the cultivation of products such as he described; and that they should be enabled to procure that labor which appeared necessary for the success of their undertakings. There was another view of the labor question which the Legislature ought not to lose sight of, and that was the civilisation of the natives of the Pacific Islands. Many persons had attempted, by missionary enterprise in visiting the islands, to inculcate the doctrines of Christianity, and to civilise the natives; but he (Mr. Brown) thought the first step towards a really successful attempt in that direction

would be to invite the Islanders to come here, that intercourse with Europeans might bring them to an understanding of what was desired for their welfare. Those who had visited this country had returned improved; they had acquired a knowledge of our language; they had obtained ideas of industry and systematic culture for food, which they could not gain in their own islands; and the results were greatly beneficial to the rest of their countrymen. The bringing of South Sea Islanders to this colony for a short period of labor conferred a great benefit upon the whole group of islands in the Pacific with which Queensland had intercourse.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. A. H. BROWN: He had a great respect for many of the missionaries who had visited those localities. Many eminent men were numbered amongst them. They had gone to their work at the imminent risk of their lives, and many of them had fallen a sacrifice to their zeal and conscientiousness. Amongst them Bishop Patteson and Commodore Goodenough. Another point—it was perhaps far distant—for the House to consider, was, the connection of the present question with the federation of the colonies. The scheme was, at any rate, worthy of attention, and ought to be kept in mind. This colony was peculiarly situated, and there was a vast field for commerce, and for the employment of capital between this colony and the South Sea Islands that should not be lost sight of. He urged that kindly feeling should be promoted as much as possible between this colony and the islands, to put an end to the unseemly occurrences that sometimes took place there. But talking of these reminded him of one of the most cruel incidents that came under his observation:—It would be within the recollection of honorable members, possibly, that a report reached the city from the islands that a labour vessel named the “May Queen,” which used to trade from the port of Brisbane to the South Seas, had been wrecked and her crew lost. In an ordinary case of shipwreck, a degree of sympathy would be elicited, and regret would be felt at the calamity; but in this instance, in addition to the wreck of the vessel, which was reported to have taken place on the island of Tanna, where it was known the natives were barbarous and the majority cannibals, more exquisite pain was felt for the alleged death of the crew under circumstances which could be imagined. The circumstances would appear to ordinary men, with compassionate hearts and appreciative minds, to men with the common feelings of humanity, as ill-calculated to provoke levity; but it appeared to have been reserved for a citizen of Brisbane to display what he (Mr. Brown) conceived to be extraordinary callousness and barbarity on the occasion. The Press of the city described that, at the time the news reached Brisbane, the portrait or photograph of the unfortunate

captain of the “May Queen” was placed in the window of the said citizen, placarded with the words “Killed and eaten!” To persons unconnected by family ties with the then supposed deceased, such an incident was painful; but it must have been grievous to the widow of the supposed lost captain, as the incident would be immediately communicated to her. Honorable gentlemen would hardly believe what he told had occurred if they had not incontrovertible testimony of it; but as he told it, the incident was reported in the public Press. The person in whose window the photograph was exhibited was Mr. William Brookes, a tradesman in this city, and a person who had frequently and continually condemned the employment of the islanders. He (Mr. Brown) thought that person might have been satisfied to have recorded his protest without having shown such an extraordinary degree of inhumanity as he exhibited on the occasion in question. He should now refer to the evidence of Mr. Brookes before the Select Committee of the Legislative Assembly, to which he alluded already. It appeared that Mr. Brookes declined *in toto* to receive islanders in this colony; he disapproved of them altogether. His evidence accompanied the report of the committee with that of the several other witnesses, himself (Mr. Brown) amongst the number, who had been invited to supply information to the committee; and he must say, that a more inefficient mass of evidence was not presented in the large blue-book that had been laid before the Assembly. All Mr. Brookes’ evidence appeared to be hearsay. He (Mr. Brown) had carefully waded through it, and he could not see any statement of facts which supported Mr. Brookes’ position. He should not attempt to weary the House with the evidence, but there were one or two points which he would read as a sample of what was offered to the committee:—

“276. You say that everyone you have spoken to has confirmed this statement you have made, and we wish to know the names of some two or three of the number who will give this information? Foster ought to be able to give it you—I think he can be found; and there is Mr. McGavin, also, who is a Government agent; and a person named Brown, who went one voyage as Government Agent; I believe he is in Brisbane; I know he once lived at Warwick; I think, also, Mr. Curtis, of the City Bond, would be a most likely man.

“277. You spoke directly of some information communicated to you by the mate of the ‘Jason’? Yes.

“278. Are you aware that there was a very serious quarrel between the officers of the ‘Jason’? There always is when the truth is about to come out; at the same time, I am not aware that there was a row.

“279. Do you not know, as a fact, that there was an alleged conspiracy against the captain of the ‘Jason’? No, nor do I believe it; I believe it was quite the other way.

"280. Do you remember a petition being got up after the punishment of that captain, in which was alleged that there had been a conspiracy? I know that there was a sympathetic petition got up for the captain; but that was in Maryborough, and they would do anything there."

As a resident of that district, he (Mr. Brown) felt particularly obliged to Mr. Brookes for giving the residents of Maryborough such a character. He did not know that any reliable evidence had come before the country to prove that the inhabitants of Maryborough were less disposed to tell the truth than those of any other portion of the colony. He thought it was very insulting of a witness to make a statement of that description. One thing he could say, that they showed a feeling of sympathy with the unfortunate Captain Coath on the occasion of his incarceration, and they raised a very liberal subscription to supply his family with funds during his imprisonment. A correspondence took place between Captain James Kilgour, of the "May Queen"—who was not, after all, killed and eaten by the islanders; and who, on his return to Brisbane, did not approve of the position he occupied in Mr. Brookes' window—and Mr. Brookes. The captain demanded an apology. A more shabby, or a more unmeaning, or a more unsatisfactory explanation than that made by Mr. Brookes, he (Mr. Brown) never saw. He should just read a few lines from it; as it simply bore out the heartless character of the transaction and showed how indifferent the writer appeared to any sense of propriety:—

"I never saw you, nor do I know anything whatever about you as a private gentleman. I only know you by name as the captain of the 'May Queen,' a vessel employed in bringing Polynesians from their native homes to Queensland. That vessels so employed are engaged in an unhallowed calling"—

strong language!—

"I have always thought, and have expressed my opinions to this effect frequently both publicly and privately. I regard the trade as one in which we ought not, as a colony, to be engaged in or mixed up with. I believe it cannot be carried on except at the cost of moral and political principles"—

he (Mr. Brown) was sure he was at a loss to know what the writer meant;—

"which should not be tampered with, but, on the contrary, held in honor and kept sacred."

It was a very illogical production:—

"So far from rejoicing in your death, I am exceedingly glad that the whole account was untrue, and ask you to believe in my sincerity in writing this. I did trust that you will accept this in the friendly spirit in which it is written."

He was "glad" that his fellow man was not killed and eaten, as he had described him; and he wrote in a "friendly spirit!" One other matter in connection with this he (Mr. Brown) must refer to, which appeared to be necessary. It would be in the recollection

of honorable members that the Oaths Bill was introduced this session by the Postmaster-General; and that the honorable gentleman very properly pointed out the circumstances which made it desirable that the evidence of Polynesians should be taken in courts, and he referred to the instance which he (Mr. Brown) had just briefly alluded to of Captain Coath's conviction and imprisonment, saying that had the evidence of Polynesians been admissible on the trial, Captain Coath would not have been condemned. There was no doubt that, on that occasion, there were very strong reasons for exculpating the captain, only the evidence of Polynesians could not be received in a court of law then. Although the Postmaster-General very straightforwardly admitted and expressed his doubts of the justice of the verdict, which view he (Mr. Brown) then, and now, endorsed; yet it had been endorsed by a much higher tribunal than any that had been appealed to in this country. He had before him the evidence in Captain Coath's case. It would be remembered that the case was referred by the late Governor, the Marquis of Normanby—whose attention was called to it by a petition from Maryborough—to the then Attorney-General, by whom it was well considered and thoroughly digested. The Attorney-General drew up a brief case for the Governor to send home, and the Governor sent it home to the Secretary of State for the Colonies:—

"Government House,

"Brisbane, 3rd September, 1873.

"MY LORD,

"I have the honor to forward copy of telegram addressed to your Lordship by me on 1st instant, viz:—

"After personal inquiry by the Attorney-General the evidence of the Polynesians said to have been kidnapped has convinced me Captain Coath was wrongly convicted. Have pardoned him and will send full report."

"I have, &c.,

"NORMANBY."

That was the telegram. The despatch was:—

"Government House,

"Brisbane, 2nd October, 1873.

"MY LORD,

"Referring to my despatch, No. 32, of 3rd September, 1873, covering a copy of a telegram dated 1st September, 1873, in which I informed your Lordship that, acting under the advice of my Executive Council, and being at the same time perfectly satisfied in my own mind, from the evidence of the Polynesians themselves who were alleged to have been kidnapped, that Captain Coath had been wrongfully convicted, I have granted him, on Her Majesty's behalf, a free pardon.

"2. I have now the honor to enclose, for your Lordship's information, a full report of the whole case, which has been furnished to me by the Attorney-General, together with a copy of the evidence of the Polynesians, which was taken personally by the Attorney-General at Maryborough.

"3. From that evidence I think no reasonable doubt can exist that the men came willingly on board the 'Jason,' and that the evidence upon which Captain Coath was convicted was the result of a conspiracy; and I can only regret that these circumstances were not sooner brought to light, and that Captain Coath should have been subjected to so lengthened a term of imprisonment for a crime which it now appears he never committed.

"I have, &c.,  
"NORMANBY."

The enclosures include the evidence as taken by the Attorney-General. He (Mr. Brown) was quoting from the Legislative Council Journals of 1874, pages 49-53:—

"Downing street,  
"15th December, 1873.

"MY LORD,

"I have the honor to acknowledge the receipt of your Lordship's despatch, No. 38, of the 3rd of October, forwarding a report from the Attorney-General of Queensland, with notes of statements made to him on the 27th August last, in the Court House at Maryborough, by certain Polynesians alleged to have been kidnapped by Captain Coath, of the 'Jason,' in 1871.

"I had previously received the telegram which you addressed to me on the 1st of September, reporting that in consequence of this evidence you had pardoned Captain Coath.

"With this explanation before me, I feel satisfied that your Lordship has exercised a sound discretion in remitting the remainder of the sentence passed upon the captain of the 'Jason,' who appears from the recent evidence to have been the victim of the conspiracy on the part of some of the crew of his own vessel. I concur with you in regretting that the evidence of the Polynesians proving that Captain Coath was not guilty of the offence for which he was convicted, was not obtained at an earlier date.

"I have, &c.,  
"KIMBERLEY."

Observe, there was great force in the expression which the Secretary of State used. He told the Governor that he considered His Excellency had used "a sound discretion." He (Mr. Brown) did not think such a term would have been used or adopted before the evidence that had been furnished had been laid before the high legal officers of the State. An appeal of that description to the authorities at home should have great weight. It was not at all probable that such an approving judgment would have been given without due reflection and most effective reference. That despatch, he thought, bore very materially upon the report in his hand that he was speaking to, because the case of Captain Coath was one of the instances alleged in proof of his evidence by Mr. Brookes; and it was also in furtherance of the evidence of Mr. Cran, which was not mere hearsay. Mr. Cran narrated circumstances which showed that Captain Coath was not the barbarian that others had attempted to make him out. He was a gentleman who resided at Maryborough, filling a

very responsible position; and he was a very large cultivator of sugar. He was asked:—

"509. Do you think the sugar interest could be carried on remuneratively without this labor? Certainly not; I should not try it.

"510. I suppose you knew Captain Coath.—Did he bring any of the Islanders now on your plantation? Yes.

"511. How long is it since he brought them? Six or seven years ago.

"512. Have you tried to find out how those Islanders were procured? Yes, I have; and I have asked the overseer to try also; and I have never found that Captain Coath procured any by improper means. I have seen Captain Coath come to my plantation, and the boys go round him like children; they were very fond of him."

That was very strong evidence, indeed; and contrasted favorably with that of Mr. Brookes, who was so strong an objector to Polynesian labor. If a more flagrant case than that of Captain Coath could have been found by him, he would have brought it forward. Another point in the evidence was the following. Mr. Brookes was asked:—

"247. Are you personally acquainted with any persons who have been appointed Government Agents, both before and after the permanent staff was appointed? No; I am not acquainted with any of them; they are persons whom I should not esteem it a pleasure to be acquainted with. I know that there was one Government Agent, Mr. Meiklejohn, who is now in the Lunatic Asylum in consequence."

He (Mr. Brown) happened to know Mr. Meiklejohn long ago, and he regretted to say that that gentleman was an inmate of a lunatic asylum. Mr. Meiklejohn had been a resident of Maryborough, and prior to accepting the agency of a labor vessel he was eccentric in his conduct; but that he became insane from ill-treatment said to have been received on board ship was entirely unfounded. He (Mr. Brown) had cut out the letter which Mr. Brookes wrote to the Press after the introduction of the Oaths Bill. Mr. Brookes condemned the course which the Postmaster-General pursued in reference to that measure:—

"The Honorable C. S. Mein has done an *incautious thing* in thus reviving discussion upon a trial and a conviction which was at the *time* thought to be thorough and just. Since 1871 fresh evidence and more facts have rolled in to swell the volume of condemnation of the Polynesian traffic, and in the flood, traces of Captain Coath now and then are to be found. I am not willing to specify what these traces are, now that Captain Coath has passed to his account. But if the fairness of the two convictions of Captain Coath, in 1871, are to be publicly impugned, I may reasonably ask permission to *adduce the evidence* I may be able to collect to refute the *untenable* supposition that for want of such a Bill as the Honorable C. S. Mein is now introducing into our Legislative Council, there was a grievous miscarriage of justice in the case of Captain Coath."

It was this which induced him more particularly to refer to that subject, as it bore so intimately on the character of one of the captains who had been condemned. He thought it was not out of place to refer to it. There were other points to which he must direct attention to refute what he rose to speak of in Mr. Sheridan's report, and then he should close his remarks, which very imperfectly expressed what he felt, and were nothing like what he should have liked to have said. He sincerely trusted that the death of Captain Coath would satisfy those maudlin and sentimental people who imagined it was their duty to cast reflections on men equally worthy with themselves. He could not think that so great a crime as theirs was committed unintentionally; they did not forget; they could not forgive; hostility still existed amongst those few who appeared to set themselves up as paragons of virtue. The blood of Captain Coath which had been shed, the unjust punishment which had been clamored for so unmercifully, would recoil upon those who would pervert justice and be themselves the judges of their fellow-men. The report of Mr. Sheridan was dated 28th January, 1876, and he stated:—

“With a view towards, to the best of my ability, acquainting myself with the circumstances surrounding Polynesian Immigration, I have, since my appointment to the office of Polynesian Inspector, given the subject *as much* consideration as my otherwise fully-occupied time enabled me to bestow upon it, and I now do myself the honor to state—

“1st. That I am not *quite satisfied* that in *all* cases recruits are obtained by their own free will and accord; nor do I believe they in every instance *understand* the nature and terms of their agreements.”

All the evidence that had been adduced, and a very large mass of evidence was supplied—by agents who had gone to the islands with the vessels, by practical men who employed the Polynesians, and by other persons who knew anything about the subject of inquiry—showed that the Islanders thoroughly understood their agreements, and that there was no kidnapping in the way that had been asserted in the report. The result of the inquiry by the committee was what he had anticipated. He was very glad that such a mass of evidence had been collected; and he sincerely wished that the House had time to discuss it; but there was not time, and he was hurrying through the comments which he desired to make on it. One of the gravest charges he might as well refer to—it was contained in the sixth paragraph of Mr. Sheridan's report—which he considered not only a reflection on the employers of labor, but on the colony generally. If it were possible that such a thing could occur in Queensland, or be tolerated by any process, it would tend to gain for the colony an

odious reputation that few persons would visit us.

“6th. With reference to security being given for the return of Polynesians to their native islands, sec. 6, Form K, Polynesian Act, I would remark, that some time ago it appears to have been the practice to deposit in the hands of the Government the funds necessary for paying the return passage of each Polynesian. Now this latter method has become obsolete, and the bond in accordance with the Act is all that is required; *it strikes me* that three years' wages, and, say, from four to six pounds return passage money, in all about £24, *seems almost too substantial a reason* against an Islander's return, more particularly applicable to *such employers*—and I fear such exist—as look upon Polynesians as mere animated machines. I therefore think that deposits of passage money, and actual yearly, or half-yearly payment of wages is the best, and safest plan.”

Now, that document had gone to England! What would be the opinions of persons at a distance who read it?—what would be thought of it, when it was known that the gentleman who held such language occupied a responsible official position in the colony? He (Mr. Brown) could only say of the gentleman who wrote it, that he knew him. If the report had been written by a novice, or by some one who had not been long in the public service, a man unknown, or whose character was in any degree tarnished, it would be bad enough; but it was written by a man who had been over thirty years in the service, and whose character for integrity was esteemed by a very large number of persons in that district. Mr. Sheridan was a personal friend of his (Mr. Brown's) own; but he could not allow friendship or private feeling to interfere, when he asked that reparation should be made for such a stain cast upon the colony. He could produce printed evidence which emphatically contradicted the report. But he should close his remarks by reading from the report of the Select Committee. Referring to the mode of introducing the Polynesian labor to the colony:—

“The evidence thus obtained has been singularly corroborative of the willingness of the Islanders to come to the colony, and of the absence of anything to warrant the assumption that they have been exchanged for trade, or otherwise improperly obtained. Moreover, the fact of so many of them having returned to this colony for the second and even the third time proves that they well understand the terms on which they come. In addition to the oral evidence taken on this branch of the subject, your Committee authorised the investigation of Agents' Log-books—eighty-four in number—and the compilation of a report thereon.”

The second paragraph of the report recommended “a system of more frequent” inspection of the plantations, with which he thoroughly agreed. In conclusion, he might say that the statements of Mr. Sheridan had

not been in any way borne out by the evidence taken by the committee, but the evidence entirely refuted the calumny that was put upon the country. He wished to express his opinion, before he sat down, that a gentleman like Mr. Sheridan was unfit for the position he filled as Polynesian Inspector, because he betrayed an *animus* so marked that no person employing Polynesians could have any confidence in the administration of his office. He made those remarks in the belief and hope that the Government would employ an inspector, whose duty it should be to watch over the interests of the islanders. In his evidence, Mr. Sheridan repeatedly pointed out that his other duties were too onerous to enable him to fulfil the duties of inspector. Those duties of inspector of Polynesians belonged more to the Police Magistrate than to him; and he (Mr. Brown) trusted that they would be given to the Police Magistrate, if not to a distinct officer.

The Hon. G. SANDEMAN said he had listened with a great deal of attention to the remarks of the Honorable Mr. Brown, and he entirely agreed with him that a great deal had been said on the subject that should not have been said. He was extremely sorry, on a subject of such importance, to have heard from the Postmaster-General that no action would be taken in reference to it this session. A great many charges had been made by certain persons in connection with Polynesian labor in the colony. Those made by Mr. Sheridan, so far as he had heard—and having been himself (Mr. Sandeman) summoned as a witness before the committee, he had paid particular attention to the subject—and so far as he had read the evidence, were found to be without foundation. He should not prolong this discussion; but he should like to draw attention to one point in reference to Mr. Sheridan's report. In the first paragraph remarks were made, in which the whole gist of the question was given:—

"I am not quite satisfied that in all cases recruits are obtained by their own free will and accord; nor do I believe they in every instance understand the nature and terms of their agreements. I am led to those conclusions by the facts firstly, from the knowledge that the description of men sent as Government recruiting agents are not, at least from this port, such as much reliance can be placed on, they in most instances either being too young, too inexperienced, or, I am sorry to say, too dissipated; hence readily become the tools or dupes of the masters and owners of the trading vessels, whose interest it is to fill up quickly, no matter how the cargo can be obtained."

Whether that was the case or not he (Mr. Sandeman) was not prepared to say; but this he was certain of, that the responsibility of engaging the agents rested upon the Government; and, in so important a matter, he thought the Government ought to have taken much greater care than they had in the selection of the men appointed. He believed

there was a great deal of truth in what was stated in that respect. If nothing else was done this session than the directing of attention to that part of the subject, in the absence of a Bill to deal with it as a whole, an advantage would be gained if the Government would take greater care in the appointment of recruiting agents.

The Hon. J. F. McDougall said he rose for the purpose of explaining to the House the position in which he stood. Last night it was brought under his notice that an honorable member of the Council was laboring under a very severe domestic calamity, and he was asked if he would, under the circumstances, "pair off" with that gentleman; and he accordingly did so, for that evening. As they were on opposite sides of the House, he conceived it made no difference. He offered this explanation to the House, in order that there should be no misconception as to the course he would have taken if he had had to record his vote, and in order that there might be no mistake about his position in the House. The "pair off" was only for last evening; and he regretted very much that the Honorable Mr. Hart was not present to corroborate his statement.

The Hon. W. D. Box said he had much pleasure, from his own knowledge, in being able to corroborate the statement of the honorable gentleman who just sat down. All were aware of the Honorable Mr. Hart's bereavement. Every thing that the Honorable Mr. McDougall had said was distinctly correct.

The Hon. A. H. BROWN, in withdrawing his motion for adjournment, referred to what the Honorable Mr. Sandeman had said, and stated that the Government agents now sent to the islands were good men. He hoped that the Ministry would take care that only good men were appointed. He now apologised to the House for the time he had occupied.

The Hon. T. B. STEPHENS: Hear, hear.

The Hon. A. H. BROWN: It was a matter of importance that he had brought before the House, and he wished that it could have been introduced more formally for discussion, and that he could have entered into statistics which he had prepared, but which he had not the confidence to inflict on the House, now, to show that the introduction of the labor was for the benefit of capitalists and the advance in civilisation of the South Sea Islanders.

The motion for adjournment, by leave, withdrawn.

#### TRIGONOMETRICAL SURVEY OF THE COLONY.

The Hon. A. H. BROWN moved—

That the report of the Select Committee appointed to consider the advisability of inaugurating a system of trigonometrical survey of the colony be adopted.

Question put and passed.



DEPARTMENT OF JUSTICE BILL.

The POSTMASTER-GENERAL said he should trespass on the time of the House a very few minutes in moving the second reading of the Department of Justice Bill. The contents of the measure were very small indeed, and referred to one simple matter. It had been found very inconvenient, occasionally, with a limited bar to select from, for gentlemen interested in forming a Government to secure the services of an Attorney-General who had their entire confidence in political and legal matters. Under the circumstances, it had become desirable that some change should be made in the law for remedying that inconvenience. The Bill provided that it should be optional to have an officer who should be called the Minister of Justice or the Attorney-General. Originally it was provided, also, that there should be a Solicitor-General, to whom should be delegated all the duties of the Attorney-General, leaving to the Minister of Justice to perform the Ministerial duties of the department and to be in Parliament. The other House, however, decided adversely, and resolved that there should not be a Solicitor-General. The difficulty, however, remained; and a case might arise in which it would not be possible to get the services of a barrister; and the Government, therefore, retained the other portion of the Bill, which provided that it should be optional with the Ministry of the day to substitute a Minister of Justice for the Attorney-General. That practically was the whole provision of the Bill:—Whenever at any time hereafter there should be a vacancy in the office of Attorney-General, it should be lawful for the Governor, if he should think fit, to appoint a Minister of Justice; and the person so appointed Minister of Justice should be capable of being elected and of sitting as a member of the Legislative Assembly, in the same manner and to the same extent as the Attorney-General for the time being was now capable; and when so appointed, he should be treated as the person mentioned in the fifth section of the Legislative Assembly Act—that was, he should be a person competent to hold a seat in the Assembly, and he should be treated as if he were Attorney-General; and also in the second section of the Civil List Act Amendment Act of 1874, which provided for the payment of the salary of the Attorney-General—that he should receive that salary;—and, further, it was competent for the Governor to appoint one and the same person to be Attorney-General and Minister for Justice, to hold office with the two titles, but in no other way should the two offices be filled at the same time. It being, of course, possible, under the circumstances, a Minister of Justice might be appointed not being a barrister; when it would be necessary that some other person should be appointed to discharge those functions of the Attorney-General that must be performed by a member of the bar. The

second clause of the Bill, was to the effect that—

“Whenever there shall be no Attorney-General it shall be lawful for the Governor in Council from time to time by proclamation to order and declare that all or any of the duties powers and authorities imposed or conferred upon the Attorney-General by any law statute rule practice or ordinance shall be had and exercised by the Minister of Justice or such other person as may be named in such proclamation in that behalf And thereupon the Minister of Justice or other person so named shall have and exercise such powers duties and authorities respectively.”

Under the circumstances, the House would, he (the Postmaster-General) thought, find no difficulty in coming to a conclusion that the Bill, even in its present shape, was a desirable one, and should be adopted.

In answer to the Hon. A. H. BROWN and the Hon. W. D. BOX, some explanations were made, which, however, were covered by the previous remarks of the Postmaster-General in introducing the Bill.

Question, for the second reading, put and passed.

CONSTRUCTION AND EXTENSION OF RAILWAYS.

On the Order of the Day being read for the resumption of the committee to consider the message of the Legislative Assembly, respecting railway extension and construction,

The POSTMASTER-GENERAL said: Honorable gentlemen—When this Order of the Day was under discussion on the previous evening, I procured the adjournment of the debate, in order that I might consult with my colleagues, and that we might consider unitedly what action the Government would deem it necessary to take under the circumstances. I have since consulted with my colleagues, and I am now in the position to intimate to the House the course of procedure that we intend to adopt. When I introduced the Railway Reserves Bill, I enunciated the policy of the Government with regard to railway extension. I informed the Council that that Bill was introduced for the purpose of enabling the Government to secure certain reserves of land which they were to be at liberty to dispose of, in order to construct railways in the several districts mentioned in the Bill. I said that the railways the Government had in contemplation were those contained in the resolution that has been referred to us by the Legislative Assembly for our approval, excepting one that came within the operation of the Western Railway Act. The House had that intimation distinctly before it, and knew what the policy of the Government was, when it passed the Railway Reserves Bill; and it then impliedly approved of the general scheme that the Government had adopted for the extension of railways. Honorable gentlemen are aware that the initiation of all

schemes of railways rests with the Government of the day, and that when the present Government introduced their railway scheme in another place it was on the distinct understanding that that House, at all events, should take it as one question: it was accordingly treated as one question, and the House, backing the Government with a large majority, decided that the several railways referred to in the resolution sent up to the Council should be presented together. The Government adopted that course for one special reason. They considered that it was undesirable that any single district should be preferred in regard to railway extension over any other district. They had selected those districts which were considered to be equal, or, at all events, tolerably equal, and fairly entitled to railway extension, regardless of whether—and contrary to what has been said by some honorable gentlemen in this House—the representatives of those districts in the Legislative Assembly are favorably disposed to Ministers or not. Well, this House has thought fit, by a majority of one, to decide that one of the most important of those railways shall not be carried out. Now, I do not for one moment deny that this Council has a constitutional right to decide that way; but, I think, under the circumstances, that its constitutional right should not be insisted upon—that it should not be insisted upon under any circumstances, unless either that the railway itself had been approved of by a small majority in the other chamber, or disapproved of by a large majority in this chamber—unless there was an almost unanimous feeling in this House, that the railway should not be constructed. However, in this instance, one of the most important of the railways has been refused by this House, by a majority of one. That majority was secured by the assistance of two honorable gentlemen who have taken so little interest in the public business of this session, that they have only attended here in their places on very few occasions. I think, under these circumstances, the House might graciously consider that the responsibility of these proceedings should rest with the Government of the day. I shall be glad to hear that honorable gentlemen opposite view the question in that light. If they do not—if they will insist upon excluding the railway from Maryborough to Gympie, or any other railway amongst the list that has been proposed for their consideration—then, the course of action that the Government will adopt is this:—They will no further proceed with the Railway Reserves Bill; for they consider it will be undesirable that the land should be locked up for the construction of railways that cannot be constructed. They will also withdraw from the estimates their proposals for the small loans that were necessary to initiate those works. They will adopt this course of procedure with the view of introducing the same measures

and the same proposals in the next session of Parliament, in the anticipation that in the interval honorable gentlemen of this House will have then arrived at the conclusion that they will not refuse to the representatives of the people by a very narrow majority what the people have long required and what they are fairly entitled to. I therefore move—

That this order be discharged from the paper.

The Hon. H. G. SIMPSON: He, for one, was very sorry for the course that the Government intended to take. They were just now throwing away an opportunity of carrying out very useful public works in this colony for what he could call nothing more nor less than either a mere fit of ill-temper, or became the action of the the Council disconcerted some little scheme that the House did not see all of. There was something behind the scenes that honorable members did not quite understand. The Government must be disconcerted by the vote of the Council. With regard to what the honorable gentleman said of the Railway Reserves Bill, he should like to point out that nothing had occurred yet to render it necessary to withdraw any one of the reserves. The reserve affected by the railway which had been disagreed to by the Council was the Wide Bay and Burnett Districts Railway Reserve. There was still on the paper another railway for that district, which, if to be made, would have to be made out of the lands in that reserve; consequently there was no reason for altering the reserve or doing away with it, or any of the other reserves which had been provisionally passed. Again, with regard to the Northern Railway, nothing had been done by the Council to interfere with the reserve provided for the extension from the Comet junction to Emerald Downs and Clermont. The reserve for the extension to Roma was provided already and could not be affected by any action with regard to the Bill. Another remark of the honorable gentleman was, that there had been an understanding in the other House that the railways were all to go together. That, he (Captain Simpson) entirely denied. So far from there being an understanding, the course taken by the Government had been most vehemently protested against by one side of the House; but the Government having their supporters at their backs, forming a considerable majority, passed the resolutions in a lump, as one, and sent them up to the Council, and they expected the Council to accept them as a matter of course in that form. He thought that if the House had agreed to the resolutions in that form it would have stultified itself; and it would have encouraged the Government to put other questions before Parliament in the same form. Hereafter, it would be a general system of what was known in the old country of "tacking." That was practically what the Postmaster-General advocated. He said

—"If you do not pass this one resolution, the rest must go." Well, that was a sort of dictation to which the Council should never submit. He was quite prepared to vote, if the Postmaster-General would go on with the other resolutions—he had no particular objection to any of the others;—he should most certainly vote for two or three of the railways, and those the Postmaster-General could carry if he would. The honorable gentleman said the principle the Government went on was to do justice to all districts alike—that there should be no partiality to any particular district. In that case, as there were forty-two districts, the Government should propose forty-two railways. That was carrying the honorable gentleman's argument to a logical conclusion. The honorable gentleman had again repeated that accusation against honorable members who did not attend so regularly as some others in the House; though he had been told of the fact of those honorable gentlemen living at a considerable distance from town, and being able to attend only at considerable personal inconvenience; while his own supporters, with one exception, lived in the immediate vicinity of the town. If the honorable gentleman would withdraw the resolutions, he must do so; but it was only right that it should go before the country, that the important railway extensions, including the one which had been passed by the Council, were shelved, and that the House was not responsible therefor, but that the responsibility rested on the Government. He (Captain Simpson) could only compare the conduct of the Government to that of a spoiled child, that cried for the moon, and, because it could not get the moon, kicked over its pap-bowl. If they chose to throw up the whole of the railways in their scheme, because they could not rush all on the acceptance of the House, theirs was the responsibility.

The Hon. T. L. MURRAY-PRIOR said he thought he knew the reason why the honorable gentleman and his colleagues thought fit to withdraw the resolutions. As far as he could see, a resolution having been passed by the Council, the Postmaster-General could not withdraw or alter the others until they had been considered, as the House had ordered, if honorable gentlemen on the Opposition side were not inclined to agree to their withdrawal. Under the circumstances, the step proposed was perfectly worthy of the Postmaster-General. But he (Mr. Prior) did not rise to oppose him. He, for one, was in favor of railway progression; he was in favor of the main trunk lines of railway being extended, at proper times.

HONORABLE MEMBERS: Hear, hear.

The Hon. T. L. MURRAY-PRIOR: He believed there was not a single member of the Council who was not of the same opinion. Honorable members were not all agreed as to where railways ought to be in different

parts of the country, on the principle attempted to be laid down. This was the first time that any Government attempted the establishment of a number of railways in different parts of the colony *in globo*. Under the circumstances, he thought it was better to lose the benefits even of some of the proposed lines, than to incur the risks of such an inconsiderate scheme of expenditure as the construction of the whole involved. The Postmaster-General spoke of the resolution having been rejected by a majority of only one. True, it was rejected by a majority of only one. But there were several members of the Council absent who would be here next year, and whose votes would be with the Opposition.

The POSTMASTER-GENERAL: They should be here.

The Hon. T. L. MURRAY-PRIOR: He knew pretty well which way their votes would be recorded. The Council was opposed to the mode in which the railways were brought before the House. If the Postmaster-General should be still in his seat next year, and should again bring forward such a system of railways, he (Mr. Prior) should again oppose him, as now he did, for the benefit of the country.

The Hon. J. TAYLOR: The Postmaster-General had again accused him of only seldom attending the House, and attending only for the purpose of thwarting this railway scheme.

The POSTMASTER-GENERAL: He never said anything of the sort.

The Hon. J. TAYLOR: Every one in the House knew that the honorable gentleman meant him! The honorable gentleman insinuated as much, which was the same thing. He (Mr. Taylor) begged to inform the Postmaster-General that he would attend the House when he thought proper, and not at his dictation. When he saw measures of importance for consideration, he came down; when he saw trifling matters, he did not come down. He was very glad that the honorable gentleman intended to withdraw the railway scheme. The Government were thwarted by a majority of one! Well, when he came to analyse the division lists, he found on the side of the Government four gentlemen who received large pay from the State. There was not a man on the Opposition side of the House who received one sixpence from the State. It was most unjust, when the Postmaster-General said that honorable members opposed the railways from interested motives.

The POSTMASTER-GENERAL: He never said so.

The Hon. J. TAYLOR: Oh! yes; that was charged against them.

The POSTMASTER-GENERAL repeated his denial.

The PRESIDENT: He did not think the Postmaster-General said so.

The Hon. J. TAYLOR: Perhaps the President did not hear him. Those honorable members opposed the railways, because they were certain that they would not pay interest on the expense of their construction. If the honorable gentleman had had his way, he would have carried the whole of them. There were six railways, not more than two or three of which could be approved of at all. Things were come to a pretty pass when a young man like the Postmaster-General talked to men twice his age. He (Mr. Taylor) supposed that there were men in the Council with quite as good brains as the Postmaster-General, though the honorable gentleman was sharper, perhaps. They had common sense; he doubted very much if it was a possession of the honorable gentleman. They were not to be bullied into taking a course which pleased him. The honorable gentleman had best go on in another course than that he had chosen; and he must talk to them in a strain different from that he had adopted for the last few nights. The Roma line and the Northern line, he (Mr. Taylor) supposed were provided for for twelve months, and no inconvenience to those railways would ensue; the other lines in the Government scheme might stand over for years.

The Hon. F. T. GREGORY said he took strong exception to the remark made by the Postmaster-General, who put it to the Council that, because the majority of another branch of the Parliament decided on a certain measure, therefore the House should accept its dictum, and not oppose any measure that the Assembly might choose to pass. He could not see upon what possible grounds this country or any country that had constitutional Government could pretend to political life if one branch of the legislature was to be entirely guided by the dictum of the other;—in other words, what was the use of presenting measures to the Council for its decision if it must take the dictum of the other House, whether a measure was carried by a large or a small majority? He denied that such was the constitutional position of the Council. With regard to the withdrawal, if that assumed the form of a threat to the Council because the House had declined to accede to all the resolutions, he did not of course care for it. If the resolutions had been proceeded with, there were others besides the first that might have been affirmed by a majority of the Council. At any rate two important works might be proceeded with. The onus of withdrawing them, whether for good or bad, must be exclusively with the Ministry of the day; after they had been made fully acquainted by the speeches of several honorable members, that they were willing to sanction some of the railways—the most important of them.

The POSTMASTER-GENERAL: One word, in answer to the Honorable Mr. Gregory. The honorable gentleman entirely misunderstood

what was said with regard to the constitutional power of the House. He (the Postmaster-General) stated that he admitted that the Council had full constitutional power to reject the proposals; but he put it, whether it would not be gracious and becoming of the House to consider that, as a large majority of the representatives of the people had affirmed the construction of railways, and the Council by a majority of one—a majority including two honorable gentlemen who took very little interest in the affairs of the country—had rejected the proposal of the Government, it could give way. He said it was a question of grace on the part of the Council; that it would be becoming to give way, under the circumstances, and to let the Government assume the responsibility of the act.

The Hon. G. SANDEMAN, for one, denied that the great body of the other House was in favor of passing the resolutions. It was known that the great body of the Assembly was in favor of certain lines of railway, and were not in favor of other lines. Therefore to say that the Council, by a majority of one, threw out the Government scheme of railway construction, was not proper, because not correct. The Council had not interfered with any railway construction which it was desirable for the country should be carried out. There were certain lines which, he believed, every honorable member of the Council would gladly have agreed to. But they did object to certain lines included in the resolutions. He believed that the voice of the country would be in approval of the action taken by the Council for having been the means of bringing the question to its present position.

The Hon. T. L. MURRAY-PRIOR: Hear, hear.

The Hon. T. B. STEPHENS: He was glad to have heard the concluding remarks of the honorable gentleman, who accepted the position which the House had taken up. There was no getting out of it, however much honorable members might argue. The Assembly had approved of the railway scheme of the Government, and the Council threw it out. There was a plain reason that everybody, from one end of the country to the other, would understand. He was glad to have heard the honorable gentleman accept it.

The Hon. W. D. BOX: The honorable gentleman who just sat down was in the habit of putting things so plainly.

The POSTMASTER-GENERAL and HONORABLE MEMBERS: Hear, hear.

The Hon. W. D. BOX: He said the other House had accepted the scheme of railways. Very well, the resolutions were then sent up to the Council for its approval or rejection. The Postmaster-General had not the slightest idea of what number of those railways would be approved or rejected by the House. One of them had been accepted, and another had been disapproved of. The House was ready to go on with the

consideration of the others. The Postmaster-General would not for one moment attempt to tell the country that the Council had rejected the whole of the railways! Undoubtedly the country knew that the other House did not think it desirable to enter into six railways; but it would understand that Parliament thought it desirable to enter into two or perhaps three of the proposed railways—the extension to Stanthorpe, the extension to Roma, and the extension to Emerald Downs. These the Council would, now, if the Postmaster-General tried, approve of most cordially; and he (Mr. Box) believed they were sufficient for the circumstances of the colony at present—they would be quite a grand railway scheme for Queensland. But the House did not approve of all the railways proposed.

The Hon. A. H. BROWN: Last night he suggested that the Council should accord the Postmaster-General what the honorable gentleman wished, that was time for a conference with his colleagues; as it appeared to be only fair. The honorable gentleman was a member of that "happy family," the Ministry; and it could hardly be expected that he should have given a sudden decision. He (Mr. Brown) regretted the course that the Postmaster-General took of withdrawing the railways *in toto*. He believed that many, the greater portion of them, would pass. From the statement of the Honorable Mr. Box, the honorable gentleman thought that only three of the railways would pass. His (Mr. Brown's) important district was left out again. At the same time he thought that, if the discussion had been pursued, honorable members would yield upon that point;—not that he had consulted with them. Every honorable gentleman acted as he thought fit; and he should always entertain the opinion that the decision of the House must be accepted. The Honorable Mr. Stephens gave the House one of his usual ingenious explanations as to the position of the House and the country.

The Hon. T. B. STEPHENS: The railways came to grief in the Council after having been passed by the Assembly.

The Hon. A. H. BROWN: They had not come to grief. He thought that, even at the eleventh hour, the Postmaster-General might go on with them; if, upon consultation with his colleagues, he found that the Government would continue the approved lines. He was in hopes that the discussion would have been renewed, and that the Bundaberg and Mount Perry line would be approved of. The honorable doctors on the other side of House would, he had no doubt, give a very good illustration of the way in which the railways were presented. In their professional practice, it was not uncommon to write prescriptions for various members of a family; but it was not always the same prescription that would suit every individual. The diagnosis was different in each case, and doctors would allow each patient to explain what he could of his own case. The Council

had been asked to pass a system of railways, and it had raised a very valid objection. Although the Postmaster-General had not precisely consented to the proposal to consider the resolutions separately; yet, as they were taken in that way by the House, he (Mr. Brown) was in hopes that they would all be considered, especially when he voted on the last occasion, with certainly some degree of interest in another line in his own district. He certainly did hope that the Postmaster-General would allow the resolutions to go on as other matters did that came before the Council. He did not take upon himself, as an individual member, the responsibility, or the onus of the entire rejection of the railways; but was prepared now to proceed with the other resolutions and to vote very freely. If any blame was to be attached to the rejection of the railways, it would attach to the Government.

The Hon. G. SANDEMAN: Hear, hear.

The question was put and passed, and the order was accordingly discharged.