

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 17 MAY 1877**

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## LEGISLATIVE ASSEMBLY.

*Thursday, 17 May, 1877.*

Messages from the Governor.—Questions.—Formal Business.—Condemned Polynesians.—Privilege.—Snider Rifles.—Government Business—Orders of the Day.

The Speaker took the chair at half-past three o'clock.

## MESSAGES FROM THE GOVERNOR.

The SPEAKER announced that he had received from the Administrator of the Government messages transmitting and recommending to the Assembly the following Bills:—

1. A Bill to facilitate and encourage Higher Education, and to make provision for the establishment of a University in the Colony of Queensland.
2. A Bill to provide for the better regulation of the Civil Service.
3. A Bill to extend the provisions of the Victoria Bridge Act of 1876.

## QUESTIONS.

Mr. PERKINS asked the Secretary for Public Works—

1. Is it the intention of the Government to proceed with the construction of the railway to Highfields, as decided by the Legislature last session?
2. Will the honourable gentleman inform the House of the cause of delay in the prosecution of the public work in question?

The SECRETARY FOR PUBLIC WORKS replied—

1. The Government do intend to proceed with the construction of this branch line as soon as possible.

2. The cause of the delay has been the pressure of work in the engineers' department, but the necessary plans, &c., will be prepared with all possible despatch. He might state that they would be completed in about ten days.

Mr. PALMER: The plans and specifications must be approved by the House.

The MINISTER FOR PUBLIC WORKS: They were, last session.

Mr. PALMER: They were not.

Mr. PERKINS asked the Secretary for Public Works—

1. Is he aware that the sum of £450, voted last session for court-house and police buildings at Highfields, is now being expended outside of the Highfields district, and in another electorate?

2. Is it his intention to erect a court-house and police buildings, say at Five-mile Camp, in accordance with the vote of Parliament last session?

The SECRETARY FOR PUBLIC WORKS replied—

1. The building is being erected at the place for which the money was voted.

2. No vote was taken last session for a court-house and police buildings at Five-mile Camp, but an amount will be placed on the next Estimates for the purpose.

Mr. PALMER asked the Colonial Secretary—

1. Are the Government aware that the neighbouring colonies have ordered Martini-Henry rifles for the use of their Volunteers?

2. On what grounds have the Government ordered the Snider rifles for use here?

The COLONIAL SECRETARY replied—

1. The Government has received no official information from the other colonies that they had ordered Martini-Henry rifles for the use of their Volunteers, further than what appeared in the public press.

2. The Snider rifles for use here were ordered by the late Premier, Mr. Thorn.

#### FORMAL BUSINESS.

Mr. MACROSSAN moved for leave to bring in a Bill to divide the electorates of Kennedy and Cook.

Question put and passed.

The Bill was presented and read a first time, and the second reading was made an order of the day for Thursday next.

Mr. WALSH moved—

That there be laid upon the table of this House, a return showing the total amount of the expenditure incurred and authorised on account of the Dry Dock at South Brisbane.

Question put and passed.

#### CONDEMNED POLYNESIANS.

Mr. BAILEY moved—

That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the table of this House, the depositions of the case of the two Polynesians recently condemned to death at Maryborough.

He said he moved this motion now, and in this manner, because he understood he should not be able to get the papers until it was too late, and with the hope that the Government would pause before allowing the execution of the sentence passed on these two unfortunate wretches. He did so because serious doubts had arisen as to the justice of that sentence. They had to consider that these two poor ignorant savages had been perfectly helpless throughout the whole of the trial. They had neither the sense nor the intelligence nor the opportunity of defending themselves against the very grave charge brought against them. They had been hustled down to the Police Court, were locked up in ignorance and dread of their fate, and the strongest evidence that had been brought forward to induce the Government to pause before allowing the sentence to be carried into effect was that one of them had attempted to kill himself, and gave as his reason for doing so that rather than be killed by a white man for what another man had done, he would kill himself. Another reason why he had brought the matter forward was because a rumour was current, not only amongst the Polynesians, but also amongst educated men who were perfectly acquainted with the habits of Polynesians, that the man who gave the strongest evidence against these men—and who procured their conviction—might possibly be the actually guilty party. His were the clothes found in the river; it was with his tomahawk the attempted murder was committed, and so on. These circumstances naturally caused serious doubts to arise, and what he desired was an assurance from the Attorney-General that the case had been fully inquired into, in every detail, before an act of possibly horrible injustice should be committed. It seemed necessary that Christian nations should expiate one murder by another, but it behoved them, as Christians and as intelligent men, to pause seriously before they rushed these two poor creatures to an untimely death, unless they were not only morally, but perfectly certain of their guilt.

The ATTORNEY-GENERAL said no doubt great responsibility attached to the Government on every occasion when a man was sentenced to death, but he could assure the House, that that responsibility was never exercised without the greatest care and caution. He was not present at the

trial of these prisoners, but he and the other members of the Government had since seen the evidence then given, and every precaution had been taken before a decision was arrived at. The learned Judge who had presided at the trial had been summoned before the Executive, and the matter had been fully and carefully considered by the Government before they arrived at the conclusion that there was no reason why the sentence should not be carried into effect. It was undesirable, he believed, to discuss matters of this kind more than was necessary, and everyone who knew the circumstances of the case would agree that if the prisoners were guilty, to have shown them any clemency would have been a very serious mistake. The only question was, whether they were guilty. There was no objection on the part of the Government to the production of the evidence, but it would be of very little use in throwing light on the question, because the evidence at the Police Court was not elicited by trained examiners, who thoroughly understood a case of circumstantial evidence—which this was—and so connect and apply the facts, as to enable the jury and the court to determine whether the prisoners were guilty or not. The evidence at the trial on the Judge's notes was much stronger than that given at the Police Court, and was quite sufficient to convict. The only suggestion he had heard why the sentence should not be carried out was, that one of the witnesses, Captain Cook, might himself have committed the crime; but it might always be suggested that someone else had done so. He had since been informed, upon testimony that he had no reason to doubt, that evidence could be produced to show where Cook was during the whole of the night the outrage was committed.

Mr. BAILEY: Why wasn't it done?

The ATTORNEY-GENERAL said it was not done at the trial, probably because the question was never suggested. As he informed the honourable member yesterday, he had received a telegram from the Under Sheriff at Maryborough, stating that one or both of the prisoners had made further statements completely exonerating Cook from any share in the offence. The fact that one of the prisoners had endeavoured to strangle himself did not affect the case in any way. He had known, within the last six months, a Polynesian prisoner, against whom there was scarcely any evidence, attempt to commit suicide; and if such a fact were to be taken as evidence that a man was innocent, it would be an extraordinary way of administering the law. The honourable member for Wide Bay had indicated to him about a fortnight ago that certain doubts had arisen as to the guilt of these men, and on that suggestion he (the Attorney-General) caused inquiries

to be made to see if there was any evidence to support that doubt; but, after full consideration of the whole matter, no doubt whatever on the point remained on the mind of any member of the Executive Council, and, therefore, the only course was to allow the law to be carried into effect. If the motion were pressed, the Government would not oppose it.

Mr. PALMER said he, in common with many other members of the House and the community, was very much pleased to hear the explanation of the honourable the Attorney-General, that no doubts remained on the minds of the Executive as to the guilt of these men; and the honourable member for Wide Bay had done good service in putting the motion on the paper. But they had been informed that these unfortunate wretches had been sent back to Maryborough to be executed there, and, as he understood from the public prints, it had been suggested that they should be hanged on the bridge at Maryborough. If he understood their present law at all, all executions were required to be performed in private, and it appeared to him more like revenge than justice to send these men back to Maryborough to be executed, merely to please some portion of the Brisbane Press. One paragraph he had seen in the *Courier* stated, that "in consequence of our recommendation," these men had been sent back to Maryborough for that purpose, and he should like to hear from the Attorney-General what motive beside the recommendation of the *Courier* had induced the Government to send them back.

The ATTORNEY-GENERAL explained that the suggestion that the men should be executed at Maryborough was made to the Government by himself within three days after the men had been sentenced to death, and before he had heard that it was made by any portion of the public Press. It was made by him so early in order that it might be very carefully considered by the Government before final action was taken, and it remained under consideration about a fortnight prior to a decision being arrived at. The law provided that an execution should take place in the prison of the district in which the offence was committed, or some other prison named by the Governor in Council, and the lock-up at Maryborough had been made a prison for that purpose, because it was on every ground desirable that the execution should take place there; and so far from it being a public execution, instructions had been given to have the place enclosed, so that it would be as private as if it took place within the walls of the gaol in Brisbane. One reason why it was desirable that the execution should take place in Maryborough was, that Polynesians had, on several occasions, been sentenced to death in different parts of the

colony, though in no case had the sentence been carried into effect; and he had been informed—but he could not say the information was accurate—that the Polynesians did not believe any such sentence was carried out, having heard that the men were still living. It must be admitted that if a sentence of that kind was to be carried out at all, it must be with the object of having a good effect upon others, as it certainly could not have any after effect upon the culprits themselves. It was desirable that the sentence should be carried out in the way best calculated to effectuate that object, always observing the rule that such executions should be private. These were the reasons which had influenced him in making the suggestion, and probably the reasons that had actuated the Government in acting upon it.

Mr. W. SCOTT was understood to say that the Government were very much to blame for deciding that the execution should take place at Maryborough, where the feeling opposed to Polynesians was so strong. He believed the people there would hang every Polynesian in the district without the slightest hesitation. The sentence was, he understood, to be carried out sometime this week, and he was convinced that it would be murder.

Mr. GARRICK said he was present at the trial of these prisoners, and had an opportunity of hearing the whole of the evidence, the addresses of counsel for the prosecution and for the prisoners, and also the charge made by the Judge to the jury, and he could say that the prisoners had a full and very fair trial—that all was done for them that could possibly have been done. There was an excellent interpreter, who appeared to make them fully understand the whole of the proceedings; the witness, Captain Cook, was subjected to cross-examination by the counsel for the prisoners, and had there been any ground for the insinuation that he was the party guilty of the crime; there was every opportunity of testing it. That the Crown did not account for where Cook was during the whole of the night on which the offence was committed arose in this way:—That was not the issue for trial; the issue was, whether the prisoners at the bar were guilty or not, and it was the duty of those entrusted with the defence to ascertain where Cook was on that night. He was cross-examined for that purpose in his (Mr. Garrick's) hearing, and he was perfectly satisfied Cook's was not the hand that committed the offence, but that it was committed by the hands of the prisoners now under sentence. It was a dreadful crime, and the prisoners having been found guilty of it, he thought they should suffer the extreme sentence of the law. He considered there were reasons why the prisoners should be executed at Maryborough. He had been

informed by planters on the Mary River that it was highly desirable these prisoners should be executed there, and that the execution should be witnessed by some of the Polynesians in the district. The reason given for this was, that on previous occasions when Polynesians had been sentenced and removed from the district, the impression amongst those who remained was that they were not in prison and had not been executed, but simply returned to their own islands; and, therefore, in order to disabuse their minds of such an impression, the best thing that could be done was to have these men executed within sight. He thought the honourable member for Wide Bay had done good service in placing the motion on the paper, and that he had effected the object desired.

Mr. WALSH remarked, that if to hang a black criminal near the scene of the offence of which he had been found guilty was considered to have a deterrent effect, it must surely have a similar effect with regard to criminals of every other race. That argument did not, he thought, carry much weight. There was some inconsistency, also, in the reasoning of the Attorney-General, when he argued that because one or two Polynesians had attempted to commit suicide while in durance, therefore all Polynesians, rather than suffer punishment, would endeavour to make away with themselves. He thought the inference suggested was hardly a fair one.

The ATTORNEY-GENERAL: There was no such inference to be drawn from it.

Mr. WALSH said that, at any rate, he had drawn that inference from it. He felt considerable distrust as to the guilt of those men, notwithstanding the statement made by the honourable member who last addressed the House. No doubt that honourable gentleman, sitting in the court-house as a lawyer, and judging from a practical lawyer-like point of view, had come to a correct conclusion as to what took place; but many persons at a distance, and who had not had their views disturbed by the strong local feeling which prevailed, were of opinion that the poor wretches had not had a fair trial. Personally, he did not pretend to know anything about the case, and he might say that he had not even read the evidence; but a number of his friends who had made themselves acquainted with the facts of the case, were of opinion that the prisoners did not understand the nature of the offence with which they were charged, nor did they understand the evidence that was given against them. Considerable distrust was also felt as to the quality of the interpreter. Polynesians from different islands had the most deadly enmity towards each other, and if the interpreter in this case happened to come from an island at strife with that to which the prisoners belonged, he would not hesitate to sacrifice the in-

dividuals on their trial. He strongly objected to the trial taking place at Maryborough. As was well known, a strong personal and political feeling against the whole class existed there. It was a feeling similar to that which formerly existed at another place, in which instance they had the painful fact before them that one man was convicted solely in consequence of the public outcry. It was proved beyond a doubt that that man never committed the crime of which he was convicted. Having that fact in view, and bearing in mind the strong personal and political feeling which existed in Maryborough against Polynesians, the Government ought to pause before becoming the executioners of these men. Time ought to be given for a more searching examination into the facts of the case. But Maryborough, in its present state, was an unfit place for the trial to be held at. The very fact of the people of Maryborough craving for the execution of these men in their midst, was a sufficient proof of that. He believed that the course adopted by the Government was the result rather of the pressure of public opinion at Maryborough than of any absolute necessity for meeting the ends of justice. To say that it would have a deterrent effect on the Polynesians of the district, was asking them, as men of common sense, to believe a little too much. There was no necessity, he was quite sure, to take away those poor peoples' lives to-morrow, especially if, as many seemed to think, the act was almost equivalent to a judicial murder.

Mr. GRIMES said, that even if the motion of the honourable member for Wide Bay was carried, he failed to see how it would serve the unfortunate criminals. He was sorry it had been thought by the Government necessary to execute the men at Maryborough, and he did not think any practical good would result from it. On the contrary, he was afraid that harm was more likely to ensue. These cases seemed to indicate that there was an ineradicable evil connected with the presence of an inferior and comparatively savage race in the midst of a superior and civilised population. It was quite clear that their evidence could not be taken even as exculpatory, and the evidence against them of white witnesses, even though prejudiced, was always sure to have more weight than any which could be adduced in their favour from members of their own race. With regard to this particular case, he was not inclined to say much about the evidence, but he felt certain that where the convicting evidence was given by whites, and the prisoners were not allowed to bring forward exculpatory evidence, the public mind would feel a certain amount of distrust in the case of every conviction recorded. The wisest

course would be to throw the whole onus of keeping out of danger the Polynesians employed in the district upon their employers. It was much easier to keep the Polynesians on their plantations, than to trace home and punish a wrongdoer after the wrong has been done. He felt convinced that there would be no safety until a stringent measure was adopted, making employers responsible for their men who were found off the plantations at any unlawful time.

Mr. BEOR said he was not opposed to the immediate execution of these Polynesians, but he was decidedly opposed to sending them up to Maryborough for that purpose. He did not lose sight of the fact, as some honourable members appeared to have done, that the trial was presided over by a judge who sifted the evidence most carefully, and that that judge had been consulted by the Executive before it was decided to carry his sentence into effect. The judge must know much better than anyone who had merely read over the depositions, or listened to statements from Maryborough or elsewhere about the state of feeling between blacks and whites. He must know better than those what was the amount of evidence against the prisoners; but some honourable members seemed to think themselves better judges of what took place than the judge himself who presided on the occasion, and by implication accused the jury of a strong bias against the unfortunate men. He presumed that they did not in reality put forward such a grave accusation. If so, then, upon what possible grounds should the execution of these men be postponed? If they doubted the honesty or impartiality of the Judge, the better plan would be to bring forward some measure to remove that functionary. If a judge advised that a man should be hanged, and the evidence before him did not justify such advice, surely that Judge was unfit for his position. The fact of the attempted suicide of one of the prisoners, narrated by previous speakers, was one from which no conclusion whatever could be drawn, excepting, perhaps, that they felt they would have no chance of obtaining justice in a white court, and had much better save themselves from the disgrace of an execution by putting a voluntary end to their lives. No doubt the execution of the prisoners would have a good effect; but there was this danger in sending them to Maryborough to be hanged, namely, that there was already a very strong feeling there between blacks and the poorer, or, rather, the meaner, whites; and to send the men there to be executed, would simply be to nurse and cherish those feelings of antagonism. [HONOURABLE MEMBERS OF THE Opposition: Hear, hear.] The Polynesians would say the men had been executed, not because they had committed a crime, but because they were black men accused

of having committed a crime; and it was not at all improbable that some white men would say to the black men, "You see what is likely to follow when you commit an injury upon any of us." And then the feeling would increase on the part of the blacks, that they were not likely to have a fair trial before Englishmen. That feeling, he conceived, was likely to be fostered and encouraged by these executions taking place at Maryborough, and for that reason he considered that the Government had taken a false step in ordering that to be done.

Mr. BELL said the argument of the honorable member who spoke last was a very strong one indeed, as it was incontrovertible that the judge who tried the case would be better able to come to a sound conclusion, as to the effect of the evidence, than those who only heard the evidence second-hand, or listened to hearsay statements. There was no doubt whatever, after what they had heard, that those unfortunate black men should be hanged; but it should not be forgotten that cases had occurred in which the most honest judges had caused men to be wrongfully executed. Mistakes had been made, improper evidence had been taken, and wrong decisions had been based thereon. Possibly something similar might have occurred in this case. He was not thoroughly acquainted with the facts, but he felt sufficient interest in it, after the arguments he had heard, to hope that it would receive the earnest consideration of the Government. But what object would be gained in postponing the execution? Would any member of the House take upon himself the duty of fishing out exculpatory evidence? He felt the difficulties that lay in the way, and could only express a hope that the Government would act in this matter with the utmost endeavour to do justice to all concerned.

Mr. PERKINS said he considered the present motion an attempt to arrest the course of judgment, in order to give the men a second trial; but before the House could consent to any such proposal, it must decide that the judge was incapable, and that the jury were dishonest. He believed that both judge and jury were honest and impartial. He considered that the men had had a fair trial. It was a very poor way to approach the House by hearsay evidence, and this was not the tribunal to appeal to now. As to the suicides of the Islanders, they were not at all uncommon; it was a custom with them whenever they were told off for punishment. He happened to know something about Maryborough, and he believed a Maryborough jury was about as intelligent a body of men as a Brisbane jury or a jury in any other town in Queensland. He considered that in a trial of this or any other kind, they would

give their verdict strictly in accordance with the evidence.

Mr. BAILEY said he regretted to find that the remarks of the last speaker were so destitute of every humane and charitable feeling. With regard to the attempted suicide of one of the prisoners, he had not adduced that as a proof of the man's innocence, but as an indication that rather than be killed by the white man for what someone else had done, he would kill himself. Another remarkable fact was, that while the woman had sworn that the outrage was committed by a tall Polynesian, the Government were going to hang two short ones. He saw those Polynesians in the dock when they were being tried before the Police Magistrate, and they seemed perfectly stupefied—more like inanimate objects than human beings. But he was not here to defend those men. All he wished to do was to caution the Executive to be careful lest, by attempting to strike terror into the minds of the Polynesians, they would be doing an act of cruel and barbarous injustice, which would only inspire them with a wholesale contempt for white men and their laws. As the object of his motion had already been gained, he would, with the leave of the House, now withdraw it.

Leave was given, and the motion was withdrawn accordingly.

#### PRIVILEGE.

Mr. IVORY rose to a question of privilege with regard to the publication of papers that, it would be in the recollection of honourable members, had been laid before the House yesterday afternoon—the report of the Commission appointed respecting the Asylum at Woogaroo. That paper had been laid before the House yesterday afternoon, and almost simultaneously the *Telegraph* arrived in the Library, and honourable members found the report printed in that paper. He (Mr. Ivory) had intended to take notice of this fact yesterday evening, but he found the motion for adjournment had been put before an opportunity occurred. He moved the adjournment of the House.

The COLONIAL SECRETARY said he was unable to account for the fact mentioned, although he had made inquiry both from the Under Colonial Secretary and the Government Printer; except on the supposition that a proof-sheet of the report in question might have got into the hands of a member of the Commission, and, through that means, to the columns of the *Telegraph*. He was sure that the fault lay with neither of those offices, and this was the only solution of the difficulty he could suggest; however, he would cause further inquiry to be made into this matter.

Mr. PALMER said he was much surprised to see the paper in question printed. He was quite satisfied that the Government Printing Office had nothing to do with the matter, or the Colonial Secretary. It was the Colonial Secretary's duty to inquire how the *Telegraph* came by the report. He was satisfied there were no *laches* in the Government Printing Office. He thought the explanation suggested a very probable solution of the difficulty.

#### SNIDER RIFLES.

Mr. PALMER moved the adjournment of the House to call attention to the answers given by the Colonial Secretary respecting the rifles for the use of Volunteers. The explanation tendered by the Government to this question, was, in his opinion, very unsatisfactory, and even insulting, to the House. There had been sufficient time, since he gave notice of this motion yesterday, for the Government to have supplied the information asked for. The only reply given was, that the Snider rifles had been ordered by the late Premier, Mr. Thorn. There had been a tremendous mess made of the whole affair, as was stated by the public prints, and the fact had not been denied. He did not suppose that a greater blunder was ever committed by any member of any Government since Governments were created. The idea of sending a comparatively useless weapon, and expect our Volunteers to use it against the improved weapons of any invader, was a farce; and a murderous farce it might prove to be. He did not suppose that any Premier could, upon his own authority, order 1,000 stand of rifles; if he could, there was an end of all responsible government. It was the duty of the Ministry to make themselves acquainted with the fact that the Snider rifle was useless; they might as well have ordered 1,000 stand of the Brown-Bess rifle which, no doubt, they could get from the Tower for the asking. The reply he (Mr. Palmer) got upon this question from the Colonial Secretary was insulting not only to him, but to the House and the country, and, more than that, to the Volunteers who were expected to expose themselves in case of danger, and who were fully entitled to know upon what grounds the Government had ordered these useless weapons. The only answer given was that they were ordered by the late Premier, Mr. Thorn. He (Mr. Palmer) would have thought that, before they took on themselves the responsibility of ordering Snider rifles, they would have taken the trouble to ascertain what kind of arms would be used by the Volunteers of the other colonies, so that in case of a deficiency of ammunition here, Queensland might be able in any contingency to borrow for a

time ammunition from its neighbours. It appeared, however, that the Government had not taken this trouble, but the Sniders had been sent for on the sole responsibility of Mr. Thorn, the late Premier. Surely something extraordinary must have happened to account for the retirement of the late Premier from office; was it because his Ministerial colleagues had declined to confirm the lavish promises made by Mr. Thorn is his tour at the North? Some explanation was due on these points at the earliest opportunity after the assembling of Parliament. It was true that this might be considered as a party question, but it was one that the Government was bound to answer. And when a question to that effect was placed on the notice-paper, honourable members were entitled to a definite answer. He (Mr. Palmer) concluded by moving that the House do now adjourn.

The PREMIER said: I hardly think that the member who last addressed the House was correct when he stated that the Snider rifle was an antiquated weapon.

Mr. PALMER: Comparatively so.

The PREMIER continued: I have heard that the Martini-Henri rifle is a much more delicate weapon than the Snider, and much more likely to get out of order in the hands of inexperienced Volunteers. It is a much more complicated arm, and requires more careful handling, and even now there is some difficulty in obtaining them. In consequence of this, I am told that the Snider is the favourite weapon with Victorian volunteers. The Martini-Henri rifles cost £5 or £6 a-piece, while we can get the Sniders at about £2 8s. 6d. from the Imperial Government, in consequence of some regiments being disarmed of Sniders, and adopting a more expensive weapon. I do not think that the Sniders merit the terms applied to them by the honourable member for Port Curtis. But the Government had only £3,000 to invest, and it was considered desirable to get 1,000 Sniders, as they could be got cheapest. The ammunition has been ordered, and is now on the way out. With regard to the honourable member's other statement as to the reconstruction of the Ministry, I do not think it desirable to add to the explanation already afforded by the Government. I made it in plain and not obscure terms as to the exact facts of the case. It seems to me that quite enough information has been afforded to acquaint the House with what has occurred. As far as the Government is concerned, the honourable member for Port Curtis chose to leave the House before I made my statement, though I had previously intimated my intention accordingly, but I did not intend to interrupt the course of the previous debate to do so. I also intimated to him my willingness to appoint



any Government day, if desired to do so by the leader of the Opposition, to give all possible facilities, in order to have an expression of opinion on the part of the House. I can only repeat that assurance on this occasion.

Mr. WALSH said the House had not had any answer to the question why the late Premier had ordered the Snider rifles. He presumed that, according to constitutional practice, no Minister could do anything without the knowledge and co-operation of his colleagues. In this case a large sum of money had been expended in sending for these Snider rifles, yet the only authority to show was an order from the late Premier. He (Mr. Walsh) considered this explanation was unsatisfactory, and was a very poor way of getting out of the difficulty. Members of the Government ought to have nothing whatever to do with sending orders of this kind home. An additional reason given by the Premier why the second-rate weapons had been introduced was a very poor one. He (Mr. Walsh) thought the colony could afford to spend £6,000 as easily as £3,000, and not be compelled to accept the cast-off weapons, which would be practically useless. He (Mr. Walsh) must confess that he was disappointed at the present Premier not having made a better explanation how it had happened at that moment that the late Premier had changed his position. Was it because of the incompetency of the gentleman in question? The explanation that had been given was very unsatisfactory, and the challenge given to honourable members to discuss the matter at a future day was a very poor way of getting out of it. The Premier knew that he had a large majority in the House, and this was not a very creditable way of affording that explanation which the Government should have given to the country when they first took office. Here was the late Premier of the colony, who ruled the roost last session, suddenly deposed. No explanation had been given of that matter, nor any reason why he was sitting still among the Treasury benches. This reminded him of the old distich—"I own you were right to dissemble your love; but why did you kick me downstairs?" He (Mr. Walsh) confessed that he should like to have seen the Government show a little more alacrity in making their explanation, instead of offering to appoint a day for that purpose. Information of the facts of the case had been in possession of honourable members long ago. The constitutional principle was, that the House should have had the explanation at the earliest moment.

Mr. STEWART said the Premier had made an explanation to some extent; but he might have gone a little further. The late Premier had brought the matter before the House last session, the order had passed

the Council in the usual way, and was sent from the Colonial Secretary's office, as these rifles were then considered the best and the least liable to get out of order; and that was the time to object to Snider rifles being sent for, and to propose any alteration. With regard to ammunition, it had been telegraphed for, and was doubtless on its way out.

Mr. BELL said, while honourable members were on the subject of the Volunteers, he would like to take that opportunity of referring to the distinct promise made by the late Premier last session, in relation to the Volunteers. He would give formal notice of motion to that effect.

Mr. PALMER said the answers that had been given to him amounted to falsehood. The Premier first said that the Sniders were ordered at the instance of the late Premier; he had afterwards stated that they were sent for because they were cheaper and better than any other weapons. Why the latter explanation had not been made in the first instance he could not say; it would have been satisfactory even though he (Mr. Palmer) might dispute the fact, whereas the former explanation was not so, and intended as an insult. The Government might think they were strong enough to insult honourable members with impunity, because they happened to have a large majority at their back; but they should remember that circumstances might alter, and they might receive the same treatment themselves. With respect to these antiquated weapons, why should the colony have sent out here for the Volunteers the cast-off weapons of the old country, and have their lives entrusted to such arms? He (Mr. Palmer) thought it was the duty of the Government, before being in such a hurry about the matter, to take time to ascertain what was being done in the case of the Volunteers of the neighbouring colonies. With regard to the other points he (Mr. Palmer) had referred to, he had no objection to the right of the Premier to change his seat on the Treasury benches, because that question had been satisfactorily solved by his going to his constituents for re-election, although he need not have done so. He (Mr. Palmer) did not, therefore, think it necessary that any dispute should arise on that point. But what he wanted to know was, why the late Premier had been suspended? Also, what difference this would make in the policy of the Government? This was what he wanted to know, and why the Government policy had been committed to another. He did not want any day set apart for discussion of the subject, but he intended to keep on mooted the question until he got a satisfactory answer. Was it the blushing modesty of the late Premier that made him feel he was not in

his right place, or, was it that the other Ministers would not serve under him?

The PREMIER said he was not willing to address the House again on a question upon which he had given all requisite information. It was not necessary always to give information on matters relating to the internal construction of the Ministry, but he would always afford information as to their external policy. It was only fair that he should further explain the circumstances connected with this change. The member for Port Curtis had referred to the dissatisfaction felt at the management of public affairs by the late Premier, but the simple fact was, that his honourable friend had expressed a wish to resign the vice-presidency of the Council owing to the heavy pressure of his official duties. He was conscious that serious responsibilities were connected with it, and that the Prime Minister had already enough to do in connection with the arduous duties of that office: the work was more than he could continue to do for any length of time. His honourable friend had undertaken those offices from a sense of duty, and with the full consent of the Liberal party; and it had not been his personal desire to take the leadership, which was brought about by circumstances almost beyond his control, and on the first suitable occasion he wished to divest himself of it, because he was not able to give to them such a measure of attention as was necessary, in order to fulfil them satisfactorily. He (the Premier) made this explanation to show there had been no dissension between himself and the late Premier; and that he had heartily worked with him from first to last. Of course there had been differences of opinion; but their friendship had been inviolable, and they mutually agreed to differ. The course they had adopted was strictly in accordance with constitutional principles. He hoped he had said enough to explain the reason of the change which had taken place, and he had seized the earliest opportunity to state his willingness to make any necessary explanation.

Mr. McILWRAITH said he did not expect the debate would have taken the course it had. Hitherto, all constitutional government—in the idea of the Premier—seemed to consist in making arrangements with the head of the Opposition; but he (Mr. McIlwraith) contended that the usual course of a new Government when reconstructed was to take the first opportunity of explaining the circumstances to the House. In the present instance there had been a reconstruction, and no explanation, though the reasons should have been volunteered by the Ministers. Such, at least, had been the practice hitherto. Not only should the House be in possession of the fact of the changes, but the reasons for

them, and then members could form their own arguments. "Todd" said:—

"The most eminent authorities are agreed that when a Cabinet is reconstructed it is as necessary to enter into explanations as when a total change of Government takes place, and particularly to avoid the imputation of intrigue."

They should be informed of the reasons for those changes, and they would then be able to argue from those reasons what effect the changes would have on the policy of the Government. Every member of the House knew perfectly well that the change in the Premiership had made a considerable change in the policy of the Government; and, to avoid any imputation of intrigue, it was due to Parliament and to the country that such an explanation as he had indicated should be given. They should also be informed what change in the policy of the Government had resulted from the change in the office of Colonial Secretary. If the present Colonial Secretary had been selected from amongst the strenuous supporters of the Government, only a very short explanation would have been necessary—that his predecessor had retired from office from pressure of business, and it suited the convenience of another of their supporters to take his place. But surely when a member from the Opposition side of the House was selected for that office, there must be some political meaning in it, and some change in the policy of the Government. This was information to which the House was entitled, but which they had not received. If the Ministry considered their position, they would see that it would be a matter of expedience on their part to let the House know fully what their policy was at the present time, because otherwise they would probably spend two or three months fighting each other without knowing what they were fighting for. The whole country knew it was a totally different Ministry. He had much higher respect for the Ministry, as now constituted than he had for the Ministry as constituted last year; he knew that a definite change of policy had taken place, and why not tell the House what their policy now was? That was an explanation which any honourable member would give for the reason stated by "Todd"—to save the imputation of intrigue. That writer went on to say:—

"Up to the year 1854, repeated instances occurred of partial changes in an existing administration, in relation to which no information was communicated to Parliament; while on other and similar occasions prior to that time, such information was freely given. It is now afforded, as a matter of course, to both Houses."

It was pointed out that the most eminent authorities agreed that when a Cabinet was

reconstructed, explanations should be made, and the following instances were given:—

"When Mr. Gladstone retired from the Cabinet, before the beginning of the session of 1845, owing to a difference with his colleagues in regard to a proposed increase of the Maynooth grant, he availed himself of the debate on the address at the opening of Parliament to explain the cause of his resignation. He said that he 'freely and entirely recognised the claim of the House to be correctly informed of the motives which lead members either to accept office under the Crown, or to undertake the scarcely less grave responsibility of quitting it; and, therefore, could not refuse to give some account of what had recently occurred with respect to himself.'"

The Premier had denied the Colonial Secretary the opportunity he might have desired to avail himself of, in order to explain what motives he had in joining the present reconstructed Ministry. Again:—

"When Lord John Russell resigned his position in Lord Aberdeen's Ministry in 1855, he notified to the House of Commons, through a friend, that he 'would take an early occasion of stating the grounds of his resignation.' Next day he gave this information. And when, shortly afterwards, the Ministry itself was broken up, and ineffectual attempts were made, both by the Earl of Derby and by Lord John Russell, to form another, explanations were given in both Houses by these noblemen, as well as by the Duke of Newcastle, ex-Secretary for War."

That was a case thoroughly to the point, in which all parties who had been affected by the changes told both the House of Commons and the House of Lords what changes had taken place, so that the Houses were able to judge what change had resulted in the policy of the Government.

"On the foregoing occasion, Lord Derby observed that he thought it was the duty of every public man, whether he accepts or whether he abstains from accepting office, to be prepared to give at the proper time a full explanation, both to his own friends and to the country, of the motives which may have induced him to so accept or abstain.

"After what has been stated, it will be obvious that upon the resignation of a Ministry, or of any prominent Minister, explanations should be given of the causes thereof when the fact is announced to Parliament; provided that the permission of the Sovereign to disclose the same has been first obtained. But when a single member of a Cabinet retires, until he has made his own statement to the House to which he belongs, the Government cannot explain the grounds of his withdrawal to the other House."

The first portion of the paragraph appeared most pertinent to the present question. It was not simply the bare fact that certain changes had taken place that should be announced, but also the causes of those changes. He was astonished to hear the explanation of the Premier with reference

to the resignation of the late Premier. He had seen nothing of it in the public Press, and it was not what was understood to be the real reason. However, in making the explanation, such as it was, he (the Premier) had at last complied with the practice of Parliamentary government. He (Mr. McIlwraith) commended to the Ministry the whole of that chapter in "Todd." There was scarcely a part of it that did not bear on the matter under discussion, showing most clearly that the Government had transgressed the rules laid down for Parliamentary government. They had not taken the House into their confidence with regard to their policy, and again this session honourable members knew as little of what the Ministry intended to do as they did before. The Premier had stated that the reason which had led to the resignation of the late Premier was the large amount of work he had to perform, but had refrained altogether from referring to the change in the office of the Colonial Secretary, and he was sure members would have much more confidence in him if he made a full explanation of all these matters.

Mr. GARRICK said he was very glad the honourable the Premier had made this further explanation with reference to the Ministerial changes that had taken place, for had he not done so, he (Mr. Garrick) thought the remarks made on the other side of the House would have been quite justified; for although the memorandum of the Attorney-General was quite clear upon one point—that was that the Ministers had not accepted offices of profit under such circumstances as to send them back to their constituents—yet there was another question which required to be answered. That was, whether there was not on the part of the Government a breach of Parliamentary usage. He took it to be Parliamentary usage that when there was a difference of opinion between subordinate Ministers and the Premier as to the policy that was to be advocated, it was the duty of the Ministers differing from the Premier to resign. The Government had allowed it to remain until to-night an open question; and it was a question of very great doubt in his mind whether the Ministers who remained in office did not differ from the policy of the then Premier—now Minister for Works—and had not, in fact, deposed him. He was, therefore, glad to hear the Premier say that such was not the case—that there was really no difference of policy between the late Premier and his Ministers—(Hear, hear)—that there was perfect accord, and that his only reason for resigning the Premiership was because he was overworked. If, during the late Premier's tour in the North, he had made any promises, or de-

clared any policy, which his Ministers in Brisbane could not agree with, it was their duty, on his return, to have said so, and to have resigned. He (Mr. Garrick) had been under the impression that there really had been some such difference, and that, therefore, Ministers had been guilty of a breach of Parliamentary usage in retaining their portfolios. For that reason he was glad to hear the Premier say there was no difference whatever with regard to policy—a statement which he should remember during the course of the session—that they were and had been substantially one and the same Ministry. They could only be justified in retaining their present position on that assumption.

Mr. IVORY said he was very much pleased with the result that had arisen from the speech of the honourable gentleman who had just addressed the House, because, from the "Hear, hear," which had emanated from the Ministerial benches, they now could form some idea of the policy of the present Government, upon which he had been hitherto entirely in the dark. He welcomed the change that had taken place in the Premiership as a change for the better; but now he found that the policy enunciated by the late Premier was to be distinctly and emphatically the policy of the present Premier. He formed that conclusion from the acclamations with which the Premier met the speech of the honourable member for East Moreton. Under those circumstances, they now knew something of the ground upon which they stood, and he thought it would have been more straightforward if the present Premier had stated this at the commencement of the session. He only wished that some other member of the Ministry would get up and distinctly state that they thoroughly endorsed the policy of the late Premier—that the only difference was a change of leadership—that the soul which animated the body was still the same. But one point which struck him as very strange was, that the present Colonial Secretary should occupy that seat. If the same soul animated the body that now sat on the Treasury benches, how was it he saw the present Colonial Secretary—who was one of the most ardent opponents of the present Ministry last session—in that position?

The COLONIAL SECRETARY: I was not here.

Mr. IVORY said he certainly saw the honourable gentleman's ghost, if not himself, occupying a seat on the Opposition side of the House last session, and he was perfectly certain that if they referred to *Hansard*, they would find that he opposed the present Ministry as warmly as any member on those benches. They had had no explanation whatever as to how that honourable member came to

be in that position, and they were certainly entitled to that explanation. He hoped the Premier would adhere to his statement that his policy was the same as that of the late Premier. At the same time, he was disappointed with the admission. He should like to see some improvement in the policy of the Government; but as they were not to have any such change—as the present Premier had adopted the colours of the late Premier—he could only say he was very sorry for it. He was perfectly satisfied with the statement of the Premier, but he thought they should have some explanation from the prominent member of the Opposition, who was now found sitting on the Treasury benches.

Mr. MORGAN said that while the Colonial Secretary was getting ready to make his reply, he would direct the attention of the House to a member who had long occupied a seat on the extreme left of the Speaker. He would not mention any names, but, when the present leader of the Opposition was Premier, he invited that gentleman over to his side of the House, and, when the invitation was accepted, there was not a word said about it. Honourable members on that side of the House seemed to take it as a matter of course. It was wrong, he thought, to criticise the conduct of members who might choose to move from one side of the House to the other, and why the member for the Northern Downs should be singled out for such criticism, he was at a loss to imagine.

The COLONIAL SECRETARY said that, before giving the reasons which induced him to join the Government, he might say that he was only in the House on two or three evenings of last session, and, as the policy of the Government had by that time been fully decided on, it could not be said that he had much to do in shaping it. What astonished him more than anything else was that, since he had accepted office, it had been discovered that he belonged to the Opposition. If that was the case, he did not know it. It was true he sat on that side of the House, but it was not to oppose the Ministry, but to endeavour to direct them and keep them in their proper course. He was always as thorough a supporter of the Liberal party as any member of this House. He had had the honour of a seat here since 1865, and with the exception of the honourable members for Toowoomba and Dalby, was the oldest member of the Assembly, and had taken a leading part in the severest battles ever fought in this House, and had done more than most honorable members in bringing the Liberal party into power. No one, he thought, would deny that. As some were aware, he had fought here from three o'clock one day to the same time on the next day, and very often it was left to two

or three of the members, of whom he was always one, to do all the fighting. But they did it, and they conquered; and it was too late in the day now to accuse him of belonging to the Opposition. As the member for Dalby had told the House last night, he (the Colonial Secretary) was always advocating the rights of the people, and yet that honourable gentleman seemed to think he had changed his opinions by coming over to that side of the House, to which he had always belonged. In consenting to join the Government, he had no scruples to overcome, for he did not consider that in doing so he was departing from the principles he had so long carried out. There was one thing he had never been guilty of. The honourable member for Maranoa was returned at the last general election as the squatters' representative, heading him (the Colonial Secretary) by seven or eight votes. [Mr. McILWRAITH: If you want to be particular, it was 23.] That honourable member then joined the Macalister Government, and after remaining in it a month or two, resigned. But he did not remain on the Ministerial side of the House, for the moment he left the Ministry he went over to the Opposition. For his own part, even if he did not remain in the Ministry, he would always be found giving them his support on large questions of policy. He would repeat that no member of this House had rendered greater or more faithful services to the party now in power than he (the Colonial Secretary) had done, and he believed that the honourable member at the head of the Government would bear him out. [The PREMIER: Hear, hear.] As a member of the House, he had often felt it his duty to criticise the acts of the Government, more especially on financial matters. It had always been his utmost endeavour to prevent extravagant and wasteful expenditure. If that was being in opposition, he would plead guilty to the charge. Large sums, as they well knew, were often voted, not for the benefit of the country, but to embarrass the Government and bring it into financial difficulties. He had never been a party to any scheme of that kind, but had, on the contrary, constantly endeavoured to economise and take care of the public expenditure. He had nothing further to add by way of explanation. He hoped that what he had said would prove satisfactory. At any rate, he felt that he had outraged no feelings of public decency in coming over to this side of the House.

Mr. J. SCOTT said that with regard to the Colonial Secretary's assertion that he never belonged to the Opposition, he might say that the honourable member for the Northern Downs had systematically opposed the Ministry, and had said that his main object in sitting on the Opposition side of the House was to oust the Liberal

Government. [The COLONIAL SECRETARY: No, no.] And now that honourable member occupied a seat on the Treasury benches in the Liberal Government.

Mr. MACROSSAN said he found great fault with the Premier's explanation of the Ministerial changes that had taken place during the recess. Any person of ordinary understanding and with the slightest knowledge of Parliamentary practice must have known that something more was expected than a bald statement that Mr. Thorn had resigned and that Mr. Douglas had taken his place. The Premier had told them that the late head of the Government had found the work too much for him and had resigned in consequence, and he added that that gentleman never desired to occupy the position of Premier. That was a statement which honourable members could only accept in a Parliamentary sense, for that gentleman (Mr. Thorn) stated repeatedly last session that he was proud of his position—that he had the ball at his foot, and would have been a fool if he had not taken it. [HONOURABLE MEMBERS of the Opposition: Hear, hear.] He believed there was some other reason for the retirement of that gentleman than the one stated by the Premier, and that reason the House and the country were entitled to know, and should have known at an earlier time. In common with the honourable member for Maranoa, he was glad of the change that had taken place, even if there was no change in the policy of the Government, and the country also was satisfied. But there was no doubt that a change of policy had also taken place, for the honourable gentleman had told the House that they were going in for a loan for the construction of railways. As for the Minister for Public Works, he was so well satisfied with himself that he would not only take any office that was offered to him in this colony, but would take upon his shoulders the government of the whole world. No person in the colony would believe that the Minister for Public Works was so modest, so full of self-abnegation, as to resign office without the compulsion of his colleagues. They had also had an explanation from the present Colonial Secretary—a gentleman whom he very much admired—and he believed that the change, even in that office, was a change for the better. But the reasons given by the Colonial Secretary to account for his taking office were simply monstrous. The Colonial Secretary had stated that he was in the House only on two days of last session, and yet during that short period he took the earliest opportunity of telling the Government he was sorry he was too late to oppose their railway policy, and that if they came down with the same policy next year, he should oppose it strongly.

The honourable gentleman (the Colonial Secretary) had said that when he sat on the Opposition benches he was a loyal supporter of the Government for a number of sessions, and he claimed to be a member of the Liberal party, because he sat from three o'clock one day till three the next, helping two other members in resisting the repeal of the duty on salt. He (Mr. Macrossan) could remember the honourable gentleman sitting up night after night opposing the Government and the party of which he said he was such a faithful follower, upon that Bill of Bills, the Western Railway Bill, under which they were now selling the land of the country to the gentlemen whom the member for Northern Downs took the credit of opposing. The Colonial Secretary took credit for always opposing a Bill, the principles of which he was now ready to assist in carrying into operation. Yet a reference to *Hansard*, page 281, session 1875, showed the following extract:—

“ Mr. MILES : He considered the Bill a most scandalous measure.”

He (Mr. Macrossan), however, supposed the House would have to be satisfied with the change that had taken place, but it was very uncalled for that the honourable member, in giving explanations of the reasons why he had taken office, should have attacked the honourable member for Maranoa. If that honourable member had done wrong, it did not justify the Colonial Secretary in following his example. Two wrongs did not make a right. The honourable gentleman had better confine himself to his reasons for taking office, and say why he consented to sit in a Ministry, solely because it had not changed its policy.

#### GOVERNMENT BUSINESS—ORDERS OF THE DAY.

The following formal business was gone through, and Bills founded on the resolutions were introduced and read a first time:—

1. Consideration in Committee of the desirableness of introducing a Bill to set apart certain lands as Railway Reserves and to provide funds for the construction of railways.

2. Consideration in Committee of the desirableness of introducing a Bill to amend the law relating to the Distribution and Administration of the Estates of Intestates, and to provide for the due administration of Estates whereof there is no Administrator, and for other purposes.

3. Consideration in Committee of the desirableness of introducing a Bill to regulate the Fisheries in Queensland waters.

4. Consideration in Committee of the desirableness of introducing a Bill to amend The Polynesian Labourers Act of 1868.

The House adjourned at ten minutes past six o'clock till Tuesday next.