

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 21 OCTOBER 1880

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LEGISLATIVE ASSEMBLY.

Thursday, 21 October, 1880.

Formal Business.—Charges against the Dalby Magistrates.—Report of Select Committee.—Petitions.—The Mail Contract.—Petition of Dr. Hobbs.—The Native Police.—Life Insurance Bill.

The SPEAKER took the chair at half-past 3 o'clock.

FORMAL BUSINESS.

The following formal motions were agreed to:—

By Mr. GROOM—

1. That a Select Committee be appointed, with power to send for persons and papers, and leave to sit during any adjournment of the House, to inquire into and report upon the Petition of Mrs. Emily Saville Wells, presented to this House on the 2nd of September last.

2. That such Committee consist of Mr. Kingsford, Mr. Hamilton, Mr. Weld-Blundell, Mr. Beattie, Mr. Cooper, Mr. Horwitz, and the Mover.

By Mr. O'SULLIVAN—

That there be laid on the table of the House, Copies of all Returns sent to the Registrar-General, under subsection D, clause 12, of the Friendly Societies Act of 1876.

By Mr. GRIFFITH—

That an Address be presented to the Administrator of the Government, praying that His Excellency will be pleased to cause to be laid upon the table of the House—

1. Copies of the Depositions taken in a charge of assault preferred against one John Eldson, and heard at Mackay in September last.

2. Also, Copies of all Correspondence, Reports, and other papers relating to that case or any matters arising out of it.

CHARGES AGAINST THE DALBY MAGISTRATES.

The COLONIAL SECRETARY (Mr. Palmer) said that on the 13th October the member for Northern Downs, who appeared at present not to be in his place, made some serious charges against the bench of magistrates at Dalby. The hon. gentleman concluded with stating:—

"His (Mr. Thorn's) reason in moving the adjournment of the House was to get an expression of opinion from the Colonial Secretary, and a promise from him to make an inquiry with regard to the majority who sat on the bench. The hon. gentleman would find that the magistrates had acted partially, and that the rolls had been stuffed in the manner he had described. It was not his place to go into details, but when the Colonial Secretary gave the information that would be obtained he might say something more about it."

—and so on. He (Mr. Palmer) need not repeat the charges; but he would remind the House that, in reply, he said that if the hon. gentleman would apply to him in writing for an investigation into the matter he should have it. The hon. gentleman had never applied in writing or otherwise, although no later than yesterday he reminded him of the invitation. One of the magistrates, however, who sat in the case telegraphed as follows on the following day:—

"Dalby, 14th October, 1880.

"Will you kindly grant immediate inquiry into gross charges made by Messrs. Thorn and Miles against me as a magistrate.

"J. S. JESSOP."

Upon this telegram he had taken action. He telegraphed to the Police Magistrate at Dalby on the 15th, as follows:—

"15 October, 1880.

"Police Magistrate, Dalby.

"See yesterday morning's *Hansard* re alleged irregularities in connection with Registration Court at Dalby. Please inquire, and report fully at once on alleged irregularities; see also this morning's *Hansard*.

"ROBT. GRAY."

He had also received a report, which he would now read to the House:—

"The Police Magistrate, Dalby, to the Under Colonial Secretary.

"Police Office, Dalby,

"October 18th, A.D. 1880.

"SIR,—In reply to your telegram dated October 15th, I have the honour to report that inquiries *in re* Dalby Registration Court have elicited the following information:—

"On the 5th of October, being myself absent at Miles on duty, the resident magistrates of Dalby, Messrs. Jessop, Landy, and Skelton, met for the purpose of forming a Registration Court. Having elected Mr. Skelton chairman, the Court proceeded to business, and revised the names registered at the July court; they then proceeded to adjudicate upon the claims for registration on the October annual supplementary list for the electoral district of Dalby. A large number of names were rejected by the Bench, twenty-two having been thrown out for insufficient statement of qualification; they had simply claimed for 'residence,' and had omitted to place the words 'six months' before it; two others were rejected because their names were already on the roll; one because his place of residence was not properly defined—being merely stated as Southern and Western Railway—and two others were disqualified on account of belonging to another electorate.

"At this stage of the proceedings a discussion arose as to the admissibility of certain applications from Rosalie Plains, and it was at length determined to postpone the consideration of these claims until my return from Miles on the 6th.

"It being now mid-day, the Court adjourned until 3 o'clock, p.m.

"Upon re-assembling at 3 o'clock the clerk of petty sessions handed to the Chairman a bundle of claims which he had just received from a man named Jeynes. A discussion thereupon arose as to the legality of these applications, and as to whether the Bench were justified in receiving them; this was finally decided by a majority in the affirmative, Messrs. Jessop and Skelton being for, and Landy against, their reception. The Dalby list was then further proceeded with and finished, and the Court then adjourned until 3 o'clock, Wednesday the 6th.

"On the 6th I returned to Dalby, and at 3 o'clock p.m. took my seat on the Bench, the magistrates who sat on the previous day being my coadjutors. The first matter brought forward was the consideration of the Rosalie applications, five in number, held over from the previous day. Upon investigation it was apparent that the signatures to these applications were not the *bona fide* signatures of the applicants; they were therefore at once rejected, and the following endorsement made on the back of each:—'Rejected, the Bench considering the signature a forgery.'

"This finished the list of the Dalby electorate, out of eighty-five applications thirty-four were rejected for the reasons stated above.

"The Northern Downs list now came on for consideration, and out of a total of sixty-five claims nineteen were rejected for the following reasons:—Ten whose residence was stated as 'S. and W. Railway,' seven because the signatures were evidently forgeries, and two from Chinamen. This finished the business, and the Court closed.

"Twelve applications in all were rejected on account of the signatures not being genuine, viz., five for the Dalby list, and seven for the Northern Downs. On looking carefully through the applications admitted on the 5th of October, I find six more on the Dalby list, the signatures to which are certainly not the signatures of the parties purporting to sign them. I also find a few others, the *bona fides* of which is doubtful.

"In conclusion, I have the honour to state that on the 6th instant the Bench were unanimous in rejecting the forged applications.

"I have the honour to be,

"Sir,

"Your obedient servant,

"(Signed) WILLIAM YALDWYN, P.M."

It was scarcely necessary to make any further remarks except to say that he thought the hon. member for Northern Downs having brought these charges against the bench at Dalby, should have pressed for an investigation, and should have substantiated his charges. Every member of the House, he was sure, who knew the Police Magistrate at Dalby would feel that they could have the greatest confidence in any statement he might make.

Mr. MILES: Is this a motion?

The COLONIAL SECRETARY: It is more a Ministerial statement; but if it will enable anyone to reply, I will move the adjournment of the House.

Mr. MILES: I only wish to say that this statement confirms, at anyrate, everything I said. I have nothing further to add; and as the papers will be printed there is no need to say anything more about it now.

Motion for adjournment, by leave, withdrawn.

REPORT OF SELECT COMMITTEE.

On the motion of Mr. MOREHEAD, the report of the Select Committee who inquired into the petition of Tom Coward, which was laid upon the table, was ordered to be printed.

PETITIONS.

Mr. MOREHEAD presented a petition from Alfred Shaw and Company, Brisbane, with reference to certain concessions to vessels trading to this colony.

Petition read and received.

Mr. NORTON presented a petition from Bishop Hale, on behalf of the clergy of the Church of England in Queensland, representing some of the consequences likely to follow if the Marriage Bill now before the House became law.

Petition read and received.

THE MAIL CONTRACT.

The Hon. S. W. GRIFFITH moved the adjournment of the House to call attention to a telegram respecting the through steam service from London to Brisbane, laid upon the table of the House by the Premier this afternoon. On the 6th October the Premier, it appeared, sent this telegram to Mr. Mackinnon:—

“Brisbane, 6th October, 1880.

“Mackinnon, 13, Austin Friars, London.

“Have seen Griffith's telegram. You have no occasion to mind it. He does not represent majority in Parliament or country. I have thirty-three (33) favour of contract. Full House fifty-five (55).

“MCLWRAITH.”

The reply to that was:—

“London, 7th October, 1880.

“The Hon. Thos. McLwraith, Brisbane.

“Thanks for telegram. Will proceed promptly commence service February. Writing you fully.

“MACKINNON.”

And then there was this further telegram:—

“Brisbane, 12th October, 1880.

“The Legislative Assembly not having disagreed to the mail contract, it stands ratified. You can therefore now proceed with your arrangements for carrying it out. Agreement by steamer.

“MCLWRAITH.”

With respect to the first of these telegrams, he would observe that the Premier was, to say the least of it, not quite so modest as he was in the telegram he sent as leader of the Opposition. He (Mr. Griffith) did not venture to assert that the Opposition actually represented the majority of the country, but he stated that they claimed to represent it. The Opposition believed, even

now, that they did represent a majority in the country. The Premier's assertion, as a fact, that they did not represent the majority had yet to be tested. The contractors had at any rate entered into the contract with their eyes open. They chose to rely upon the Premier's assertion as against the assertion they received from the other side. He observed that the Premier also said there were thirty-three members in favour of the contract. The numbers appeared to be increased from week to week. It was thirty when the papers were laid upon the table of the House last time; now he had told the gentlemen in England the number was thirty-three. Where the other three had come from he did not know; if from that side of the House he should like to know them. For his part he believed the Premier's extra three were entirely imaginary. The House, however, had had quite enough of this subject, and he did not wish to raise a debate upon it now. He would only say that the contractors had entered into the contract with their eyes open, and perhaps it might not be of so much consequence to them because it had already been plainly intimated that they intended to assign it to someone else, and possibly the assignees were to be the sufferers; but it was perfectly plain that if at any time the House should decline to vote the subsidy for this mail service, neither the present contractors nor their assignees could complain of the repudiation of a contract entered into under such circumstances.

The PREMIER (Mr. McLwraith) said that as to the criticism respecting his telegram—that it was not so modest as the terms which the hon. gentleman himself telegraphed—he could only say that in his telegram he was giving the simple fact; he did not see the necessity of spending three or four pounds more to say that his statement was only his opinion. He said what he conceived to be a fact when he said that the Government had a majority both in the House and in the country. As to the position the hon. gentleman took up, that the contractors being fully warned would only be treated justly if the Opposition, when they came into power, repudiated the contract, he would take that for just what it was worth. He (the Premier), on his part, would take care that in every way it was possible to bind the country it should be done. So far as they had gone, to the present time, it would be a gross act of repudiation of any Government even to dream of departing one iota from this contract. In addition to the telegram sent, he might state that the Cabinet had given instructions—which had no doubt been already acted upon, since the mail went out to-morrow—that the contractors should be formally informed that their contract had been accepted with riders approved of by cable. They would be informed, in addition, that the contract of the 6th of May, with the riders, had received the formal approval of Parliament. They had been instructed to that effect by the Postmaster-General and by the Vice-President of the Council. In addition to that, the Agent-General at home would be instructed officially to inform the contractors in London that their contract had been accepted. Everything, therefore, that he could possibly do to bind the country would undoubtedly be done. It was an extraordinary position for the Opposition to take up, that, while not pretending to have a majority, they were determined that the majority should not express an opinion. It was simply occupying a dog-in-the-manger position when they said “if we cannot have our way there shall be no business done.” He was not in the slightest degree afraid that the public opinion of the country, even in its most demoralised state, would see a contract

repudiated after the terms on which that contract had been made.

Mr. GRIFFITH said he had no doubt that the Government, in pursuance of the plan they had carried out during the session, of ruling autocratically as far as possible, had done their best to bind the country; but fortunately, as he had had occasion to remark before, they could only bind the country constitutionally, and as they had not on this occasion bound it constitutionally their efforts would be futile. He did not make any threats; he merely wished to say that the honour of the country was not bound by the transaction. If the contractors had not been aware of the circumstances things might have been different. The Premier told the contractors that he had had Parliamentary sanction for the contract. If that were so, all he could say was that he understood the English language in a different sense from the Premier. As far as he understood the English language, the statement was not a true one. That, however, was a matter of opinion; what would come out of it would be a matter for further consideration.

The COLONIAL SECRETARY said he did not know what the hon. gentleman learned in the law meant by saying that the Government had gone beyond the powers of the Constitution. The amended contract was laid on the table of the House, and the House was informed that unless it was dissented from within a week it would be ratified. Why did not they dissent from it if they had the power? They knew they were checkmated after all their talk. They did not dissent from the contract, which was a good and valid one, and the honour of the country was bound up with it. However, he was convinced that when hon. gentlemen opposite got into power, and no doubt some of them would, the voice of the country would be so powerful in favour of the contract that they would not be able to disturb it.

The PREMIER, in explanation, said the telegram referred to by the leader of the Opposition as apparently missing had been printed and put on the table.

Question of adjournment put and negatived.

PETITION OF DR. HOBBS.

Mr. SCOTT, in moving—

That the Report from the Select Committee on the Petition of William Hobbs, laid upon the table of the House on the 5th current, be adopted by the House—

said the case was attended by very peculiar circumstances. It was a case of hardship which stood almost alone of its kind. There was no question that the interests of the individual must of necessity give place to that of the community; at the same time, it was not right that any single individual in the community should be treated in the way in which the petitioner had been treated in that particular case. When the Municipal Institutions Act of 1864 was passed it was doubtless intended to give certain powers to corporations, and by the 75th clause they were entrusted with the construction of roads, streets, bridges, &c. At the same time, it was never meant that no compensation should ever be given for any great injury that might be sustained under the exercise of those powers. The judges of the Supreme Court had interpreted that clause in a peculiar way, and hon. members would see the judgment printed in full on page 15 of the report. He did not intend to criticise that judgment, but it seemed very strange that there was no remedy for any injury committed under that clause. Although there was nothing about compensation in connection with clause 75, the framers of the Bill evidently intended

that compensation should be given in cases of that kind. In illustration of that, he would merely refer to the speech of Mr. Bramston, when introducing the Bill in 1864, in which he said that corporations would be required to make good all damage done to private property, and clause 101 of the Act provided that compensation might be recovered from the council on application to the nearest court of petty sessions. Under that clause, which did not include roads, compensation was provided for, but there was no mention of compensation in regard to the clause relating to roads. The circumstances of the case were simple. In 1853, Dr. Hobbs purchased certain allotments of land in North Brisbane having frontages to Queen street, an unnamed street, and Adelaide street. At that time Queen street had not been cut down to its present level, but between Queen street and the allotments there was a twelve-foot roadway, which gave access to them. Shortly after making the purchase, Dr. Hobbs erected three houses on the allotments. Six years afterwards, in 1859, the Municipal Institutions Act of 1858 came into force, under which the Corporation took the management of the roads and public streets; in 1864 the Corporation was invested by the Municipal Institutions Act of that year with the construction as well as the management of the roads and streets. By the interpretation of the judges of the Supreme Court, road construction had been held to embrace cutting down a road in such a way as to absolutely and utterly destroy property. By that cutting away the foundations of two houses built on one of the allotments were approached so nearly that Dr. Hobbs was obliged to pull them down and sell the material for what it would fetch. Those houses cost something like £2,000, and each was let at a rental of £10 per month. The petitioner had not only lost the capital value of the houses, but the rental for three or four years at £240 a-year. In addition to that the house in which the petitioner resided, and the building of which cost him £4,000, had been greatly deteriorated in value. There had been a cutting so deep in Adelaide-street, up to within a very few feet of the garden, that the fence, which was about twelve feet from the wall of the house, was tumbling down from the ground giving away at the edge of the cutting. Unless a large sum were expended in building a retaining wall, the house itself must fall down in time. Dr. Hobbs was placed in a most unfortunate position. Previous to the passing of the Act of 1864 the corporation would have been liable for the damage, and provision for compensation in similar cases was made in the Brisbane Bridge Act, the Railway Act, and the Local Government Act of 1878. It was shown in evidence that before the cutting was made the house in which the petitioner resided was worth £300 a-year, while now it was not worth one-half that sum. All access to it on one side was completely cut off, and to a considerable extent on the other; while the hill on which the two other houses were built was simply a pinnacle without any access whatever. The petitioner had endeavoured without success to obtain compensation from the municipality; and he now asked the House, which had passed the Bill from the effects of which he was suffering, to see if something could not be done in the way of compensation. In Appendix B several instances were given where compensation had been granted for similar though far smaller injuries. A select committee sat on the case in 1876, and they brought up a report making no recommendation, because some of the evidence taken went to show that the property had been enormously increased in value. It now turned out that, instead of being increased in value, it had seriously decreased. The value placed upon

it in 1876 was from £50 to £80 a-foot, while the value placed on it now was from £30 to £50 a-foot. It was supposed that the cutting down of the road would enable the petitioner to make a good thing out of his property; but he had never been able to sell it, although he had tried to do so several times. At page 6 of the report there was an appendix showing the amount the petitioner had received from the corporation for metal excavated from the property, and the amount paid by him to the contractor; and following it was another appendix setting forth the losses the petitioner has sustained through the action of the Corporation. The list was as follows:—

	£	s.	d.
To loss of two houses let at £10 per month each	2,000	0	0
Rents of same, 3½ years	840	0	0
To loss by depreciation of property in Adelaide and Ann streets (£1,500 of which will be required for retaining wall and flight of steps, <i>vide</i> Mr. Gailey's estimate, question 154). 16th October, 1876	2,900	0	0
Expense of clearing and quarrying as per statement A (8,385 yds.)	653	2	0
Accumulated municipal rates upon two houses removed	96	15	10
Law expenses in Supreme Court	200	0	0
Estimated cost of clearing the remaining 9,115 yards	1,139	3	0
Contingent losses	£7,829	0	10

The House was always willing to listen to any reasonable claim for compensation for loss sustained through the construction of public works. There was no sum named in the report, as the committee did not see their way, nor think they were entitled to name any particular sum. All the committee said was—

"2. That your Committee are of opinion that the petitioner has suffered great loss by the action of the Corporation of Brisbane.

"3. That your Committee are of opinion that had not the Municipal Institutions Act of 1864 been passed, the Corporation of Brisbane would have been compelled to compensate the petitioner for the damage to his property.

"4. That, as any claim which the petitioner might thereon have had was barred by the interpretation of the Act referred to, when he brought the matter before the Supreme Court in 1875, your Committee are of opinion that the petitioner is deserving of the favourable consideration of your Honourable House."

He begged to move the adoption of the report.

The COLONIAL SECRETARY said he had very little to say on the subject. The fact of the adoption of the report would not touch the question of compensation for what he believed to be one of the hardest cases of the kind he had ever heard of. He should be exceedingly glad if it could be shown how the Government could move in the matter. The adoption of the report would not enable them to take any action. It simply recommended that the petitioner was deserving of the favourable consideration of the House. Nobody would dissent from that. A question of that sort ought to have been followed up by a substantive motion—asking the Governor to place a certain sum on the Estimates for the purpose. He was chairman of the select committee who sat on the subject four years ago, and he then thought, and the committee thought, that it was an extremely hard case; but in their report they were influenced to a considerable extent by the estimates which they received from business men in Brisbane as to the increased value of the land by the cutting down of the rock. Since then it had been very clearly proved that the cutting down of the rock and clearing the place would cost more than the land would fetch when it was cleared. His name was on the select committee the report of which was now under con-

sideration, but he had notified to the committee at first that he did not intend to take his seat at its meetings. There could be no doubt whatever that in law or strict justice Dr. Hobbs had no claim whatever on the House. He would admit that at once. The Act under which he had been deprived of his property was certainly passed by the House, and if it had not been the petitioner would have been entitled to receive compensation. He was not speaking for the Government—although they did not intend to make a Government matter of it—and he said that under the circumstances, where a man's property had been utterly ruined, as the petitioner's had been, the Government, if the House thought fit, would be very much inclined to take a favourable view of the case. But if the matter was to go any further some substantive motion must be made. The Treasurer would, of course, as a matter of duty, defend the Treasury as far as he could; and, although under ordinary circumstances it was his (Mr. Palmer's) duty to assist him, yet in this case he should be inclined to stretch a point and assist the petitioner to a moderate sum. There was no objection to the adoption of the report.

Mr. GRIFFITH said the report of a committee might be regarded as the material upon which some action was to be based; and he was of opinion that it was useless to adopt a report without affirming by resolution what action the House would take. Although a member of the committee, he had been unable to attend since the first formal sitting. He had, however, attended the meetings of a committee on the same subject last year, and the evidence taken before that committee had been referred to and taken into consideration by the committee this year. The committee which sat last year had estimated the amount of damage sustained by Dr. Hobbs at not less than £5,000, but the report was not brought up until the 25th September, when the session was nearly closed, and consequently no further action was taken. He did not remember the exact process by which that sum was arrived at, but it appeared plain from figures in the report which were derived from the evidence of last year that the depreciation of the property in Adelaide and Ann streets had been estimated at £2,900, and that other losses made up an estimated total of £8,000. As it was usual for claimants to put a high value on their own claims, the committee fixed upon £5,000 as being the minimum amount of loss sustained according to the evidence. The loss by depreciation of property, which could not be in any conceivable way enhanced in value by the improvements which were being carried out, had been estimated at £2,500. With respect to the other losses, the amount of rent lost up to the present time might be estimated at 3½ years at £250 per year, and as the loss of rent would probably go on for some time longer the amount would be greater. Then the cost of clearing and restoring the property to such a state that it might be used at all, together with other expenses incurred, would probably amount to not less than £1,700 to £1,800. Hon. members would see that the difference between the sum of those amounts and £5,000 was a very few pounds indeed. Against that was to be set the supposed enhancement of value when the land should be cleared, but considering how distant that time might be that seemed to be an element of very trifling value. He would therefore move as an amendment:—

That this House, on Thursday next, resolve itself into a Committee of the Whole to consider of an Address to His Excellency the Administrator of the Government, praying that His Excellency will cause to be placed on the Supplementary Estimates a sum not exceed-

ing £5,000 for compensation to Dr. Hobbs for damage done to his property by the action of the Municipal Council of Brisbane, under the Municipal Institutions Act of 1864.

That would be a practical way of dealing with the matter, and if the committee considered the amount too large it could be reduced.

Mr. NORTON said, as a member of the committee he could only express his regret that the hon. gentleman (Mr. Griffith) had not been able to attend the committee when the report was drawn up. He felt that he was to a great extent responsible for the fact that no sum had been recommended in that report. His reason for objecting to the recommendation of any particular amount had been that, as a definite sum had been named by the committee last year, he feared that if a similar course had been adopted this year a different sum might have been named, and the action of the committee might have appeared to condemn the action taken by the committee last year. A certain sum having been once named, it seemed unnecessary to repeat it; but as the House would be called upon to take action, he thought a substantive motion should be tabled for the granting of a certain sum. With regard to the case, he might say that when he first attended the committee he was most decidedly prejudiced against Dr. Hobbs' claim. His feeling was that though Dr. Hobbs had been greatly injured he had no claim upon the country; but after going through the evidence taken before the previous committee, and hearing that of other witnesses, he had come to the conclusion that Dr. Hobbs had not only been injured, but that he had been injured under such circumstances that it was incumbent upon the House to vote a sum of money by way of compensation. With all deference to the bench, and without imputing any unfairness, he must say that, to his mind, not trained to view such matters from the same point of view as those learned in the law, the judgment appeared to be an extraordinary one. Had the case been submitted to arbitrators, he felt sure that the award must have been given in favour of Dr. Hobbs. He had no objection to the amendment, and only regretted that the hon. gentleman had not been able to attend the committee in order that the present proposal might have been discussed.

Mr. O'SULLIVAN said he had read the report, but had not yet had time to go through the evidence, as it had only reached him to-day. He would prefer that the leader of the Opposition should allow the adoption of the report to go as a distinct motion, and allow his proposition to be discussed in a substantive motion afterwards. The motions were quite distinct, and he should wish to see the latter one made more comprehensive than it was at present. He felt the greatest sympathy for Dr. Hobbs, whose property had no doubt been greatly injured; but there were other persons in the city of Brisbane whose property had been seriously injured, and he was curious to know why this claim had been culled out from all the others that had been made against the Corporation. The case, as the Colonial Secretary said, was a very hard one, but there were others equally hard; and if the House made a grant of £5,000 in this case, with what face could it refuse the innumerable other claims that would follow? He could name persons who, had they gone to the same amount of trouble, could have proved cases of hardship which were as great, and which would have appealed as much to the sympathy of the Colonial Secretary. It would be unfair to choose out one from the whole community and let the rest go whistling. He could not see what the House had got to do with the £200 which it was stated Dr. Hobbs had spent in law expenses—it was senseless to go to law

about a matter which should have been submitted to arbitration. Had the case been submitted to arbitration, it would have been settled in a very different way. He sympathised with Dr. Hobbs in regard to the depreciated value of his property, but not in regard to his law expenses. He should like to know how the Colonial Secretary arrived at the conclusion that to remove the stone and incumbrances would cost more than the value of the land when cleared. Mr. Martin, the valuator, in his evidence said, in reply to a question, that the value of the land in its present condition was £50 a-foot, and if cut down £80 a-foot.

Mr. GRIFFITH: That was in 1876.

Mr. O'SULLIVAN said he believed that land in that place was more valuable now than it was in 1876. It would be a thousand times cheaper to repeal the Act of 1864 than to give compensation to everyone who came before the House asking for it. The House ought to take time to consider such a matter and discuss it on its merits. He would therefore ask the hon. gentleman to withdraw his amendment and bring it on as a substantive motion. He was satisfied that before the time to discuss it there would be a couple of score of claimants for compensation. The House would therefore do well to think twice before assenting to such a proposition.

Mr. MILES said the hon. member (Mr. O'Sullivan) had given very good and sound advice. No one would doubt that Dr. Hobbs had suffered great injury, but many others had also. He knew one property not very far from here—a house built by Dr. Fullerton, he believed—had been greatly injured; and in Fortitude Valley there was a house perched up on the top of a hill. If the claim of Dr. Hobbs were recognised the House would be bound to extend the same principle in all other cases where injury had been sustained. He sympathised with Dr. Hobbs, but he was not going to vote money right and left to all sorts of claimants. Inquiries would have to be made as to how many claims were likely to be made. If the number of claims was likely to be large, the country was not in a position to give compensation. He hoped the hon. gentleman would withdraw his amendment in order that the matter might be more fully considered.

Mr. BEATTLE said he endorsed the action taken by the leader of the Opposition, though he was not particularly wedded to the amount named. He believed the hon. member for Darling Downs was mistaken in saying that there were other cases of equal hardship; he knew of no other case of a similar character having occurred in the whole city of Brisbane. There was no analogy between this case and those referred to by the hon. member. In the case of Bishop O'Quinn's property, the cutting was made at the request of the landholders in the vicinity, and the first name upon the request was that of His Lordship Bishop O'Quinn. Therefore, no claim could come from the property-owners in that locality. In the case of Dr. Hobbs, on the other hand, the land was taken possession of and cut down forcibly, in spite of his protest, and the property thereby destroyed. The two houses referred to were very valuable properties, and Dr. Hobbs had been deprived for years of the rent from them on account of the approaches having been destroyed. It was therefore only an act of justice to compensate Dr. Hobbs for the injury done. If the Act of 1864 had not been passed, he would have received compensation from the Council. The only other part of Brisbane where a similar work had been carried out was at the end of Leichhardt-street at the quarries, but nearly the whole of that cutting had been made at the request of the resident land-owners, who petitioned

the Corporation to cut the hills down. He considered the Act a most insane one, as many of the nicest places in Brisbane had been destroyed through the cuttings. He hoped the amendment would be carried.

Mr. STEVENS said he had attended all the meetings of the committee that sat last year, and he was one of those who came to the conclusion that the lowest amount at which the damage sustained could be estimated was £5,000. In reply to the hon. member for Stanley, he would draw attention to one of the replies of Mr. Chambers, a professional gentleman, who was examined with reference to the value of the land. That gentleman said that when he was last examined he estimated the land at £80 a-foot when it was cleared, but that it would not fetch that in these depressed times—probably not more than £50 or £60 a-foot. The same gentleman said, further on, that the land had been valued at £80 a-foot on account of its proximity to the Government wharves; but that very little business had been done at the wharves, and consequently the land had fallen in value. He had not before met with a case of such hardship, nor with any case in Brisbane to compare with it; and if compensation was not made to Dr. Hobbs, he felt that the house, if it did not disappear through a land-slip, would remain a monument of injustice.

Mr. RUTLEDGE said he did not remember a clearer case than this for the interposition of the House. It had been abundantly proved that two valuable houses had been rendered totally useless, as far as producing rent was concerned. By the cutting down of Adelaide street the back entrances, which had previously been of value to the occupants, had been cut off, and the two houses were left upon a high cliff without means of access from Queen or Adelaide streets. In the next place, by the cutting down of Adelaide street Dr. Hobbs' residence had been rendered to some extent insecure, and it had become necessary that a retaining wall should be erected. A great depreciation of property had therefore taken place. He deprecated the argument advanced by the hon. member for Darling Downs, and to some extent by the hon. member for Stanley, that the House should do nothing yet in the matter of the amendment, but take time to consider whether any more cases would be brought forward. The recommendation of the committee was that this House should take the claim into its favourable consideration, and that would have to be done by some direct motion of this kind. What would Dr. Hobbs, or any other man who had been injured, care for the sympathy of the House if that sympathy did not take a substantial form? The hon. member for Darling Downs laid great stress on the fact of some other properties having been injured, but in both the cases he had quoted the cuttings had been made at the request of the residents in the vicinity, so that there was really no parallel between the cases. In the cases referred to by the hon. member the front entrances had been damaged by the cutting down of Ann street, but no damage had been done to the rear entrances, which were both very good—being, in one case, in Wickham street, and in the other in Ivory street. He wanted to know what particular virtue there was in Ann-street that it should perpetually remain the frontage of that property, or whether Wickham-street was not just as good, from which there was an entrance: and as regarded the other property, built originally by Dr. Fullerton, he believed there was just as good an entrance to it from Ivory street as from Ann-street. The suggestion which had been made by the hon. member for Darling Downs (Mr. Miles) amounted to simply this—Take plenty of time to consider the report of the Select Committee, and

in the meantime scour the country to see if there are not other cases likely to arise. But surely, if there were other cases of similar hardship the House would have heard of them long ago, because as a rule people who were the victims of injustice would not wait for the decision of the House upon another case before they submitted their own, inasmuch as it was a well-known fact that every man who had a grievance considered his grievance to be paramount to all others. Therefore, no one who had a grievance of a similar character would have waited for a decision to be given in Dr. Hobbs' case, but would have come at once to the House for redress. Here was a case in which a man had spent a large sum of money in acquiring property for the support of his old age, but, instead of having the benefit of that property, he now found that by the action of the Corporation he was reduced to a state of almost absolute ruin. He (Mr. Rutledge) was glad to hear the speech of the hon. the Colonial Secretary. It was a manly speech, and showed that desire to see fairplay done which was a characteristic of the hon. gentleman. He trusted that the amendment of the hon. member the leader of the Opposition would be carried, as it was the only practical way of giving effect to the recommendation of the Select Committee.

The Hon. J. M. THOMPSON thought that the fact that an injury had been done to Dr. Hobbs by the action of the Corporation had not been disputed, but the House had to consider this question—who was to pay? It appeared to him that if the Municipal Act had been properly drawn there would have been a compensation clause in it, but it now seemed that because that Act was imperfectly drawn Dr. Hobbs could not fall back on the Brisbane Corporation for compensation, and therefore had to appeal to the Government. But why should the Government have to pay? He (Mr. Thompson) admitted that Dr. Hobbs had been hardly used; but, still, had a compensation clause been inserted in the Municipalities Act he would have had his remedy. He had not criticised the decisions given in the Supreme Court in Dr. Hobbs' case, but at all events the right of appeal against those decisions had not been availed of; but still, as far as could be seen, the Corporation would have had to pay had a compensation clause been inserted in the Act.

Mr. REA said that the discussion which had taken place opened up this wide question, that if claims for compensation applied to property holders in the capital, they would apply equally to other places where the value of property had been considerably lessened by the action of corporations. If it was decided that evening that other cases that might crop up of the same nature should be entertained, he should be willing to vote for compensation being given to Dr. Hobbs; but if this case was to be regarded as a speciality he should certainly not support any compensation. The House should take care that the public would have no just cause to suppose that this claim was favoured by reason of the claimant being for so long a period a member of Parliament.

Mr. GROOM thought there was a great deal of reason in the remarks of the hon. member for Ipswich (Mr. Thompson). The fact was this, that the Act of 1858 was not passed by the Queensland Legislature, but was inherited by them when they received their constitution as one of the laws then in force. In 1864, however, a new Municipalities Act was passed, which deprived property-holders of certain rights they had under the Act of 1858—amongst others, of getting compensation for injuries sustained to their property by the making of streets. So that when Dr. Hobbs

proceeded against the Municipality of Brisbane, for compensation for damages done to his property, the Supreme Court decided against him. He remembered Dr. Hobbs' property many years ago, and he believed that those who knew it then and saw it now would at once say that that gentleman was entitled to some compensation for the injury which had been done to it. It had been already decided by the Supreme Court that the Corporation was not compelled to give compensation, and he (Mr. Groom) could only regret that, owing to the defective manner in which the present Act was drawn, Dr. Hobbs should have been driven to law. It did not look well, in his opinion, that a metropolitan municipal council should drive one of their oldest ratepayers into a court of law to try and obtain what was admitted on all hands to be his right. It had been said that after the decision of the Supreme Court Dr. Hobbs was deprived of all power to appeal; but he (Mr. Groom) did not think so, as he considered that in a case where a citizen suffered such injury as Dr. Hobbs had done through the action of a municipality they should retrace their steps. He quite agreed with what had been said by the hon. the Colonial Secretary, that the sympathy of words was nothing, and that a more substantial expression of sympathy with Dr. Hobbs should be granted; and he therefore thought that an amendment might be introduced on the report of the select committee, as had been moved by the hon. member for North Brisbane. A similar course was adopted frequently by the House of Commons; although, from an observation he had heard, just now from the hon. member for Stanley (Mr. O'Sullivan), that hon. member thought it was a somewhat novel one. At any rate, it would be the most practical way of giving expression to the opinion of the House. There was this, also, to be said in favour of the proposal of the leader of the Opposition—that it was a step in advance, and that was of importance, just now, when they were nearing the end of the session. Hon. members would recollect that last session a select committee was appointed to inquire into the same matter, who assessed the damages suffered by Dr. Hobbs at £5,000, but owing to the late period of the session the report of that committee was not adopted. If the matter was again postponed, as was proposed by the hon. member for Northern Downs, considering that only one day in the week was given for the transaction of private business, he was afraid the settlement of it would be left over for another session. There was now a distinct motion before the House, and if the hon. member for North Brisbane moved an amendment on it he (Mr. Groom) considered it was within their powers to entertain it. So far as he himself was concerned he should give that amendment his support.

Mr. MOREHEAD said that he felt himself placed in rather a position of delicacy in speaking on the motion before the House, for this reason—that whilst no one could deny that Dr. Hobbs had received an injury through the action of the Corporation, he (Mr. Morehead) was, on the other hand, very loth to create what might be a very dangerous precedent. It was quite clear from the evidence that Dr. Hobbs' property had received great injury by severance—through having a road made through it; but, on the other hand, it must be remembered that Dr. Hobbs purchased the property with the probability that the streets going through and bounding it would be brought down to the level, and that, also, before those streets were cut down Dr. Hobbs derived a considerable income from the two houses which were pulled down when the damage was done. Looking at

the question from a legal point of view, he believed that Dr. Hobbs had no claim whatever against the country. That gentleman had appealed to a court of law, and the case had been decided against him. He (Mr. Morehead) had been a member of the select committee of 1876 of which the hon. Colonial Secretary was the chairman, and they went very carefully into the evidence and found that they could not recommend the House to give any pecuniary compensation. He did not hesitate to say that they, as members of the House, had no right to allow themselves to be led away by their sympathies into creating what would be a most dangerous precedent. He thought the amendment of the hon. member for North Brisbane would create such a precedent, and therefore he must vote against it. There was no doubt that Dr. Hobbs had purchased the property with his eyes open, and with a knowledge of the risk of having the streets at some time or other cut down. Now, although the courts of law had decided otherwise, it appeared to him that it was a case pure and simple in which compensation should have been paid by the Corporation, but Dr. Hobbs was not the only case. He could quote another where a greater injury, perhaps, had been done, and that was the property of the head of the Roman Catholic Church. That reverend gentleman had purchased a piece of land from Mr. James Gibson, through which no street was supposed to go—the block was bought by the Bishop, and what happened? Why, that as soon as the reverend gentleman tried to utilise the land he was stopped by the Corporation, who told him that a street would have to be cut through it. The Bishop appealed to the Supreme Court, but was beaten, and the land he bought from Mr. Gibson was now used as a street, although it was not required and was perfectly useless. What was "sauce for the goose was sauce for the gander," and it appeared to him (Mr. Morehead) that Bishop O'Quinn had as good if not a better claim than Dr. Hobbs had for compensation. There was nothing in favour of Dr. Hobbs' claim so far as the country outside was concerned. What, he would ask, had the electors in his (Mr. Morehead's) district to do with compensation to Dr. Hobbs, or with what had happened in Brisbane? He sympathised with that gentleman, but he did not think his was a case in which the House should be called upon to vote away a large sum of money, and he should protest against any large sum of money being voted. What had the people residing in the outside electorates to do with a private squabble between Dr. Hobbs and the Corporation of Brisbane that they should give him £5,000? If they were going to deal with every mistake made by the Corporation, and the country was to be called upon to pay for all the *laches* of the Corporation, it was just as well that the country should know it. He thought the present was a very opportune time for saying that they were not responsible for either the errors of Dr. Hobbs or those of the Corporation of Brisbane. It was not a matter which in any way affected the country or the general taxpayers, but only one that affected the Corporation of Brisbane and the municipal ratepayers; and he (Mr. Morehead), as the representative of a district which had nothing to do with the particular land being cut down, objected to any compensation being paid to Dr. Hobbs by the country when he was unable to recover it from the only persons to whom he had a right to look for it. It was all very well to talk about sympathy; but hon. members were there not to sympathise, but to protect the funds, and he concluded that they had no right to take the public money and devote it to a purpose which was of no benefit to the State, but which would be for the benefit of one individual who had

failed in getting it from the body to whom he had a right to look for it. He should oppose the amendment.

Mr. GARRICK thought the House could hardly pursue the very strict letter of their legal bond in all instances, as sometimes cases arose where equity had to be considered outside of their legal bond. When discussing the Railway Bill the other day it was stated that although they had a right to resume all the land alongside the proposed line, they ought not to exercise that right without giving some equitable compensation. The hon. member for the Mitchell said that Dr. Hobbs had acquired his properties with the full knowledge that they would have to be cut down?

Mr. MOREHEAD would explain that what he said was that Dr. Hobbs had acquired the land with the knowledge that a street ran through it, and that that and other streets near it might be cut down.

Mr. GARRICK said that what he had stated was that the hon. member said that Dr. Hobbs had acquired those properties with the knowledge that those streets might be cut down; but it must be remembered that Dr. Hobbs purchased the property in 1858, when, if the streets had been cut down, he would have been entitled to compensation, whereas the Parliament had in 1864 altered his position, and had taken from him what he would have been otherwise entitled to get. Owing to the passing of the Act of 1864 he had no claim.

Mr. MOREHEAD: Did he make any claim?

Mr. GARRICK might state that when the present Act was before Parliament Dr. Hobbs craved compensation, but he got none, as the Act provided for none; so that, really, Dr. Hobbs' was an exceptionally hard case, and a very fair one for compensation. He certainly did not think the House should refuse the amendment for the purpose of allowing other cases to be brought forward.

Mr. ARCHER thought that what Sydney Smith once wrote about corporations was very true—that they had no conscience, for actually to deprive a man of the means of living by destroying his property was one of the greatest pieces of vandalism that could be imagined. He would not say whether Dr. Hobbs had a claim on that House or not, but the hardship of his case was something beyond he (Mr. Archer) had ever heard of. He believed that an autocratic emperor might dare to do such a thing; but for a corporation to take possession of a man's property in such a way, and refuse to give him any compensation, was something he could hardly believe. He quite agreed with the hon. member for the Mitchell that the outside constituencies had nothing to do with the case, but the injustice was nevertheless most glaring, and he thought the House might depart from the strict letter of the law and award some compensation. An appeal to the Municipality of Brisbane would be, he imagined, the last straw to which a man would cling, as it was clear that the Corporation might, if they chose, open a new street through a man's house.

Mr. O'SULLIVAN: They have done it.

Mr. ARCHER thought that under those circumstances the sooner a new Bill to repeal such a state of things was passed the better, and he would assist in passing it.

The MINISTER FOR WORKS (Mr. Macrossan) said he thought there was scarcely anyone there who would not admit that Dr. Hobbs had sustained a serious injury; but the question arose who was to pay him the compensation he demanded? Now he maintained that although

they had a right to do as they pleased, theoretically, with the people's money, they had no right to devote a portion of that money in compensation for an injury inflicted by the Corporation of Brisbane. If they were going to deal with the case in an equitable manner, let them say that the people of Brisbane should pay Dr. Hobbs, for they had received the benefit resulting from the injury if any benefit had been derived at all. It was very well for hon. members to say that the case was an exceptional one. It might be, or it might not be. The Act of 1864 was fourteen years in existence, and he thought it scarcely possible that Dr. Hobbs was the only individual who had sustained injury under that Act. Dr. Hobbs was the only person who had claimed; but he felt perfectly certain that if they once surrendered the principle that Parliament was to vote money to pay for injuries done under this Act, they would be overwhelmed with claims, although not so large perhaps as the claim made in the present instance. Every municipality in the colony had done something rendering them liable to claims for compensation. The way in which they should deal with a case of that kind would be for any hon. member who sympathised with Dr. Hobbs, and thought he was entitled to £5,000, to deal out equal justice to other individuals in the community, and to bring in a Bill and say that all injuries inflicted by the application of the provisions of the Act of 1864 should be remedied. Personally he felt that he would like to do something in Dr. Hobbs' case, but he must overcome his sympathy. This was not merely a question of sentiment; it was a question of right and justice to the people of the colony as well as Dr. Hobbs. The large number of the people of this colony must be considered before Dr. Hobbs, and if they said that Dr. Hobbs should be compensated they should say that the Corporation of Brisbane must pay him.

Mr. KINGSFORD said it appeared to him that that House was responsible for Dr. Hobbs' misfortunes. The difficulty had arisen through the blundering of that House—through the Act of 1864 relieving the Corporation of their responsibilities. Previous to the Act of 1864 the Corporation would have been responsible for the damages. The fault being the fault of the Legislature they should suffer the penalty, and he thought upon that ground that Dr. Hobbs had a just claim upon Parliament. The hon. member for Toowoomba said it would have been better for Dr. Hobbs to have applied for arbitration. Dr. Hobbs did so; and, if his memory served him, it was only as a last resort that he went to the Supreme Court, where the Corporation stood upon the rights conferred upon them by the Act of 1864. He really thought that Dr. Hobbs had a claim upon the country. As to the hon. member for Mitchell saying that his constituents ought not to be called upon to pay, if they carried that principle to its legitimate conclusion, they ought to put themselves inside a ten-foot paling fence and live by themselves. They had certain social relationships to observe; and every large-souled man must admit that Dr. Hobbs had a fair claim upon the country, in which case the constituents of the hon. member for Mitchell should bear their share of the burden. If other claims were put forward the simple remedy would be to rescind the Act which relieved the Corporation of their responsibilities, and place those responsibilities upon the right shoulders. The Corporation would naturally be reluctant to pay £5,000 until they were compelled to do so. The Corporation had not erred; Dr. Hobbs had not erred; but it seemed to him that that House had. He agreed with the amendment of the hon. member for North Brisbane.

Mr. LUMLEY HILL said he had listened with considerable interest to the speech of the hon. member for South Brisbane. If they recognised claims for compensation from bad legislation passed as far back as 1864 they would have an unlimited number of applicants, to supply whose demands the whole revenue and resources of the colony would be taxed. What had his constituents to do with any wrong committed by the Act of 1864? There was not a person resident in the district at that time. It was monstrous and iniquitous, not only that the district he represented, but that the district in which he resided, should be taxed to compensate a man for an injury inflicted by the Corporation of Brisbane. He had not a word to say against Dr. Hobbs in his public or private capacity. He believed him to be a most estimable man; but he considered that he had done very well out of the country for the past twenty years. He could not understand a man with sound reasoning faculties entertaining for one moment the idea of giving Dr. Hobbs £5,000 in the shape of compensation. If Dr. Hobbs applied for a pension to support him in consequence of any misfortune which might have befallen him, that might be a fair matter to take into consideration, and he would be the first to advocate the granting of any reasonable claim; but compensation to the extent of £5,000 involved an expense to the taxpayers of the colony which he would oppose to the uttermost.

Mr. DICKSON noticed that the report of the Select Committee was to the effect that the petitioner was deserving of favourable consideration; and as far as he could gather, the Government were more inclined to favour the adoption of the report than the amendment of his hon. and learned friend, the member for North Brisbane?

The COLONIAL SECRETARY: I carefully guarded myself from involving the Government in any way. I said it was not a Government question. I spoke for myself.

Mr. DICKSON said he would ask, in that case, if the Government were prepared to give practical effect to the adoption of the report by placing a sum of money upon the Supplementary Estimates? He was not prepared to say that he considered that Dr. Hobbs had a claim upon the country; but unless the Government were prepared to give practical effect to the recommendation of the report, the better plan would be for the House to resolve itself into committee to consider whether the compensation should be paid by the Government or whether the claim should be ignored *in toto*. The House could only give favourable consideration to Dr. Hobbs' petition by recognising the claim in a pecuniary form; and he thought it would have been much better for the report to have stated that in the opinion of the committee Dr. Hobbs was entitled to a certain amount of money. He did not think they should surround their consideration of this subject with what might arise in connection with other cases. Let every application be dealt with on its merits. That the petitioner had sustained great hardship was undoubted, but the question as to who should compensate him was by no means so clear. He did not wish to be understood to advocate that compensation should be paid to the petitioner. To his mind, Dr. Hobbs' claim upon the country had not been substantiated. It resolved itself merely into a claim upon the Corporation; but he had no doubt that the Corporation would stand upon their legal rights. The matter, therefore, rested between the Municipality and the Government, and he would like to see it set at rest. If, therefore, the Government would follow up the motion by placing

a sum upon the Supplementary Estimates he would support the adoption of the report; but if the Government did not intend to take any action in the event of the report being adopted he would vote for the amendment, not with a view to vote the petitioner the money, but to have the question debated and settled.

Mr. O'SULLIVAN asked whether the amendment was in order?

The SPEAKER said it seemed to him that the amendment was quite relevant to the original question.

Mr. KATES said he had no doubt that Dr. Hobbs had suffered injury; but he nevertheless did not see his way to vote for the amendment of the hon. member for North Brisbane. The financial position of the colony would not permit of the Government awarding compensation for damages which might have been inflicted by municipalities under the Act of 1864.

Mr. SCOTT said it had been asked why the case of Dr. Hobbs had been singled out from a number of others. The case was exceptional, because Dr. Hobbs had done all that lay in his power before bringing his claims before the House. The committee had taken that fact into consideration. The following was an extract from the petitioner's examination by the Select Committee:—

"8. With regard to the item of £200 for law expenses in the Supreme Court, how did that arise? Before I could appeal to Parliament, I was obliged to exhaust what is called the law; I could not appeal to Parliament until I had done that—at least so I was informed, and I did so. The judge's ruling in the case will be found on page 14 of the former evidence."

He did not think any other claimant would be likely to go the lengths to which Dr. Hobbs had gone in this matter. The examination continued:—

"9. I see the judges gave their ruling on the 12th September; was there any further legal action taken in the matter after that ruling? No.

"10. Was there no appeal? No; the judges were so decided upon the point that there was no room for appeal. I had to pay the expenses of both sides, which were very heavy, as five barristers were engaged.

"11. By the Chairman: You were under the impression when you brought this action that the Corporation were bound to give you compensation? Yes, I was."

No other case was likely to arise in which the law had been exhausted to such an extent, and the Act of 1864 having been overridden by the Act of 1878, no fresh cases were likely to arise. The conclusion to which the committee arrived, in the face of these facts, was that if Parliament granted compensation in this case it would not operate as a precedent.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put, and the House divided:—

AYES, 22.

Messrs. Palmer, Norton, Garrick, Rutledge, Cooper, Davenport, Kingsford, Stevens, Price, Scott, Douglas, Low, Fraser, Grimes, Groom, Beattie, Miles, Dickson, Griffith, McLean, Beor, and Hamilton.

NOES, 15.

Messrs. Macrossan, Perkins, McIlwraith, O'Sullivan, Rea, Amhurst, Lalor, Thompson, Horwitz, Meston, Hill, H. Palmer, Morehead, Kates, and Blundell.

Upon the question as amended,

Mr. MILES said that in voting for the amendment of the hon. member for North Brisbane, he reserved to himself the right to take any course he chose when the House went into committee.

Mr. MOREHEAD said he still held to the determination he had already expressed—namely, that, as far as he was concerned, his constituents

should not be taxed to pay this sum of money. He would do all that he could to prevent such a sum of money from being voted by the House, whenever the matter might come on, and he was satisfied that other hon. members would give him assistance.

Mr. AMHURST said that he, for one, would be very glad to assist the hon. member for Mitchell.

Mr. SCOTT said the remarks of the hon. member for Mitchell upon this subject were in marked contrast to some remarks the hon. member delivered a few evenings ago to the following effect—

“It was all moonshine to talk about injustice being done to certain individuals, for in any case of injustice there was always the right of appeal to the House, which he maintained was a just tribunal and did not unfavourably regard any just claim which was brought before it.”

Mr. MOREHEAD: Hear, hear.

Mr. SCOTT said no one could deny that the case of Dr. Hobbs was one of gross injustice.

Mr. O'SULLIVAN said it had not been proved by any hon. member who had spoken that Dr. Hobbs had any claim upon the House for this money; it had not been proved even to be a case of distress, though it was clearly one of much individual hardship. If it had been a case of distress, his sympathies would have been got over much more than he intended to let them be at present. Dr. Hobbs, although he had been severely used by the Corporation, could not be said to be in distress, for he received £500 a-year as medical officer and had in addition a private practice. If it was a case deserving of sympathy, let the Corporation who injured the gentleman show their sympathy in some practical manner. But that body had offered no consolation whatever, the fact being that the Corporation wished to throw its weight on the country in the same way as they threw the Brisbane Bridge on the country—a little scheme which would cost the country altogether £25,000, simply through the mismanagement of the Corporation. The Corporation evidently wanted to shirk the payment of the compensation which Dr. Hobbs could justly claim. But as this £5,000 would be a tax upon the whole of the colony he could not vote for it. It had been said that no case exactly similar had ever come before the House, and that was no doubt correct, because he had never seen two cases in the world exactly similar. There were other important matters, however, to be brought before the House, and it was quite time this subject was disposed of, and he could promise that he would use every exertion to defeat the motion. As he had said before, if it was a real case of distress let the Corporation do something, or let the people of Brisbane get a public meeting and raise a subscription, but the sum asked for ought never to come out of the taxes of the people.

Question put and passed.

THE NATIVE POLICE.

The Hon. J. DOUGLAS said when the estimates of the Native Police Force were under discussion, he said he should bring the matter again under the consideration of the House. The discussion on that occasion was cut short—the subject was certainly not exhausted, and it did seem to him from what transpired during the debate that it deserved further treatment. He had endeavoured to give expression to what he thought ought to be done in the form of the two resolutions which were now on the paper and which he was about to move. The first resolution dealt with the Native Police Force and the relations of the settlers to it, and also with the aboriginal

natives—that was to say, it opened up the whole question as between black and white, and the constitution and organisation of the Native Police Force. The second resolution proposed that authority should be given for giving effect to the preceding resolution by the appointment of commissioners armed with certain extraordinary powers for the purpose of obtaining evidence. This was sufficient to raise the whole question, and it was time that the whole question should be raised. Before he proceeded to show the grounds upon which he considered this inquiry was justified, he wished to say a few words with regard to what he deemed should be the scope of the inquiry. He wished at once to repudiate any desire to rake up occurrences that in the lapse of time had really been almost forgotten. It was not desirable to re-open old wounds and fight over again the sort of battles in connection with the native police question which had already been fought; but he hoped to secure a new departure. He hoped to secure some reform in the native police which was much needed, and he hoped this might be made the beginning of something like better relations between black and white in the northern districts. This was not only possible, but it was their manifest duty as a Parliament to effect it. While believing, therefore, it would be necessary to confer certain powers such as were described in the second resolution upon the commission, he wished to repeat that he did not move it for the purpose of raking up old stories which it would be unwise to revive again. His object was not to pay out old grudges or re-open old sores, but to secure the commencement of a better state of things than the present. It was true this could only be effected by ascertaining thoroughly what the position was, and if it was necessary to have such powers as he had described they ought to secure real data for subsequent action. In attempting to show a *prima facie* case for the inquiry it would be necessary to glance at the constitution of the police force itself, how it came into existence, and what its present position was. It was, he believed, first organised by Mr. Walker in 1848, shortly after which time he came up to the MacIntyre River, and being a man of marked character brought up with him from the Murrumbidgee River the force he had organised there. The consequence on the MacIntyre was, that the country from which the whites had been driven was rendered habitable by the presence of Mr. Walker's native police force. Unfortunately, Mr. Walker lapsed into habits which resulted in an unsatisfactory state of things in connection with the force he commanded. Still the force had been created, and had no doubt done great good when it was first organised. Abuses, however, crept into it, and several inquiries took place in New South Wales. The first committee was authorised by the Legislature of New South Wales on the 8th November, 1856; Mr. Gordon Sandeman was chairman, the force then consisted of seventy-two men. Mr. Walker at that time had been dismissed. The effect of the recommendations of the committee was that the force should be considerably augmented, and a plan was devised chiefly applicable to these northern districts. The report of the committee of that time was of course valuable as a historical record in connection with the force. Two years later, in 1858, subsequent to what was known as the “Dawson massacre,” a committee of inquiry was held in the Legislature of New South Wales, Mr. Hodgson, he believed, being chairman. That committee reported and made valuable suggestions leading up to a re-organisation and redistribution of the force. After separation in 1861 a committee was appointed by the Legislature of Queensland;

and he held in his hand the report and minutes of evidence then taken. It was ordered by the Assembly to be printed on the 17th July, 1861. The chairman was Mr. Robert Mackenzie, and the report was interesting as showing what the condition of the force then was. He should just trouble the House with one or two extracts, briefly to show what was the organisation of the force and the instructions upon which they acted—instructions which had not been interfered with since, so far as he was aware. These instructions would be found at page 151 of the report, and the most important extract was from the evidence of Mr. Morrisset, the commandant. That officer said—

“It is the duty of the officers at all times and opportunities to disperse any large assemblage of blacks; such meetings, if not prevented, invariably lead to depredations or murder; and nothing but the mistaken kindness of the officers in command inspired the blacks with sufficient confidence to commit the late fearful outrages on the Dawson River. The officers will therefore see the necessity of teaching the aborigines that no outrage or depredation shall be committed with impunity—but on the contrary, retributive justice shall speedily follow the commission of crime; nevertheless the officers will be careful in receiving reports against the blacks, as it frequently happens that mistakes are made as to the identity of the aggressors. It case of any collision with the aborigines a report is to be forwarded to the Commandant without delay.”

It seemed that at that time the police generally acted upon warrants. They were armed to a great extent with these instruments of the law, and it was supposed to be in virtue of them that they acted against the aborigines. As showing the manner in which these instructions were carried out, and the authority the officers had, he would refer again to this report. Mr. Wheeler—who was under examination—said, on page 17, question 32—

“32. Do those troopers understand English sufficiently to comprehend your orders? Oh, yes.

“33. Did you give them orders to go into the scrub? Yes.

“34. What was the nature of those orders? I told them to surround that camp of Telemon blacks, and to disperse them.

“35. What do you mean by dispersing? Firing at them. I gave strict orders not to shoot any gins. It is only sometimes, when it is dark, that a gin is mistaken for a blackfellow, or might be wounded inadvertently.

“36. Do you think it is a proper thing to fire upon the blacks in that way? If they are the right mob, of which I had every certainty.

“37. If I understand you aright, your instructions were to surround the camp, and fire upon it, and that the troopers were allowed to go out of your sight. Now, you must be aware if they received these orders, and were not under your immediate control, that there was considerable risk of loss of life particularly of gins. Was there any necessity for such an indiscriminate slaughter upon that occasion? I don't think there was any indiscriminate slaughter; there were only two blacks shot.

“38. But you did not see it? I was in the scrub, but I was away for about half-an-hour in another direction, to get the Dugandan blacks round me, to prevent their being shot.

“39. I can understand this—if there are warrants out against certain men, and they take to the scrub, that your troopers are ordered to follow them, and, if they do not stop when called upon in the Queen's name, to fire upon them; but in this case there were no warrants out. I wish to know what induced you to give those orders? The letters I had received from several squatters, complaining that the blacks were robbing their huts, threatening their lives, and spearing their cattle and sheep.

“40. What are the general orders of your Commandant? It is a general order that, whenever there are large assemblages of blacks, it is the duty of an officer to disperse them. There are no general orders for these cases: officers must take care that proper discretion is exercised.”

Those instructions, he presumed, pretty much prevailed at the present time, and since the date of this committee no legislative inquiry had been held. Frequently, on the occasion of the Esti-

mates being brought forward, there had been discursive discussions in connection with the constitution of the Native Police Force. Outrages were related to have been committed by the police which, if true, would be perfectly unjustifiable in any civilised country, but no action had been taken of a distinct character since 1861. No committee of inquiry had been appointed, and no commission. Since that time the force had been much increased. At the time of which he had been speaking it consisted of some 123 men, and through all these twenty years since separation the expenditure on the force had been very large, and in some respects uncontrolled. He found on reference to the reports of the Auditor-General that during the four years from 1861-1864 the expenditure was as follows:—In 1861 there were 123 troopers, and the expenditure was £13,039; in 1862 the number of troopers was the same, and the expenditure £15,433; in 1863 the number of troopers was 152, the expenditure £14,502; and in 1864 the number of troopers was 154, and the expenditure £13,743. He could not find any correct returns in the Auditor-General's report since that date. This expenditure included nearly all the expenditure on the Native Police Force: that was to say, the money spent on rations, clothing, and all incidental expenses. He took, therefore, the average expenditure on the Native Police Force to be something like £101 15s. 6d. per trooper. This was the only gauge he could attain to to arrive at a knowledge of what they were now spending upon the Native Police Force. Since that period the number of police had increased very much. The numbers were these:—In 1865, the number of troopers was 154; in 1866 there were 151; there were 112 in 1867; 99 in 1868; 114 in 1869; 114 in 1870; 138 in 1871; 130 in 1872; 150 in 1873; 200 in 1874; and 200 in 1875. From the latter date the numbers had remained at about 200 until the present year, when there had been considerable reductions, and the number placed on the Estimates was, he believed, at the reduced scale of 126. During the twenty years that this force had been in existence and supported by the votes of Parliament, they had, according to the estimate he had formed from the expenditure of the first four years, cost a total sum of £318,278 17s. 8d. That was a very large sum indeed, and the mere fact that they were going on spending this amount was a justification for the inquiry, and the more so as the constitution of the force was very abnormal and not in accordance with the provisions of either military or civil law. The time had now arrived when it must be admitted a fresh inquiry should take place. There had now been a lapse of nineteen years, and the increased attention which had been drawn lately to the relations between the European and aboriginal population in the North justified some further inquiry now. He need not draw the attention of hon. gentlemen at any great length to what had been said in the Press lately upon the subject. During the debate on a late occasion when the subject came before the House sufficient was said to justify such an inquiry as he asked for. The Colonial Secretary himself admitted he was about to effect reforms, and he intimated that the constitution of the force was to be changed, if in no other sense, by the reduction of its members; and he also suggested that the time would come when the force would be done away with altogether. He intimated that if it could not be done away with it might be reorganised. He (Mr. Douglas) was by no means so sanguine as to suppose that for many years they could dispense with a protective force, especially on the northern-coast districts. The blacks were entrenched in the natural fortresses of their scrubs and inaccessible country, and it would be many years before they

could be brought successfully within the direct influence of the white people, in any civilised form. It was most desirable, therefore, that the colony should endeavour to put them to better use. At the present time they did nothing else but shoot them down whenever they could get at them. That was the sole function of the native police. As far as could be judged from their instructions and practice, they were chiefly kept as a military force dispersing natives when they congregated, and patrolling districts to drive the blacks into positions where they would not come into contact with the European settlers. It was surely very desirable—knowing as they did that there was still a large population in the northern coast districts, and likely to be one for many years to come—that they should try and effect some change in the relations, which were at the present time of the worst possible character. He proposed now to read a few extracts from some papers which had appeared lately in the *Sydney Morning Herald*. They were valuable as illustrations being the independent testimony of an intelligent observer, who had been specially commissioned to write upon the subject for the information of the public. The author was a special correspondent of the *Sydney Morning Herald*, the editor of which paper having been attracted by what was so much talked about in the local papers in Queensland, commissioned a gentleman to go to the spot, that he might have evidence before his eyes of what was really going on. This gentleman had lately written upon the subject in a very impartial strain. He (Mr. Douglas) could not help accepting a great deal that this writer said. These statements were put forward in the *New South Wales metropolitan journal* with such circumstances of truthfulness about them that hon. members might accept them as independent testimony as to what was really going on at the present time. This gentleman could have no object in distorting facts, and the spirit in which he wrote showed that he did not wish to do so. In the first place, he (Mr. Douglas) would wish to quote a few words from an extract from one of the letters which appeared in the *Sydney Morning Herald* of August 5th. The article was headed "Natives in the Far North," and it spoke of the effect of the native police in the vicinity of the Hodgkinson:—

"There is another and a very large class of settlers who object to the troopers on quite different grounds. They say that the blacks can never be quieted by such means, that the effect of a visit is to exasperate the natives, and make them retaliate in all the ways that their feeble resources will admit. One settler informed me that he always dreaded seeing the 'boys' in his neighbourhood. For months after they had been in the district it was one unchanging record of hostilities on the part of the blacks. Horses and cattle were speared or driven away, and every kind of injury they could inflict was perpetrated. 'The only good they do is to shoot a few blacks, and goad the rest of the tribes into an implacable enmity against us.' Another settler—a Mr. Molloy, on the dividing range about fourteen miles from Salisbury—gave me a sad account of the help he had received from the troopers. He had been very careful with his horses and cattle, and never let them feed away from the enclosed paddock without some one to watch and guard them. He was a selector who made a good living with horse and cattle teams on the Hodgkinson Diggings. The blacks had never troubled him, though his neighbours suffered, and this made them call in the aid of the 'boys.' What they did was not known. It is supposed they had surprised one camp and had chased the natives about a good deal. One evening the officer, with his boys, rode up to Molloy, just as he was unyoking his cattle, and told him that he need not be afraid of the natives. They said he might safely turn his cattle out, as the blacks would not trouble him again for a long time. So the poor selector let the horses all out of the paddock, a thing he would have never done but for this assurance. Next morning when he went to look for them he found six horses lying dead at no great distance from his house. They were all speared by the natives. None of them had

been touched for food, so it was pretty evident that this was a pure act of retaliation. This was a place where the blacks were exceedingly numerous, and had plenty of cover amid the rocks and in the dense forests, so that it would seem to a stranger the height of simplicity to say that a raid of a few troopers would prevent further outrage."

That was a sample of what happened when the "boys" made their appearance in the neighbourhood of a selector's residence. The special correspondent thus summarised one of his letters with regard to the native troopers:—

"Thus, it will be seen that there are two sides to the question, which is a very difficult one to deal with. I can bear testimony to the fact that the European officers of the troopers, wherever I met with them, were most respectable and steady men. On the other hand, the testimony of every one, officers and civilians, was unanimous in saying that the native troopers, though courageous and daring in a wonderful manner, were the most cruel bloodthirsty savages, altogether relentless in their warfare against their countrymen. The use, therefore, of such awful instruments in our dealings with this people is certainly a serious consideration. Those who consent to such things, and those who approve of them, must look well as to how they will stand in future times with posterity, when the early history of this country comes to be written."

This was the correspondent's opinion as to the troopers so far as he had been able to judge of them. Now came another sample, and he (Mr. Douglas) would remark that the value of these instances was that they were quite recent, and written on the spot by a person who had specially gone there to inquire into the existing relations of black and white, and this was how he wrote of the native police on another occasion:—

"A trooper (European), who had command of a party in a district, the name of which I must refrain from giving, was sent in pursuit of some natives who had killed a white man under peculiarly treacherous and cruel circumstances. The pursuers came in sight of the camp about four in the afternoon, and were waiting until dusk to commence their attack. All at once their ambush was discovered by a native woman, who, with three or four children, was out gathering roots. She yelled so terribly that there was nothing for it, said my informant, but to shoot her. This was done with a revolver so as to make as little noise as possible, and the 'boys' went in pursuit of the children who were all killed by having their brains knocked out. Then the camp was attacked at once, and the trooper added that before he could interfere three more children were killed, two of them being girls about eight years of age. I got this information on condition that I did not make the locality public, as the name of the officer would be well known. On another occasion the same officer had to go with four boys in pursuit of another division of the same tribe, who had committed various depredations. The pursuit was a long one, as the natives were fully aware that they were wanted, and kept moving from place to place. They were overtaken at last at a waterhole, where a thick belt of scrub and long tussock grass enabled about fifteen men, women, and children to conceal themselves. This they did by getting into the water, and only keeping the upper part of the face above where the overhanging grass nearly hid them. But the 'boys' stationed themselves around, and never left the spot until every one of the fifteen were slain. The troopers took their time, and only fired when they were sure of their mark, and the natives, knowing it was their last chance, kept in the water to the very end. In explanation, or rather in exculpation of this slaughter, my informant reminded me that blacks were not like ordinary criminals. They would not be arrested. Not one of them would ever be brought in alive, so that there was nothing for it but to take their lives. If they were left to pursue their depredations, the white settlers may as well leave the country, and if they were to be pursued there was no other course but to kill them."

He should now give just one or two instances of what was said to be the extent to which children were now being stolen and appropriated in many of the northern districts. The same writer told a good deal about this, and spoke of it as an outrage against humanity. He spoke of it as a practice which might very well be put a stop to by the Government, and which might be put a

stop to without much difficulty. This writer, in fact, said that the colony was responsible for what was going on. He said:—

“The first of the outrages, then, of which the natives have to complain is stealing their women and children. I heard such things spoken of in many places, but never could thoroughly believe it until I saw an instance. Staying one evening at a camp on the Palmer Road, where one team was resting, my companion informed me that some natives had been seen the day before by the carrier. The latter kindly offered us part of his bush fare, but excused himself from giving us shelter under the dray during the night—an excuse which, I need hardly say, we readily accepted. In the morning our host was cursing and swearing at a great rate, and then a secret came out which he had carefully concealed from us the night before. A black woman with an infant, that he had captured the day previous, had escaped. He told us that he had found her gathering roots on a plain, whither he had gone to look for stray horses. With the aid of a black boy he had with him the poor creature was secured, and bound hand and feet by horse-hobbles and bullock chain. She was brought to the camp, and to prevent her escape during the night he had fastened her under the dray, while bullock bells were hung all around, so as to give an alarm should she attempt to move. His anger gradually gave place to amusement as he desecated on his own cleverness in making the arrangements, and her equal dexterity in evading them. I asked him why he made the capture, and his reply was that he meant to take her up the country and tame her. He assured us that after a time these women made excellent servants, and that, though they were very sulky for a time, yet they became reconciled in the end, and then never tried to go away. He mentioned the names of two or three who had similar captives in their possession, and, as I afterwards found, his statement with regard to some of them was perfectly true.”

This was a sample of what he believed was now going on to a considerable extent, and the writer pointed out that in many of the northern townships numbers of young children had been stolen from the neighbouring tribes. Here was another sample:—

“At a station where I spent a few days, and which for obvious reasons I cannot particularise further, there was a fine blackfellow who acted as stockrider, and who had come down from somewhere near the Diamantina. There was another station in that locality belonging to a near relative of my entertainer. In the house was employed a comparatively young black woman, who was called the wife of the native. She had come from near the Norman River, and had belonged to the tribes there. She was out with her native husband, and, as usual, carrying all his baggage, when they were overtaken by a white man, who shot and wounded her companion. They threw away everything and fled, but repeated shots at last brought down the man, who was despatched upon the ground. It was in an open plain, or the woman would have escaped, but her pursuer followed, and cut her in several places with a stockwhip until she stood still. He then tied her hands, and brought her to the station, whence a few months afterwards she was brought to the Diamantina, or somewhere in that direction. She remained on the station a long time, and when she left to come down with her black companion two of her half-caste children were left at the station, and a fine little girl, about a year old, was then with her. I had the main facts of this story from her own lips.”

There were many other instances of this kind, but he would not trouble the House with them—instances that came within the personal knowledge of the writer. He took this opportunity of drawing the attention of members to the series of papers, and would ask permission to give one more extract—which referred to the courageous action of a gentleman whereby the lives of several blacks were saved. The Rev. Mr. McDonough was travelling from Cairns to the diggings, and this was how the story was related:—

“There were two men with him, one of whom was driving a horse team, and whose wife and some children were on the dray. At a turn of the road they were suddenly faced by a war party of a couple of dozen men, all armed and painted. Mr. McDonough had the utmost difficulty in preventing his companions from firing upon the myalls at once. By dint of threats and promises he got them to lower their rifles while he

succeeded in making the blacks, or a few of them, lay by their spears. With great courage he advanced to parley with some of the unarmed men, who came forward. He gave them bread and jam, and then succeeded by signs in getting them to go away. How different would have been the result of this interview had not there been a man of courage and humanity in the party! I do not say that this had the effect of preventing outrages subsequently on both sides; but if the same true courage would animate men the native question would have another aspect. Yet it is of little use to indulge in such aspirations. Men of courage and self-possession are rare to find; and thus it is that so little humanity, firmness, and forbearance regulate our intercourse with the natives.”

This extract, and many more that might be referred to, certainly justified him in arriving at the conclusion that a *prima facie* case had arisen for some further inquiry at the present stage of the question. He would also point out that this was an opinion entertained by some officers of the native police. He would quote a few extracts from a letter lately addressed by Mr. Armit to the *Queenlander*. He was no doubt an officer known to many members of the Legislature, though he believed he had ceased to belong to the force. This gentleman did not view the question at all from an extreme philanthropic point of view, but was rather a philosopher who was of opinion that the race was doomed to extinction, and that the sooner it was extinct the better. He would not do Mr. Armit the injustice to think that he would willingly assist in that extinction, but still it was his opinion that the Native Police Force was badly in want of reform. The following was the extract:—

“No one realises the necessity of speedy and radical change more than Native Police officers, as under the present system they are powerless to put a stop to the private patrols carried out on stations, or to the kidnapping of gins and boys by bullock drivers, *ad hoc genus omne*. But station owners complain, and justly so, that when they send for police so much time elapses that the blacks escape. Can the officer be blamed for this? Imagine a district 200 miles in diameter—that is, 600 miles round—and put an officer, six troopers, and a wretched lot of old screws at a point in this circle, telling him that you hold him responsible for the peace and security of the district; and you have the system of native police patrolling as at present in operation. Can anything be more ridiculously ineffectual? Hence the numerous murders and outrages committed by black and white alike. But with all the will to do good, and to mitigate existing abuses, police officers have to combat such a diversity of opinions that they invariably find themselves reduced to merely patrolling their districts, dispersing blacks when really necessary, and keeping them from infesting the roads. What can we do to ameliorate the condition of our aborigines?”

Further on in the same letter, Mr. Armit testified in this form—

“What I am assured would tend more to the pacification of our blacks is—the reduction in size of the native police districts; the increase of detachments; constant regular patrols and communication with the blacks, so as to learn to know at least the leading men of each tribe, who would be made responsible for the good conduct of their mob; and the appointment of officers of unexceptionable character and ability, instead of young inexperienced new chums, mere boys, who have no recommendation except an unusual amount of bounce and the influence of an M.L.A. at their back. These officers should be vested with the power necessary to put a stop to the wholesale interference at present practised by the public, who take gins and children from the tribes at will, and unchecked.”

The writer here confirmed the statements made by the correspondent of the *Sydney Morning Herald*. He continued—

“The enactment of a law such as the *Queenlander* advocates would be very necessary and of the utmost importance. No white man should be permitted to cohabit with a gin, as is at present the case, unless he marries her. It is an everyday occurrence in the North to meet travellers and teams accompanied by a gin; even these men, in most cases, endeavouring to hide their degradation by dressing their sable Hebes in men's

clothes and passing them off as boys. Such men have done more to foster the enmity between the races than any amount of patrolling."

That was very remarkable testimony coming from a gentleman lately in the police force, whose education and experience entitled him to express an opinion on a subject the details of which were very familiar to him. The reasons which he (Mr. Douglas) had recited, gathered as they were from Press communications, speeches in Parliament, the admissions of the Colonial Secretary himself, and the statements of a police officer, were quite sufficient to demonstrate the necessity for an inquiry into the constitution and organisation of the Native Police Force. With regard to the relations between the European settlers and the aborigines he would also say a few words, because one of the objects of the inquiry ought to be to open up the general question with regard to the relations subsisting between the two races. Besides effecting a reform in the constitution of the Native Police Force, it would be desirable to ascertain by what means the present relations between the two races could be placed on a better footing than they were at the present time. He believed he should be able to show conclusively that there was no reason to despair of securing the establishment of more friendly and useful relations between the Europeans and the blacks on the northern coasts than now existed. With that view he should quote from a paper which lately appeared in the *Victorian Review*, written by Mr. Charles Harper, a well-known settler in Western Australia, who had been a successful colonist, and who owed his success in a great measure to the use he had made of the aborigines in the country he had occupied. It might be as well to state that Mr. Harper's attention had been attracted to the subject by an article by Mr. Feilberg, on "The Future of North-Eastern Australia," which had appeared in a preceding number; seeing which, Mr. Harper considered it advisable to give the Australian public some information about the north-west of Australia, and incidentally of the aboriginal natives. Mr. Harper wrote thus:—

"Then, again, the labour question, so embarrassing elsewhere, has been to a great extent solved throughout this region by the unparalleled success of the early settlers in establishing friendly relations of mutual benefit and confidence with the aboriginal inhabitants. Many of your readers will be quite unprepared to learn that the sheep depastured throughout this territory, from the Murchison to the De Grey River, are almost exclusively attended by the black children of the soil, who not only make the best of shepherds, but are also successfully employed as shearers, wool-scourers, teamsters, and also—under white supervision—as fencers and well-sinkers. During the hot season, they certainly can undergo a greater fatigue than any European. The principal source of these satisfactory relations between the two races is to be found in the development of the pearl-shell fisheries—of which more hereafter—and in the precarious nature of a food supply affected by uncertain seasons."

With regard to the pearl-shell fisheries on the coast, in which the natives were engaged, Mr. Harper said—

"Perhaps the most interesting feature in connection with the settlement of the north-west is the complete absorption of the male aboriginal into the service of the settler and pearler, whenever a settlement has been made. This fact has been at once the making of the country and the salvation of the blacks—their salvation, at any rate, from that somewhat indiscriminate destruction which appears to have marked the progress of settlement in the north-east—although the fear must arise that here, as elsewhere, constant contact with the white will ultimately induce those habits of vice and those diseases which always must bear their inevitable and melancholy fruit.

"The preservation of this native race is a matter worthy of the most serious consideration on the part of those who are interested in the future of the north-

western territory, for it is an established fact that none is better adapted physically to the manual toil which the avocation of grazier and pearler necessitates. Nor is evidence wanting to prove that, removed from the vicious influences inseparable from contact with the more debased of the whites, this black race in the service of the settler shows not only an augmented vitality but actually an increase of numbers."

That was a very remarkable statement coming from a man who had had many years' experience of the country of which he spoke. What was true with regard to Western Australia might not be in all respects absolutely true of North-Eastern Australia; possibly the scrubs in the latter were more inaccessible, and the condition of the blacks slightly different, but the nature of the man was not different. Might it not be possible to influence the nature of the natives here in the same way as the settlers of Western Australia had influenced the aborigines there? The settlers there had evidently put the natives to a better use than they had been put to here. He would ask the House to consider what had been done at Port Essington, where the tribes of aborigines had been not less fierce than those on the coast of Queensland. That port was occupied at least thirty years ago, having been used first as a military station, during the maintenance of which the relations between the races had always been of a friendly character, the number of the Europeans being small and that of the blacks very large. The Europeans then left and remained away for many years, but the aborigines had continued to be a useful people, and had proved peaceable whenever they had come into contact with the Europeans. There was now a very considerable cattle station in that part of Australia, and the relations between the races continued to be friendly. That friendly relationship had, however, on one occasion been terribly violated. He alluded to the time when a number of the natives were brought over to the pearl-shell fisheries on Thursday Island. There could be no doubt that those men were kidnapped, and he had reported the circumstance to the South Australian Government; but, as the kidnapers had entered into a nominal agreement under the authority of the Government of this colony, no further action could be taken here, and the Government of South Australia did not consider it necessary to take any steps. Was there any reason why similar relations should not subsist on this side of the continent? Why should not the attempt be made in the northern districts of which he was now speaking, the only district in which, by reason of their numbers, the blacks were formidable? Unfortunately, the presence of a large number of diggers was not an element likely to result in the establishment of friendly relations between the races. Still, he believed it was quite possible to attain this end, and that ought to be the primary object of this inquiry. He regretted to say that far too little had been done in the settled districts. After the first period of hostile contact with the aborigines there came a time when the blacks were more willing to submit to the lawful mastery of the Europeans, and at that time an interposition in their favour might very well supervene. Probably this colony had done less than any other in that respect; but the little that had been done to any effect showed what might be done. He regretted that the efforts made at the Mackay settlement had been reduced to a minimum; but the gentleman who undertook those duties, and who still held authority from the Government, had done the best he could under the circumstances. When the present Government came into office they had, to his regret, discouraged the administration of native affairs which had been entrusted by the preceding Government to a commission composed

of gentlemen who were perfectly competent to undertake those duties. It was his intention to have supported that commission. Even if it were not possible at first to have secured any very considerable subsidies in the form of money a great deal might have been done, and he regretted that his successors did not follow up the judicious efforts made in that direction. Those efforts, though quite insufficient to meet the legitimate claims of the natives, had effected some good, and might have effected more if the powers of the commission had been continued and they had been encouraged to carry on the work. A letter from Mr. Jocelyn Brooke, the director of the aborigines at Mackay, appeared also in the *Queenslander* pamphlet, in which Mr. Brooke showed succinctly that what little had been done had been productive of much good. He believed the plant furnished by Mr. Bridgeman had been handed over to the Government, and the schools had been done away with. The work of Mr. Bridgeman and Mr. Brooke had, however, served to show that a good deal had been done. A good deal more might be done, and what had been done at Mackay might equally well be done at Townsville, Cardwell, and probably eventually at Cairns. The natives were now being made useful on plantations at Mackay, and they might also be utilised on the plantations springing up along the coast further north. Without the expenditure of some money it was impossible to impart vitality to any such efforts, and if the results obtained in Western Australia could be obtained here the expenditure of such a sum would be justifiable and the colony would reap a reward eventually, not only in the consciousness of having done the best it could, but in the value of the labour utilised on plantations. The colony was now introducing Polynesians, and he did not believe that there was any such great distinction between them and the aborigines of Northern Australia as to prevent the hope that some use might be made of the latter. In Western Australia the natives had been, he believed, in some cases captured, and as prisoners of war had been compelled to submit to a period of pupilage, afterwards becoming useful settlers.

Mr. LUMLEY HILL: Do you believe that?

Mr. DOUGLAS said he did, and he should be happy to refer the hon. member to the statements made to that effect by Mr. Gregory, in evidence given some nineteen years ago. It would be quite possible to take the natives prisoners, instead of shooting down and killing them, though he doubted whether the House would sanction a law by which these people, taken in open warfare, might be kept in a state of captivity. At all events, that would be a more benevolent process than shooting them down and taking their lives. No doubt to shoot them down was the easiest way of getting rid of them. Killing a man, it had been said, was the worst possible use to which he could be put, but it was the readiest and quickest way of disposing of him. The way in which the blacks had been dealt with had caused the Europeans to become terribly callous, and they had almost lost sight of the fact that murder of this kind was unjustifiable. It was now many years since any legislative inquiry had taken place. He imputed no blame to the present Colonial Secretary nor to any previous Colonial Secretary. All had been hardly sufficiently alive to the responsibilities in this respect, and public opinion had not previously been directed to this most important matter as it had been lately. Of the two propositions he had to submit, the second proposed that the Legislature should confer certain powers upon the commission to enable them to take evidence. He

should be sorry, however, that it should be supposed that this authority would justify the commissioners in raking up old stories which were passed and forgotten and had better not be revived, however atrocious the particulars might have been. In order to make the inquiry effectual, however, it was absolutely necessary that the commission should have the power of satisfying itself as to the truth or falsehood of the statements which had been made with regard to the treatment of the blacks. He hoped this commission would be the commencement of a new state of things. There were men of sufficient capacity and earnestness to be found to form this commission; and it would be essential that they should have power to visit the districts to which these questions chiefly referred. An exhaustive inquiry could not be carried out unless it was held both here and at some of the central points where the blacks were most numerous, and where these ravages reported to have been so terrible had been perpetrated. He observed that the partial inutility of some of the inquiries held in New South Wales had been ascribable to the fact that the scene of the operations was very distant from the scene of the inquiry. At the time when they were held this colony was, so far as communication was concerned, as far removed from Sydney as Brisbane was now from some of the northern ports, but the information obtained had been of a very valuable nature. No commission would be complete that was not composed of competent men. The number might be three to five, or even only three, supposing them all to be competent to undertake the duties. It should be understood, also, that if necessary a certain amount of expenditure would be authorised. That might be considered objectionable, but he would point out that during the last twenty years more than £300,000 had been spent on the police force. Was that to go on for ever? Was the colony to perpetuate the presence of a force so extraordinary in its organisation—a force which was originally the result of a necessity perfectly unprecedented in the history of any country? It was not a civil force, not a military force, but it was looked upon as an exceptional force, established simply for temporary purposes. The power it professed to possess had no foundation in law whatever, and yet it had been perpetuated from year to year. Was that to go on? He hoped that nothing would occur, or would be allowed to go on, that would disturb the peaceful occupation of the country by European settlers; but evidence had been shown that even those people were sometimes harassed by the quartering of native police on them. The question which suggested itself was whether it would not be possible to organise some force entirely different to that under which the Native Police Force was now organised. He could hardly close his remarks without referring to some evidence given by a gentleman who was for a long time a respected member of the Queensland Legislature—the late Sir Maurice O'Connell. That gentleman was always opposed to the present Native Police Force organisation, and he knew what was done by the native police and what was required of them, and he always contended that that force should be re-organised, and that there should be a large proportion of white troopers. He (Mr. Douglas) would quote a few words from the evidence given by that gentleman when examined before a committee in Sydney in the year 1858. He was asked whether he considered the native force, as then constituted, efficient, and his reply was—

“Certainly not, at the present moment. It is very inefficient. It seems to have broken down from a want of any proper system of organisation. When I first saw

the Native Police, as originally raised by Mr. Walker, it struck me that he had worked a change and improvement in the aborigines I was hardly prepared to think they were capable of; he had got them into very creditable order; but since his removal from the command, as far as my observation goes, the men are not kept together under proper discipline, or with sufficient obedience to their officers, or even sufficient regard for them. At present it seems almost impossible to keep the newly raised recruits attached to the corps."

Sir Maurice O'Connell was then Captain O'Connell. He was next asked—

"Would you be kind enough to favour the Committee with your ideas as to what is necessary for the reformation of the present system? It appears to me that the great want of the present system is a proper organisation. Neither men nor officers are trained to their duty, so as to understand what they have to do when called upon to perform it. The officers have not that control over the men which they ought to have; and there is no *esprit de corps*. The duty is a particularly harassing and unpleasant one, and there is nothing to induce to the zealous performance of it beyond the bare fact of its being a duty."

"15. Could you propose any remedy? The only plan which has occurred to me as one which would be at all likely to be effectual is that of raising a force under a law which, somewhat on the example of the Mutiny Act, shall compel a due observance of discipline and prevent desertion. I think, under such a law, there ought to be a number of white troopers enlisted, in the proportion of one white man to two blacks; and in that way an efficient working corps would be created. I do not think the expense would be much greater than it is at present; and a body of men could thus be raised and disciplined who would be really useful."

"16. Would you not prefer that the white troopers should preponderate? I would, provided the expense was not considered too great; but I think a force composed of one-third whites to two-thirds natives would be efficient, and, at the same time, much less expensive than a larger proportion of white men."

That was the testimony of Captain O'Connell, in 1858, and he considered it was even now a testimony which should be respected, and that the suggestions made might even be carried out with good effect. He had now said all that he thought it was necessary for him to say on the subject, and he thought he had established a *prima facie* case for an inquiry. He believed that unless the House conferred on the commission the powers he had proposed the inquiry would not be as effective as it ought to be, or the reform as radical as it might be. He trusted that they might look forward to a time when their relations with the aborigines on the east coast of Queensland would be more friendly than they now were. When he commenced his remarks he mentioned that the tribes of blacks on the east coast were very numerous, and that it would be many years before they would altogether pass away—that they might be made useful to the white settlers, and that they ought not to be treated as they now were. He would say, in conclusion, that it was a primary duty on the part of the State to change the present system, and to adapt it more in accordance with the ordinary principles of humanity and the duties which they owed to the primitive inhabitants of the colony which we now occupied. He moved—

1. That an address be presented to His Excellency the Administrator of the Government, praying that His Excellency will be pleased to appoint a Royal Commission to inquire into and report upon the organisation, discipline, operation, and distribution of the present Native Police Force, together with the best means whereby the lives, both of the pioneer settlers and of the aboriginal natives in the coast and frontier districts may be protected.

2. That in order to make effectual provision for the prosecution of such inquiry, it is expedient to introduce a Bill empowering the Commissioners, so to be appointed, to require the attendance of witnesses before them, and to compel such witnesses to answer all questions put to them touching the matters of the said inquiry, and indemnify all witnesses who shall make true discovery touching all things as to which they are

examined, against any prosecution or penalties in respect of the matters deposed to by them.

The COLONIAL SECRETARY said it struck him very forcibly that the hon. gentleman who had just sat down had, to use an Americanism, "played very low" on the House. The hon. gentleman's speech would, in his opinion, have read very much better as an essay upon life and times in Australia, or a dissertation on races. For anything of a practical nature that he had heard he might just as well have been asleep during the solid ninety-five minutes that the hon. gentleman had monopolised the time of the House. He had not heard one solitary practical suggestion offered by the hon. gentleman to remedy the state of things of which he complained. The hon. gentleman commenced his speech by informing the House that he had no intention of reopening old sores, but he (Mr. Palmer) would like to know what the tendency of the hon. gentleman's speech had been if not for the purpose of opening up all those old sores which he (Mr. Palmer), and no doubt other hon. members, had heard of for the last ten or twenty years. Why, the whole object of the hon. member's speech, so far as he could understand it, was to re-open sores and to deliver a dissertation upon the crimes which had been committed by the white man and by the native police years and years ago, by reading extracts from pamphlets, and grouping them together so as to make it appear as if they had occurred only within the last few years. Why, the story the hon. member had favoured them with about the blacks being shot at a waterhole when they were dipping their heads under water was one known to him (Mr. Palmer) long ago before this colony was Queensland—in fact, there was not one story the hon. gentleman had told that evening which he (Mr. Palmer) would not guarantee any old bushman in that House had not heard years ago. If the hon. gentleman did not mean to open old sores, what became of the second part of the resolution:—

"That in order to make effectual provision for the prosecution of such inquiry it is expedient to introduce a Bill empowering the Commissioners so to be appointed, to require the attendance of witnesses before them, and to compel such witnesses to answer all questions put to them touching the matters of the said inquiry, and indemnify all witnesses who shall make true discovery touching all things as to which they are examined, against any prosecution or penalties in respect of the matters deposed to by them."

If the hon. member's object was only what he professed it to be in the first part of his resolution—namely,

"To inquire into and report upon the organisation, discipline, operation, and distribution of the present Native Police Force, together with the best means whereby the lives, both of the pioneer settlers and of the aboriginal natives in the coast and frontier districts may be protected"—

if that was the hon. gentleman's object, why on earth did he want an Act of Parliament to indemnify men giving evidence in reference to old crimes, many of which they might have participated in. The whole tenour of the hon. gentleman's speech, to any hon. member who had been in the interior of the colony, showed that he knew nothing of the blacks—that he knew nothing of their habits, and that he looked upon all matters connected with them from a most absurd point of view. He wished the hon. gentleman who had given such opinions about the blacks would try a few months on the frontier, and camp out for a few months with only a black boy with him, and then let the House know his opinion of the noble savage. He (Mr. Palmer) had never disputed that there had been cases of cruelty to the blacks committed, and that there had been bad officers in the Native Police Force he was quite aware. He believed, however, that he had

himself never appointed a bad officer, and, what was more, that there was not a bad officer that he did not get rid of so soon as it was made known to him that it was desirable to do so. He contended that in nine cases out of ten the charges made against the native police officers were without foundation, and that the native police officers were as a rule as honest and as amiable as the hon. gentleman who moved the resolutions. The hon. gentleman commenced his speech by stating that the sole function of the native police was to disperse the blacks; but that was entirely wrong, and the hon. gentleman had frequently heard from him and others, and must have heard from the Commissioner of Police, that the instructions given to the native police officers were not to disperse the blacks but to patrol their districts, and, as far as they could, to get into communication with the blacks and try to make them understand as far as possible what we often hear in child's play, "If you let me alone I will let you alone." Many officers had tried that, and some successfully, but the nature of the blacks was so treacherous that they were only guided by fear—in fact, it was only possible to rule a savage race, and the Australian aboriginal in particular, by brute force, and by showing him that you are his master. The House had been treated to a great many extracts from articles written by a special reporter of the *Sydney Morning Herald*. He (Mr. Palmer) had seen some of those letters or articles, and he would do the writer the justice to say that as far as his lights went he had given an unprejudiced account of what had come under his notice. But if hon. members looked at the letters closely they would see how little the writer told them of what he had seen himself. Why, it was one repetition of "I heard this" or "I heard that," or that somebody told him so-and-so, but he could not say who it was as what was told was told under the seal of secrecy; it was also stated that many of the tales were told him by the camp fire. Now anyone who had listened to stories told by the camp fire knew that Baron Munchausen was a respectable liar compared with those who told these tales round the camp fire. The best liars of all were the native police themselves—so much so, that after listening to them for half-an-hour one would almost wonder that there was a blackfellow left alive in the colony. He might say that better stuff of that sort than was contained in these special reports he had never come across: it was evident that the writer had been completely stuffed with camp-fire lies. With respect to what had been said by the hon. gentleman about the stolen children, he would read a report that had been received within the last few days. The *Brisbane Courier*, on the 18th of this month, inserted an extract from the *Cairns Advertiser* of the 7th October to this effect:—

"Sub-Inspector Carr is making reprisals around Smithfield on the troublesome natives. The *Cairns Chronicle* notes the fact with satisfaction, but naively says:—'Three or four piccaninies were captured and carried away from them, and this we consider to have been a wrong step, not from any sentimental reasons about the anguish of their parents, but as a matter of expediency. It is well known that when gins and children are taken the niggers do come back and look for them. In this case they will come back and find the troopers gone, and the unfortunate settlers with their cattle left unprotected.'

The Commissioner of Police on seeing that paragraph telegraphed to Inspector Isley, as follows:—

"See *Cairns Chronicle* of the 17th inst. Is it true that Carr captured and carried away three or four piccaninies? What action did you take? I have had no report."

The reply to that was from Inspector Isley:—

"Re piccaninies, Sub-Inspector Carr explains three were found after dispersing and following up mob of
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blacks on Comet near Smithfield, too young to take care of themselves and brought in for protection: the blacks did not belong to the neighbourhood, and not likely to return for them. Fourth was picked up by a man day after blacks had been dispersed up the inlet for horse-spearing and is now with him at Goldsborough. Refers to P.M. at Cairns for corroboration."

That is an instance of the way in which some yarns got spread about—and he thought what he had read would be an answer to that part of the hon. gentleman's speech. Then they were told a very miserable account of a native woman being carried away as a captive. Now, his opinion of the sable Venus was not that of the hon. member, as he had generally found those charming creatures rather too fond of the company of white men when allowed. There was no occasion to capture or take them forcibly away from their sable lords, as they were only too willing to come. He would not deny that women were not taken away occasionally against their will, but that was a thing that was done among white people. He could not agree with the hon. gentleman that in cases where a gin was taken away by a white man he should be compelled to marry her because, although marriage might cloak immorality, it did not cure it. The hon. gentleman also read extracts from letters which had been written by Mr. Armit, but when he (Mr. Palmer) informed the House that during the time—within the last eighteen months—that gentleman was quartered in Brisbane he never made a single complaint to the Commissioner of Police of the native police, and had never made any complaint since he had—to use the mild language of the hon. member for Maryborough—left the service, hon. members would know what amount of reliance to place on Mr. Armit's statements in the Press. He thought the statements of dismissed police officers should be taken with a great deal of salt. Then the House was favoured with a dissertation from the hon. member on what could be done with the blacks, how they could be utilised on stations or plantations, or in beche-de-mer and fishing stations, and the hon. gentleman read a long extract from an article written by Mr. Harper—a gentleman he (Mr. Palmer) did not know—about the West Australian blacks. The hon. gentleman contended that our natives were the same as the West Coast blacks, and could be utilised in the same way; but if he had spoken to Mr. Gregory, who had had a large experience of the West Coast blacks, he would find that they were a different class altogether—that the West Coast blacks had different hair, and were altogether of a different nationality. Whatever success had been achieved with the West Coast blacks—and he would not say that a success had not been achieved—if the person achieving that success would only come to the north-east coast he would find he had a very different race to tackle. The House had also been treated to a dissertation on a commission that had been appointed by the hon. gentleman when he was in office, for the protection of the aborigines; but beyond appointing a few stations which had since been deserted, and spending a lot of money, there had been no results. Why, the commissioners had not been together for three months before Bishop Hale and Father McNab were at loggerheads. So much for the splendid commission of the hon. gentleman! Then the hon. gentleman gave them a list of complaints of offences committed by the native police; but it was most extraordinary that not one of those complaints had ever come to head-quarters. The climax of the hon. gentleman's speech was when he read extracts from the evidence given by the late Sir Maurice O'Connell, a gentleman of whom no one could speak but with regret; but it must be remembered that

that gentleman was a military officer, and his opinions were of necessity different from those held by officers of a police force, and were framed upon the Mutiny Act. He (Mr. Palmer) did not think that any military system would be of the slightest effect in the organization of a native police force. He had hoped when he saw the resolutions on the paper that the hon. gentleman would give them some suggestions—how the commission, if appointed, would proceed to work;—what they would do, and how they would get to work. Were they to hold a court in Brisbane, and publish an Act of Indemnity for all witnesses who might come forward and state whatever they knew about things in general, or anything in particular? Were they to hold a court in Brisbane for some months, and then take a pleasure tour up to the northern parts of Queensland? If not, would the hon. member state what they were to do? There was no suggestion as to the way in which the Commission was to set about finding out these wonderful things. It struck him as being exceedingly strange that the hon. gentleman and his party when they were four years in office, never, during the whole of that time, made the slightest attempt to discover the things about which they now seemed so anxious. But as soon as they were out of office they endeavoured by insinuation, though not openly, to throw it at the present Government that they were guilty of a great dereliction of duty in that they did not immediately send out a Royal commission to inquire into those things about which they knew quite as much as a Royal commission could tell them. They knew that the native black of Australia was essentially a treacherous animal—that he would spare neither man, woman, nor child, cattle, sheep, horses, nor pigs—that the only way to keep him down was by using a firm hand, and that the only way to ensure that firm hand was to show them that the whites were superior animals and could beat them down. That they were trying to carry out that policy with as little bloodshed as possible he affirmed and maintained. He further affirmed and maintained that no Royal commission, or dozen of Royal commissions, could point out to them anything which they did not already know about the native blacks and the treatment of them. All that they could do was to impress upon their officers that they were to temper justice with mercy. He believed the men they had in the force at the present time understood that very well; and he further believed that if they were not to decrease but to increase the force fourfold, they would find that instead of leading to a greater loss of life among the aborigines, they would decrease it enormously. What the blacks required to know was that there was a power over them which could keep them down. But with the enormous tract of country over which they had to spread the police force, and the few men who were available for that purpose, the blacks knew as well as they did that the men could not be—as they were often required to be—in twenty places at the same time; and that they might with safety commence their butchering, murdering, spearing of horses, gobbling of Chinese when they could get them fat enough, and, in fact, playing the devil wherever they could. As a necessary consequence they had to be punished for these things, and blood was shed; whereas, if they had a larger police force patrolling these districts the loss of life would be reduced to almost nothing. Hon. members might have seen an account in the papers recently of an attack in an outside district upon a station named Mexico, belonging to a Mr. Skuthorp, where a kanaka boy was killed, and where the station was bailed up for some days. He had ascertained satisfactorily that the very blacks who were guilty of that atrocity

were the blacks from his own country on the Belyando. The blacks who had made this bold attack were under Mr. Inspector Carr, thoroughly tamed—indeed, they were so much under his control that if an atrocity were committed by any member of the tribe, he had only to tell them that they must have the man, and within a week the man would be forthcoming. But this country was supposed to be pacified; and the troopers were withdrawn, whereupon the blacks thought they could do as they liked. They took care not to misbehave in their own country, but when they got 150 miles out they committed any atrocity. The more they attempted to civilise them the more dangerous they became. He could not see what good the appointment of a Royal commission would do, and the hon. gentleman had not shown them any method upon which a commission could proceed. The remedy for keeping the blacks in order and preventing atrocities was the quadrupling of the Native Police Force; but if he were to make such a proposal he was perfectly sure he would not get the money for it. As he had stated when the Estimates were under consideration, he had attached some of the Native Police Force to the white force as trackers. This had been tried to some extent; it was only an experiment, but if it proved successful he would endeavour to carry out the system to a greater extent next year, and the year after. No reason had been shown why the Government should go to the large expense of appointing a commission. He would like the hon. member to give them some idea of what a commission of this kind was likely to cost. They knew that Royal commissions, sitting only in Brisbane, were rather expensive articles; but travelling with unlimited power to call for papers and persons—he had no doubt the commission would travel in a very expensive style, with their sisters and their cousins and their aunts—meant an enormous expense, of which the hon. member for Maryborough had given them no idea. No reason had been adduced for the commission besides a few newspaper extracts, the matter of which was supplied by correspondents, who, in 999 cases out of 1,000, did not state anything which they themselves saw, but something which they had heard. From what the hon. member for Gympie said when the matter was last under discussion, he thought they were going to get at something. The hon. member made certain statements which he said he could prove; and he might mention that in consequence of those statements the following letter was sent to the hon. member by the Commissioner of Police:—

“Brisbane, 21 September, 1880.

“SIR,—I have the honour to enclose an extract from *Havard*, from which it appears that you are in a position to give valuable information regarding some highly reprehensible conduct on the part of one of the Native Police officers.

“I will feel very much obliged if you will afford me such assistance in this matter as will enable me to thoroughly investigate the cases which have come under your notice.

“I am authorised by the Colonial Secretary to assure you that no person in the employment of the Government need be under the slightest apprehension of being dismissed or in any way injured in consequence of giving information or evidence in such matters.

“I have, &c.

“D. T. SEYMOUR.

“Commissioner of Police.

“John Hamilton, Esq., M.L.A.”

The hon. member had not replied to the letter, and the last attempt to find out something tangible upon which to proceed had failed. Unless some very much stronger reasons than those given by the hon. member for Maryborough were forthcoming, the Government would feel it their duty to refuse the commission as utterly useless and not tending in any way to settle this vexed question.

Mr. HAMILTON said it would be recollected that when he stated that he could prove certain facts, he stated that he could prove them if a Royal commission were appointed. He stated that he could point to witnesses who could prove them, and his reason for not accepting the invitation of the Commissioner of Police was that unless witnesses could be forced to give evidence which he knew they could give it was perfectly useless to call them forward. The statements he made when the subject was last under discussion he would again assert; and he could point out witnesses who could prove them. He would explain how it was that these witnesses to whom he could point could not prove their statements unless evidence were obtained by a Royal commission. In one case where an officer shot down a blackfellow, the witnesses of the occurrence were a black boy and three men—a policeman and two white men. One of the men who witnessed the occurrence told him that he would rather not give evidence, because the officer who committed the murder—for it unquestionably was a murder, there being no provocation—was a friend of his. He spoke to the policeman who witnessed the occurrence, and he said that if he gave evidence he knew very well that it would be a black mark against him, but that if a Royal commission were appointed the truth would have to be told, because the officer would not know from whom the information was obtained. He did not know whether the statements made by the writer in the *Sydney Morning Herald* with regard to the stealing of children were true or not, but he knew of similar cases. He knew of many instances in which black children had been stolen from tribes—he did not say whether rightly or wrongly, but he knew many cases. He did not see the children stolen, but he had seen them brought in from the bush. He knew perfectly well that gins were stolen in many instances; he had also seen them brought in from the bush. He agreed with the hon. member for Maryborough that a Royal commission should be appointed, and he would support the motion.

Mr. NORTON said that the subject before the House was one in which for many years he had taken a great interest. His feeling upon the subject was very strong, and on that account he felt that there was great necessity for being very guarded in what he might have to say. When the question was brought forward by the hon. member for Maryborough he had listened with great interest and expectancy to what that hon. member had to say, and he must say, without wishing to make an unpleasant remark, that he was very much disappointed with the manner in which the hon. gentleman conducted his case. He thought it would have been a great deal better if the hon. member had omitted all those long extracts which he read from reports sent to the *Sydney Morning Herald*. He had been in the bush for many years, and had travelled over the greater portion of Southern Queensland, and over the greater part of New South Wales, and during that time had seen a great deal of the blacks, and had heard the black question and the native police question discussed over and over again. He had no hesitation in saying that the gentleman who sent in these reports to the *Sydney Morning Herald* had been most frightfully crammed. He did not say for one moment that the gentleman wished to send in false reports. There was one particular case mentioned in which a black gin had been shot because she yelled, and that the troopers followed the children when they ran away and killed them with clubs. He thought that statements of that kind ought to be received with infinite caution. No one who knew anything

about bush life would hesitate to say for a moment that a great many excesses which had been committed were utterly indefensible. Many instances might be brought up which he believed in the main to be true. If, however, extraordinary stories of that kind were to be brought up it would bring discredit on the whole inquiry, and he did not therefore intend, in what he had to say, to refer to any one case in particular. He thought it far better to avoid mentioning any particular case, and to avoid also all names in connection with them; but from his own observation he had not the slightest hesitation in saying that the hardships and treatment which the blacks had received in the colony had been in many instances scandalous. He had no doubt that in some cases they had been treated like dogs, and he believed that frightful excesses had been committed by the native police. There was no question whatever but that a great many of the officers were good men who tried to carry out their duty well and faithfully. At the same time, there were officers in the force at the present time—or if not there now, had been there—who were a disgrace to humanity—men who, in their intercourse with whites, appeared nice fellows enough, yet the life they led appeared to have thoroughly brutalised them. He believed at the present moment there were men in the force not fit to be in decent society. He did not wish to refer to any names; but he believed if there were any occasion he could mention one or two. During the time he had lived in the bush, wherever he had gone, and in any district he had stayed in for any length of time, he had heard similar statements of the treatment the blacks had received; and he admitted that a great many of these statements were exaggerated; but still sufficiently true to form some foundation for the statement made. The hon. member for Maryborough referred to letters and papers which appeared in the *Queenslander*. No doubt, many people condemned them; they thought the action of the *Queenslander* was extreme; but the treatment of the blacks in this colony was a great evil, and great evils required strong remedies. Although the action of the *Queenslander* might be extreme, he believed it was done with a good object—he believed, in fact, that it was done for the good of this colony the position in which the blacks were situated, and upon members of that House the necessity for recognising the duty which they as whites and as possessors of the soil had to perform towards those who were already there when they took possession of the colony, and who, although they had been reduced in numbers since they took possession, were still living in large numbers in certain districts, and might be placed in a better position than they now occupied. He referred more particularly to the inside districts. There was great difficulty in doing anything at all in this matter—that difficulty had been pointed out by the Colonial Secretary. That hon. gentleman had, in fact, told the House that the difficulties were almost insuperable. He believed, however, that if a commission were appointed some small good might be done; he believed appointing a commission would do good if it only satisfied those who now thought that the treatment of the blacks was worse than it might be, that there was little or nothing to be done. With regard to the appointment of the members of the commission he believed those who were appointed ought to have been accustomed to live in the country districts, and to have had intercourse with the blacks for many years—men who were accustomed to their habits, and who, from a practical knowledge of the way in which they were treated, might be able to throw out some hints as to

what might be done to ameliorate their condition. He admitted that a commission of that kind would do very little good; still it might do some good, and holding that opinion he was inclined to support the hon. member for Maryborough in his proposal. In a great many statements which appeared in the newspapers they heard only one side; they did not know what might be said on the other side to explain these statements away or to make them appear less horrible. In all these there was a tendency to exaggeration, and if representations were made on the other side it might frequently turn out that the cases were not so bad as they were reported to be. He believed the hearing of accusations against native police officers with closed doors had done more than anything else to create suspicion against the force. These private inquiries did more harm than good. He did not care what the inquiry might be, it should be held with open doors, and the public should be admitted. It would remove a great deal of suspicion. Whatever confidence the public might have in the men who held the inquiry, they could not help feeling that some evidence might have been omitted which it was desirable to take; and, as long as the public were excluded, they would entertain that suspicion. With regard to the second paragraph of the hon. gentleman's motion, he must express his unqualified dissent to it. He could not see what use it was to give power to the commission to indemnify witnesses for statements they might make. The hon. gentleman had not shown the slightest reason for that course. In the ordinary course of justice, witnesses when examined made statements for which they were liable. He could not see why in any case of this kind any new departure should be made. He believed that if this power were given to the commission it would be found that men would come forward and tell exaggerated tales which would lead to no good whatever, and would only damn the character of those against whom these accusations were made. However false accusations might be, it was not always easy to prove that they were false. No doubt men formed prejudices from very slight things, and these prejudices would operate with far greater force if men felt they were indemnified for anything they might say. Another difficulty would arise—who would be able to tell whether witnesses were telling the truth, or making absolutely false statements? How would it be possible for the commissioners to ascertain that? He was sure scarcely any members of the House would vote for the resolution as it now stood. He was sorry the hon. member had not made out a stronger case. He had shown that not only that those who had supplied the information were not fully acquainted with the subject of the inquiry, but that he did not himself possess that knowledge of the subject which he should have before he undertook to bring forward a motion of that kind. He would vote for the commission, but he intended to propose an amendment which would have the effect of making the motion a harmless one. It would apply to the blacks throughout the whole colony. He therefore proposed to omit all the words of the motion after "aboriginal natives" in the first paragraph, and make an addition so that the motion would read—

"To inquire into and report upon the organisation, discipline, operation and distribution of the present Native Police Force; together with the best means whereby the lives of the pioneer settlers and of the aboriginal natives in the coast and frontier districts may be protected, and the condition of the latter improved."

He would tell the hon. member plainly that if he (Mr. Norton) did not believe this was a matter of so much importance, after the manner

in which he had introduced it, he would not vote for it at all: but as it was a matter of great importance, and many people in other places besides this colony took an interest in it, he should vote for it in the manner he had signified.

Mr. LUMLEY HILL said they had had a long speech from the hon. member who introduced this question, and a number of tedious extracts which he read, compiled apparently from the atrocity column of the *Queenlander*. He himself, before he began to touch upon the general subject, would like to quote a brief and slight paragraph from one of the last letters he received from a constituent in the far west. It was this:—

"In spite of the vehement articles in the *Queenlander* against them, I believe in the native police with a good officer. My experience of them is that they prevent indiscriminate slaughter of the blacks by white stockmen, and of course the sensational reports of their atrocities are great rot. The substitution of white police, which the *Queenlander* advocates, would be expensive, and in my idea utterly useless. Set a black to catch a black is far cheaper and more effective."

If he (Mr. Hill) spoke for an hour and a-half upon the subject, he could not sum up the matter more in accordance with his own judgment and experience than in those words. From his own experience he ought to be able to speak as one having authority on this subject. For nine years he was the outside western settler in the Mitchell district, and during that time he was constantly harassed and annoyed by the attacks of the aborigines. With his own hands he could say he had dug the graves of and buried six white men at different intervals, and one of them was his dearest friend. They were all killed by the blacks. He mentioned this to show that he had had considerable experience of the aboriginals. He could remember that the Hon. the Speaker was present in the district at the time that the first murder was committed; and he (Mr. Hill) acted as one of the grave-diggers on that occasion. That was his first experience of the blacks, in 1864. He had frequent opportunities for seeing the work of the native police, and he believed himself that, though of course there had been occasional bad officers amongst them, as there had been and still were in other departments of the public service, still the majority of them were able and efficient men. He could say this unhesitatingly from his own experience. He had been out with them frequently; he had seen their conduct, and the behaviour of the men under their command; and he never saw any excesses committed by them; nor did he see them run riot on any occasion. The atrocity column in the *Queenlander* he had long given up. He had read the journal continuously for many years, and for the last few months, when he read the first one or two articles in this atrocity column he was very much amused. But he soon gave up reading that dull stuff, on the same principle as he gave up reading the contents of the children's column. The articles in the atrocity column were no more worthy of belief than the stories of Baron Munchausen or the Arabian Nights. The hon. member for Port Curtis alluded to his own knowledge of the blacks being butchered like dogs: he (Mr. Hill) could say from his knowledge that the blacks had butchered the white men like sheep wherever they had the chance, but he never knew any occasion in his life when they were butchered like dogs themselves—what was more, he did not believe that such was the case. People had been beguiled by these wonderful camp stories until they almost believed them themselves. As to what the member for Gympie said, it was astonishing to him (Mr. Hill) that the hon. member having had five weeks in which to reply to the letter which

the Chief Commissioner for Police addressed to him asking him to substantiate his case, had not done so.

Mr. HAMILTON : I gave a satisfactory reason for not doing so. I gave it in this House, and you would have heard it if you had been present. I said I would give the evidence if the commission was appointed.

Mr. LUMLEY HILL said it might have been a satisfactory reason to himself, but it was not satisfactory to him (Mr. Hill), or to any other reasonable man. A gentleman in the hon. member's position in the House ought never to have brought forward charges which he was not prepared to substantiate or go on with, and should not wait until he had some special shield or protection. He, himself, would never shrink from driving home charges like that, or replying to a letter which was written by the Commissioner of Police. The hon. member's position was a sufficient protection to him ; and he might have produced some case or other to substantiate his statements. He quite agreed with the hon. the Colonial Secretary when he said that the blacks in the interior and of the north-east coast were different from those in Western Australia. The only way to keep them in check was to let them know the whites were masters of the situation. The safest protection the blacks could have would be an augmentation of the Native Police Force. He was very glad to be able to say that the blacks in his districts were now useful servants to him. It was many years before they could be brought into subjection ; but the thing had been done, and he did not know how any Royal commission could have the slightest effect in accelerating their subjection. It depended—and always must depend—upon the settlers in the district who came immediately into contact with them. There might be humane and good men, and the blacks might receive fair treatment at their hands ; but it must not be forgotten that the white man had undertaken to settle the country, to occupy it, and to bring it, as it were, into civilisation, and the blacks must always be a secondary consideration to him. The blacks must give way to the whites, and recede beyond the bounds of civilisation.

Mr. MOREHEAD said he had noticed that the member for Maryborough liked to bring himself before the country as a wonderful philanthropist. In the present instance he reminded him of Nero, who did a good deal of fiddling while Rome was burning. In the few remarks he (Mr. Morehead) had to make he had no doubt he would say things that would be severely commented upon by some of the people in the country, but he felt it his duty to make these remarks, and he should do so regardless of consequences. What was being done in Queensland was being done in every country ; let them blink the matter as they liked, the black man had to go—he had got to move out. The colonists had come there as white men and were going to put the black man out. Some people might attempt to foster or keep alive this wretched race who now inhabited the Australian continent, but the white man had come there and the blacks had got to go further. What earthly good a Royal commission to inquire into the way in which they were to be treated would be, he could not for the life of him see. Whether this commission was to recommend the easiest method of putting them out of the way he did not know ; but there was not a member of the House who did not feel that they had to be got out of the way. As the hon. the Colonial Secretary had said on a former occasion, the white men were here, and the object of the Royal commission should rather be to inquire whether they had a right to be here. He would repeat it

again for the third time, the blackfellows had to go, and go they must. Quasi-philanthropy—cheap popularity—the black man's friend—the Chinaman's enemy—that was the position the hon. member for Maryborough was fulfilling at present. The hon. member liked the blackfellow ; hated the Chinaman ; abhorred the kanaka. It was all very well for the hon. members who had never been outside Brisbane or anywhere beyond the limit of the railway, to sit in their arm-chairs over a comfortable fire and conjure up these awful atrocities and read sensational nonsense as to how blackfellows had been slaughtered. Did they ever take the other side of the question, and talk or think about the white men who had gone out with their lives in their hands and made the colony what it was ? Members on the other side of the House did not of their own knowledge know what the wild black was, but he (Mr. Morehead) was sure that hon. members on that side—more especially the member for the Balonne, who had more experience of winning back the wilderness than any other member of the House, and the member for Burke (Mr. Sheaffe)—knew the other side of the question well, and that if hon. members opposite had the experience they had they would be rather chary in patting on the back this poor ill-treated aboriginal of the colony. In short, it was one thing or the other—the white man must remain where he was or leave ; and he preferred that, of the two, the black men should leave. The country had been taken up, and the colony had been made by men who had gone out, and in their pioneering had, of necessity, to use extreme measures to the inhabitants of the soil. The aboriginal, no doubt, had been shot down ; no one denied it, and if they had not been shot down the white men would never have been there. Atrocities, probably, had been committed ; he believed, himself, that powder and bullet had been used more freely than need be ; but these cases had led to the present holding of the country. He could honestly say, while he was managing a station in an outside district, he saw no brutality committed on the blacks ; when they left the settlers alone, the settlers left them alone, and when they interfered the settlers retaliated. He did not attempt to deny it ; they had to defend themselves, and in defending themselves they assisted in the making of the colony. If the settlers had retreated the progress of the colony must necessarily have gone back, as a great man whom he looked upon as one of the ablest statesmen of the present century, and he would be more appreciated as time went on—John Arthur Roebuck—said, in speaking of the New Zealand war, "Where the white man appears the red man disappears." So it must be in this colony ; the lower race must give way before the superior race. The talk about a Royal commission to inquire into the way in which this race had been treated—to try and initiate a course of action by which these poor creatures would be enabled to linger out an existence which was bound to cease on the advance of the Anglo-Saxon—was a piece of utter humbug and nonsense on the part of the hon. gentleman, aided as he was by a lot of lying papers which had appeared in the *Queenslander*, and upon which he based his demand for a Royal commission. He could not say that the hon. gentleman was doing himself an injustice, for that would be impossible, but he would say the hon. gentleman was playing with Parliament when he asked them at this eleventh hour to appoint a Royal commission to inquire into the way in which this race was being worked off the face of the earth. That that was so everyone knew, and that it must be so none would deny. Could the hon. gentleman show

that any benefit would result to the State from the appointment of a Royal commission? Did he desire to show some other mode of disposing of this wretched race—for it was a wretched mean race to perpetuate, which would be to do an injustice to the Anglo-Saxon race? He did not say that undue means should be used—they were there and they would have to move—but what benefit could result to them from this Royal commission he did not know, nor did the hon. member for Maryborough. He should heartily oppose the proposition, because he believed it to be useless, worthless, and improper—a fighting against nature, as the hon. gentleman knew as well as anyone else. The hon. gentleman could not keep quiet—he was continually restless and oppressed by the fact that he was not leader on the side of the House on which he sat. He wanted to pose before the public as a martyr in contempt; and now, as the friend of the oppressed blackfellow and the enemy of the Chinaman—though the decoration he wore had been conferred, at the same time, on a Chinaman. What he had said would no doubt be very unpalatable, but he could not help it. A great many people, religious and quasi-religious, and pretended philanthropists, declined to see the position which he had put before the House—namely, that they (the white men) were here, an English-speaking, Anglo-Saxon community; that they were going to hold and must hold the country, even if it were at the risk of doing possibly what some Exeter-Hall people might think an injustice to the original inhabitants.

Mr. REA said the speech of the hon. member ought to be sent to London, if only to let the good people there see how the occupants of the land that Her Majesty granted to them on condition that with the land they were also to protect the native inhabitants, gloried in his opinions. In one sense the hon. member deserved credit for his outspoken manner when he said “that the blacks had got to go.” The hon. the Colonial Secretary said that all the instances given by the hon. member for Maryborough were mere hearsay, but everyone outside the House as well as in knew very well that by the native-trooper system anything in the shape of evidence was prevented from being heard. They took care when any testimony was forthcoming, when anything in the nature of an atrocity was committed, it was only what was heard afterwards that came out, for no one knew anything about it except the officer who was at the head of the troops. Evidence was not allowed to be given by the men who accompanied that officer on his slaughtering expeditions. That comment, therefore, of the Colonial Secretary’s went for nothing. A Royal commission would elicit at least how this slaughtering was conducted. It was all very well for the Colonial Secretary to say that these were camp-fire yarns, but the few words spoken by the member for Port Curtis had confirmed all the stories told by the hon. member for Maryborough. The hon. member said that natives had been shot down like dogs, and that some of the officers were a disgrace to humanity. If nothing else had been said in the House to-night that itself would be enough to show, if there was any manhood still left in us, the need there was of a Royal inquiry. [The hon. member was understood to refer to some evidence read by Mr. Douglas, but his remarks, through the noise of the rain, did not reach the gallery.] It was lamentable to hear hon. members here, whose fortunes had been made by occupying the country, advocate the shooting of the blacks wherever they were found, and who said that the only fault was that there were not black troopers enough. He (Mr. Rea) had, last session, offered to vote any amount of money if white troopers with black trackers were employed, and he said

the same now. If that were done the Colonial Secretary would not then be able to tell the House that it was all moonshine and hearsay.

Mr. H. W. PALMER said he did not often trespass upon the patience of the House, but he felt that he must speak on the present occasion. It was ridiculous to hear members who were never 40 miles outside civilisation in their lives tell them how they were to treat the blacks, as if they understood the question. He had lived ten years in New South Wales and twenty years in Queensland, and during the whole of that time he had never seen a single atrocity such as had been stated in the House to-night. He had 300 blacks camped next his own station and only one man living with him, hundreds of miles from civilisation, and he had had native police detachments quartered on his own head station, and yet he had never heard a single word of all those atrocities. He never heard a single complaint from the blacks as to the way in which they were treated. He had lived for many years with only one companion in the midst of a country absolutely alive with blacks, and yet he was here to-day. He had never interfered with them in any way, unless they interfered with him. As the Colonial Secretary had very properly said, the only way to deal with the aborigines was to establish a wholesome fear in them before you had any dealings with them. He had tried kindness, and they treated him as they treated themselves. The only law they acknowledged was bodily fear, and if you did not in the first instance teach them that you were their masters, you would never do any good with them. He had heard of these reports long ago, and could identify some of them as having been current word for word in New South Wales twenty-two years ago. The very worst of those stories came from the blacks themselves, and he had every reason to believe from what the officers themselves had told him that they were exaggerations, and often pure inventions. Anyone who knew anything of bush life would admit that atrocities had been committed, and they could not be prevented. If any members listening to him now had had a friend who had been killed by the blacks, and came across a camp, and saw his friend’s thigh half roasted and partly gnawed, he should like to know whether his feelings towards the blacks would be charitable or otherwise. He had known blacks when they became a little civilised count on their fingers the white men whom they had killed and eaten, about whom no one had heard a single word. With regard to some of those letters in the *Queenslander*, he noticed two names attached to some of them about which some extraordinary stories could be told. The people who had told him the stories were now dead, and so he was unable to prove the truth of them; but he had reason to believe that about sixteen years ago certain occurrences took place in which those persons were concerned, which, if true, were not very much to their credit. The only commission which would be of the slightest use on the question would be a roving commission—a commission which would go amongst the blacks, to the places where the atrocities are said to have been committed, and take evidence on both sides. A commission sitting in Brisbane would be of no more use than the bit of paper he held in his hand. He knew how those tales were got up. Men in his own employ had come to him, and said, “We have stuffed that fellow nicely; we have told him a lot of things, and you will see some fine flaming letters about them in one of the papers.” That had happened to him frequently. It had been said that the atrocities committed by the blacks were reprisals for some offence committed on them by white men. There

never was a greater mistake. There were some tribes of blacks whose custom it was to kill every stranger of another tribe who came among them. He had seen that frequently in New South Wales when boys were brought in from the Balonne and the Warrego.

Mr. HAMILTON said the hon. member for the Gregory (Mr. Hill) had attempted to give him some advice as to his conduct in the House. He should be very hard up indeed when he had to ask that hon. member as to the character of the statements he should make in that House. He wanted no protection, for he had never said anything in the House that he dared not say outside of it, and he did not like to hear the accuracy of his statements questioned. What he had stated previously he still adhered to; and he could point to the witnesses who would prove those statements, provided certain conditions were complied with. If those conditions were complied with he would take care to prove the statements. The Commissioner of Police had written a letter to him, asking him to prove what he had asserted in the House; but it would be a perfect farce to attempt to prove it in the way that the Commissioner wished—namely, to tell him who the witnesses were, because the Commissioner had no machinery to force these witnesses to state what they knew. He (Mr. Hamilton) had never taken exception to the police force as a force. He considered the black police were most effective for the purpose for which they were employed; and, as to the officers, he knew many of them who were a credit to the force, and were gentlemen in every sense of the word. But, as he had stated before, persons had crept into the force who were a disgrace to the force and to the colony, and he considered that steps should be taken to eliminate them from its ranks. He could tell many tales of atrocities on the blacks, far worse than those which he alluded to the other night—tales which he was certain were true, and which he had heard, not from a third person, but—in some instances—from the actors themselves, and he could point to some witnesses who were now in Brisbane.

Mr. LUMLEY HILL said he wished to make a personal explanation. He had not presumed to give any advice to the hon. member as to his conduct in the House, or what he should do to prove the statements he had made on a former occasion—

The SPEAKER ruled that the hon. member having already spoken on the subject was out of order.

Mr. THOMPSON said he rather regretted that he did not speak at an earlier period of the evening. As a native of the colony he had always taken a great interest in the blacks, and his impression had always been that they, as colonists, had never done their duty to the blacks. He did not say that any particular person or persons, government or governments, were to blame in this matter. One of his first essays at writing in the public Press was an attack on the clergy of the colony for not interfering in the matter. At the very time when atrocities were being committed against the blacks in the neighbourhood of Ipswich they were holding missionary meetings to send missionaries to the South Sea Islands. If those gentlemen would interest themselves in the work that surrounded them, instead of spending their money on the South Sea Islanders, it would be much nearer home and would probably do a great deal more good. If the profession of religion was to be of any use at all, it ought to be used to stimulate a sentiment of enthusiasm where questions of inhumanity arose. He held, and perhaps other hon. members did the same, that all men were naturally equal. It might

be said that the English took the country from those people, and they must retain it and the blacks must go. It was the natural history of all black aboriginal races to disappear. But where circumstances of horror were made to accompany that disappearance it not only became a disgrace to the nation, but also operated detrimentally on the moral character of the community. He was not one who held ultra notions about the possibility of perpetual peace—he acknowledged that all mankind were fighting animals, having each more or less of the tiger in him. There would no doubt be fighting and bloodshed, but those who professed to belong to a civilised community, and who ranked themselves under the denomination of Christians, were bound alike by race and profession to deal justly by those with whom they came into contact. It was a universally admitted principle that when a country was conquered, one of the first duties of the conquerors was to provide for the conquered. This country had been conquered, and the aboriginals were now on the hands of the Europeans, and it would not do to simply get rid of them. The weaker, the more miserable and wretched, and the lower in the scale they were, the more necessity was there for treating them with kindness. Armed with spears and nullah-nullahs they had been met by a stronger race with much superior arms, and with comparatively little difficulty they had been subdued. Where were now the tribes that met the Europeans who first came to the colony? They had simply disappeared, some through European vices—rum and other things—some by violent death. It did not follow because this state of things had continued so long that Europeans should not stir hand or foot. That would be a crime and a gross reproach to the State. He did not admit that, as the hon. gentleman had said in opening the subject, it was no use raking up old sores; he held that in a history like this it was necessary to go to the very bottom of things. He had been met with the argument that he had never been to the front to be shot at with spears. He admitted that that was so, and that he was speaking from a merely abstract point of view of what the duties of the community were to a race who were poor and feeble, but who, as Charles Lamb had said, bore "God's effigy cut in ebony." There could be no difficulty to any reasonable man in considering this matter as an abstract question. People admitted a similar principle in other spheres. There was now in this town a society formed expressly for the protection of animals—a society which would prosecute a man for ill-using a goat or a horse, and very rightly too. Those creatures were weak and needed protection. It did not follow that man should ill-use animals because it was necessary for him to keep them for his profit or sustenance. Whilst life was sustained by the flesh of animals it would never do to say that there must be no blood shed; but at least there need be no cruelty. These were but elementary matters which must be admitted at the outset; and at all events the blacks who were dependent upon the community ought not to receive treatment which if applied to an animal would justify a prosecution by the Society for the Prevention of Cruelty to Animals. They were certainly a low race, but they had certain fine qualities—they were emotional like children, with a certain amount of intellect capable of cultivation, and he could not admit that it would be impossible to utilise them. Wherever the experiment of making them useful had been tried it had been more or less successful, notably at Mackay. It might be that the natives of Western Australia were a superior race to some extent, but there would be no reason to despair of a certain amount of success if the experiment of

utilising the blacks here were attempted. As to the suitability of the time for bringing forward this motion, the fact was that the public had been aroused by a series of letters published in the *Queenlander*, and also a number of leading articles, for which the proprietary of the paper were responsible. When they first appeared he had skimmed one or two and then dropped them as being simply horrible and not conducing to the peace of mind of those who read them; but, on second thought, he decided to make a list of the various atrocities mentioned, and he had done so as briefly as possible. Before reading the list, he might mention that at the root of the native police system was secrecy. In letters which appeared in the *Queenlander* of May 1st, 1880, and June 19th, 1880, it was stated that the native police officers were forbidden to report. That, if true, was a very serious charge, because it meant that there would be something in the report that would not bear looking into. That view was borne out by Mr. Armit's letters of September 4th, 1880. He had been told that Mr. Armit was a dismissed servant, and therefore a discredited witness; but that, even if it were so, did not destroy his testimony. Unless contradicted, his testimony was still as good as that of any other man, and he had stated in his letter that the native police officers were forbidden to report. The list of outrages which he had made from the accounts in the *Queenlander* was as followed; the accompanying remarks being his own:—

- No. 1. Case of Toby. Cold-blooded murder. It is stated the murderer's name can be got. "*Queenlander*" of May 15th and June 5th.
- No. 2. "*Queenlander*" May 15. Murder in cold blood by native police officer.
- No. 3. Same date—A cold-blooded massacre of blacks shot in trees—not by native police.
- No. 4. May 22—Murder of "Starlight"; native police implicated.
- No. 5. Same date—Cold-blooded murder of aged black—not by native police.
- No. 6. June 5—Rape by native police.
- No. 7. Same date—Murder of woman by native police.
- No. 8. Same date—Outrage on female child by native police.
- No. 9. June 19—The Palmer outrage.
- No. 10. Same date—Stealing of woman and child and of two women.
- No. 11. June 26—Murder in cold blood of prisoner by native police.
- No. 12. Same date—Outrages at Trinity Inlet (general charge).
- No. 13. Same date—Murder of children by order of, and in the presence of, native police officer.
- No. 14. Same date—Murder of women by native police officer.
- No. 15. Same date—Unprovoked massacre by native police (wholesale murder).
- No. 17. July 3—Murder of deserter.
- No. 18. Same date—Murder of trooper.
- No. 19. Same date—Horrible murder of a deserter by native police officer.
- No. 20. August 7, 1880—A crop of atrocities; three friendly blacks shot; an old man shot. Letter signed "J.C."

He had ascertained that deserters were shot from a native police officer.

The COLONIAL SECRETARY: Name?

Mr. THOMPSON: I won't give his name. He is already dismissed, and I will ask permission to use his name.

The COLONIAL SECRETARY: He murdered the man himself, I suppose.

Mr. THOMPSON said he had tried to ascertain from the native police officer what he did with deserters, saying that it was commonly supposed that they were shot. The officer said he would not state what he did with his. That was the list.

The COLONIAL SECRETARY: What's the authority?

Mr. THOMPSON: The *Queenlander*.

HONOURABLE MEMBERS: Oh, oh!

Mr. THOMPSON said he had a word to say on that point. A newspaper was responsible for what appeared in its leading columns. He was certain of that, having been engaged in cases in which they had been made responsible. In this case the *Queenlander* had proffered evidence if protection were given to the witnesses; and the hon. member for Gympie had proffered evidence on the same condition. In the history of atrocities a difficulty in getting evidence had been observable, and it had often been found necessary to protect witnesses. In the Sheffield rattening cases, in a civilised country like England, where the system of police was so complete, it had been found necessary to protect witnesses in order to obtain convictions for murders committed in open day, and in the face of the public, and when that was done the whole particulars of the cases came out. It had been asked what would be use of the Commission. He answered—knowledge. The House would then know whether the charges that had been made in the House had been properly met by the answer given year after year—"These are camp-fire yarns." He had read out a list of twenty atrocities.

The COLONIAL SECRETARY: Substantiated by nothing.

Mr. THOMPSON said they were substantiated by the leading journal of the colony, and it was too late in the day to say that the Press had no power. The public liberties were due to the Press, and now if the professors of religion would not denounce immorality, inhumanity, murder and crime, the Press must come to the front and do that also; and if the Press would not do it the hon. member for Maryborough must do it; and if that hon. member could not he (Mr. Thompson) must come out of his shell and try to do it—and by God's help he would succeed. He confessed to a certain enthusiasm in the cause of humanity; it was one of the dreams of his early life; and he had not entirely lost faith in it. He believed there was something good, something which might be appealed to in every man; and that when women and children were murdered and violated—treated like dogs and cattle—it was time that men who felt that these poor people, though black, were their brothers, should speak up. He took great blame to himself that in times past he had been so supine in this matter; but really one required behind him a certain modicum of encouragement before he could hope even to get a hearing; and he was happy to say that the *Queenlander* newspaper—and he thanked the *Queenlander* for doing so—had aroused public opinion on this matter, and he considered it was deserving of the highest encouragement in the course it had pursued. Before he sat down—and he had spoken at greater length than he intended, and perhaps with more warmth than he should have done—he felt it a duty to pay a tribute of respect to the efforts which had been made by Father McNab in the cause of the aborigines. When that gentleman found that, owing to circumstances, he could do no good here, he went elsewhere to carry out what he considered to be his duty towards these aborigines. It was useless to say that no atrocities on the blacks were committed. Why, even the hon. member for the Mitchell had, in his speech, confessed to that, and therefore he (Mr. Thompson) contended that this warfare—for it was nothing less—was accompanied by cases of cruelty which were a disgrace to white men. The whole thing was a history of horrors, and on looking over the list it was sickening—it sickened a man to read over a list of the atrocities which had been committed. He had glanced over them at first in the same way as he would skip over a list of

crimes committed in ordinary reports ; but when he had had occasion to refer to the list he had read he felt that it was sickening. It had been said by a writer in the Press that the atrocities committed by the native police would form a Newgate Calendar; and they certainly would do so. Was it to be said, for one moment, that these things had not been done? Why, witnesses had been proffered on all sides by the Press if protection was given to them—and the hon. member for Gympie had proffered them if protected! He must say that that hon. member was an honourable man, and when he heard the hon. member speak on this question he felt that, on the subject of humanity, the hon. member's heart was in the right place. Now, the first step to be gained by the passing of the resolutions was "knowledge," and it was for the purpose of acquiring that knowledge that he thought they should be supported.

Mr. LOW moved the adjournment of the debate.

Mr. AMHURST was understood to say that there were a great many members who wished to speak, and it was only right that the House should hear what was to be said on both sides of the question.

Mr. RUTLEDGE said he did not see what good would result from an adjournment of the debate. He did not think it was necessary to go piling on the agony by repeating all the atrocities on the blacks which had been perpetrated. There was no doubt that atrocities had been perpetrated, and one of the objects of the appointment of a commission would be, he presumed, to prevent a continuance of those atrocities ; but he did not think the House would be furthering that object by adjourning the debate for another week, at the end of which time, unless it was made to take precedence of all other business, nothing more would be heard of it. He had not intended to take part in the debate, as he had said all he wished to say on the subject when the Estimates for the native police were before hon. members. All he wished to say was, that the question of dealing with the aboriginals of the colony was not one for individuals or for religious bodies, but for the Government alone. They had all come to this colony and taken possession of it, and yet, although some hours had been spent in the earlier part of that evening in discussing whether compensation should be given to one individual who had suffered an injury through the action of the Brisbane Corporation, there was a desire to put off the consideration of anything affecting the proprietors of the soil, who had been, he did not hesitate to say, egregiously wronged. He thought that when a question of such magnitude as the present arose, they ought not to talk about the expense of a few pounds here and there. Considering they had taken this magnificent territory from the aboriginals, they had no right to talk about the cost of a commission that would help them to set right any wrongs that had taken place in the past through their action in regard to the native population. If those people were so murderous and bloodthirsty a set as they had been represented to be, how was it, he would ask, that the hon. member for the Gregory—who opposed the motion—had lived for years unharmed amongst hundreds of those blacks? He contended that if the hon. member and one white companion were able to keep hundreds in check, the natives could not be such a bloodthirsty race. His reading of matters connected with the blacks—for he had no personal knowledge of the northern part of the colony—had led him to this conclusion: that the blacks were only bad when they became contaminated by contact with the worst class of white people. It was well known that King,

the sole survivor of the Burke and Wills expedition, would have perished from starvation had it not been for the blacks. It was known also that Buckley lived with the blacks for seventeen years, and it was only a few years ago that a white man—who saved himself from being shot by recollecting a few words of his own language—was found who had been living with the blacks for many years, and had been well treated by them. The Australian blacks might be very low down in the scale of civilisation, but bad as they were they were capable of kindness to strangers, and there was some good in them. The hon. member for Maryborough had only asked for a small thing—that a small modicum of justice should be shown to these people, and he (Mr. Rutledge) thought the request should be granted.

Mr. LUMLEY HILL said that it was usual when a number of members wished to speak on an important question not to oppose any motion for the adjournment of the debate.

Mr. DOUGLAS said he should have been glad if the House could have come to a decision on the resolutions that evening, as otherwise the further consideration of them would be necessarily postponed for an uncertain period. Considering the subject was one of very great importance, and one in which every hon. member took an interest, he would ask the Premier to give him an assurance that to-morrow morning would be given for the final discussion of it.

The PREMIER said the hon. member for Maryborough had put this motion upon the paper three or four weeks ago ; and when it was called on the hon. member was not in his place to move it. The consequence was that he had to take the best steps he could to bring the matter before the House. The motion having been postponed till that late period of the session through the hon. member's own negligence, it was too much to ask the Government to sacrifice their business in order that he might proceed with the matter. In the present state of Government business, he could not promise the hon. member anything of the kind.

Mr. MILES said he had had as much experience of blacks as any hon. member in that House. He believed, if he correctly understood the hon. gentleman, that the Colonial Secretary had at length taken the proper course to put an end to the atrocities. He understood that the native police force was to be reduced, and that force would in future be composed of black and white men. He did not think a Royal commission to inquire into the charges which had been made was at all necessary. While there was only one white officer the evidence of the troopers could not be taken, and the consequence was that they committed all kinds of atrocities with impunity.

Mr. MOREHEAD said he believed several members on that side of the House desired to speak at some length upon the question, and that it had better be adjourned. His own impression was that the hon. member for Maryborough wanted to purchase a little cheap popularity under the title of "Protector of the aborigines." But why did not the hon. member avail himself of the opportunity he possessed some years ago to appoint a Royal commission? The time was past now. For his own part, he did not believe the aboriginal race was worth preserving. If there were no aboriginals it would be a very good thing ; and possibly the hon. member for Maryborough thought so also, although he did not mention it to the House.

Mr. REA believed the hon. member (Mr. Miles) had been misinformed about the Colonial Secretary placing white men along with blacks in each troop. He (Mr. Rea) understood that the

bulk of the native police force was to be retained under its present management.

The COLONIAL SECRETARY said that of all the pieces of cool assurance, the proposal that the Premier should give a day to this phantasy of the brain of the hon. member for Maryborough was the coolest he had ever heard! Did the hon. member remember that he had helped to block the whole business of that House for eight weeks? If the hon. member would agree to come to a division, and spare the House another ninety minutes of his platitudes, he would ask the hon. member who had moved the adjournment of the debate to withdraw the motion.

Mr. GRIFFITH said he should advise his hon. friend to take a division that evening. Hon. members opposite seemed to think it an extraordinary thing for him to ask for a Government day for the resumption of the debate; but in the House of Commons it was by no means an uncommon thing, especially at the end of the session, for private members to ask for a Government day for the discussion of some important matter. For his own part he did not believe all the stories he had heard; and he believed that a Royal commission would clear their reputation to a great extent, and that was one reason why he was anxious to see it appointed. He wished to say a few words with respect to the second resolution. It was quite clear that a Royal commission, if granted, would be of no practical use in eliciting the truth, unless the witnesses were in the first place compelled to tell all that they knew, and were in the second place protected in so doing. Unless there were a special enactment compelling witnesses to tell what they knew, a person who had been a party or privy to the enormities described might decline to answer any question; and if he did answer it he would be liable to be prosecuted for complicity. The hon. member for Port Curtis criticised the language of the second resolution, and said in effect that it would not be possible to tell whether the witnesses made true discoveries or not. On that point he might refer to one of the oldest of the analogous English statutes—the statute under which inquiries were made into corrupt practices at elections. Upon an address from Parliament Her Majesty might appoint a Royal commission to inquire into corrupt practices; and that statute contained provisions compelling witnesses to answer questions, and declaring that if they made a true discovery to the best of their knowledge they should be protected. The test of the true discovery was a certificate from the commissioners that the witness had made it. It was easy to tell whether a man was telling all that he knew or whether he was shuffling or keeping things back. For his own part, he would prefer to see the first resolution negatived if the second were not agreed to, in order that at another time it might be passed in a satisfactory form. He hoped for the credit of the colony that a commission would be appointed as soon as possible. The time would come when that course would have to be adopted.

Mr. SCOTT said that if the House were going to divide he would like to make a few remarks. His own opinion was that if the second resolution were carried the commission would amount to a perfect farce. Lies would be piled one on top of the other to a monstrous extent. If men would tell these exaggerated stories round the camp-fire, what might they not be expected to do with the prospect of having their stories made public? In their opinion, the stories would have the effect of making them great men.

Mr. GRIFFITH: If they describe themselves as murderers?

Mr. SCOTT said that if they were protected some of the men who told these stories would own to a hundred murders.

Question—That the debate be adjourned—put, and the House divided :—

AYES, 18.

Messrs. Palmer, McIlwraith, Macrossan, Perkins, Beor, Scott, Amhurst, Low, Weld-Blundell, Raynes, Sheaffe, Stevens, Hill, Morehead, H. W. Palmer, Swanwick, Davenport, and Pesse.

NOES, 15.

Messrs. Garrick, Griffith, Jackson, McLean, Rea, Hamilton, Norton, Horwitz, Groom, Fraser, Thompson, Grimes, Douglas, Kates, and Miles.

Question, therefore, resolved in the affirmative.

On the motion of Mr. DOUGLAS, the resumption of the debate was made an Order of the Day for Thursday next.

LIFE INSURANCE BILL.

On the motion of Mr. THOMPSON, this Bill was read a first time, and the second reading made an Order of the Day for Thursday next.

The House adjourned at seven minutes past 11 o'clock.