Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 7 AUGUST 1884

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LEGISLATIVE ASSEMBLY.

Thursday, 7 August, 1884.

Petition.—Formal Motion.—Motion for Adjournment.—Prosecution of the *Brisbane Courier*.—Native Birds Protection Act Amendment Bill—committee.—Oaths Act Amendment Bill—committee.—Wages Act Amendment Bill.—Patents, Designs, and Trade Marks Bill—committee.—Adjournment.

The SPEAKER took the chair at half-past 7 o'clock.

PETITION.

Mr. BAILEY presented a petition from the Council of the Municipality of Maryborough, praying for leave to introduce a Bill empowering the said municipality to sell certain land for the purpose of erecting a Town Hall with the proceeds of such sale.

Petition read and received.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. BAILEY—

That leave be given to introduce a Bill to enable the trustees of the land described in the deed of grant numbered 17,136, being the Racecourse Reserve, being the whole of the land described in the said deed, and situated in the parish of Maryborough and county of March, to mortgage or lease the same, and sell or exchange certain portions thereof, and for other purposes.

MOTION FOR ADJOURNMENT.

Mr. MOREHEAD said he rose to move the adjournment of the House. It had come to his knowledge, and, he believed, to the knowledge of other members of the House, that the reporters of a certain section of the Press had been excluded from the privileges of the reporters' gallery. He did not know by whose orders that had been done, but that it had been done there was no doubt. He had received a letter from a gentleman who was the proprietor of two metropolitan papers, and the representative of five country papers, and the writer complained that, on his representative coming to the House the evening before last, he was stopped by the constable at the foot of the stairs, and told that he was not to have access to the reporters' gallery. He (Mr. Morehead) maintained that, no matter what were the political opinions held by the different sections of the Press of the colony, they all had a right to listen to and, if they thought proper, report the deliberations of that Assembly; and he felt sure that, in saying so, he had the sympathy of every hon. member on both sides of the House. If any action had been taken by any person to exclude those representatives of the Press from the reporters' gallery, it was an action which should not be submitted to by the House. The gentleman alluded to was Mr. Byrne, and the papers of which he was the proprietor were *Figaro* and *Punch*; and Mr. Byrne was also, as he had said, the representative of five country papers. It appeared to him to be very unfair that the representative of any paper—he did not care what it was—should be excluded from the privileges of the reporters' gallery. That gallery

was not often full. He was told—he did not know with what truth—that the *Telegraph* newspaper hardly ever sent a reporter, while the *Courier* generally sent two; and there was plenty of room in the gallery for a larger number. If there was not, let the gallery be enlarged. He was perfectly certain that hon. members who occupied the Government benches did not desire to exclude from the gallery representatives of papers which happened at the time to disagree with their politics; and he hoped that what he had said, and the reasons he had adduced, would lead to that restriction being removed, so that any newspaper might, if it thought proper, send its representative into the reporters' gallery.

The PREMIER (Hon. S. W. Griffith) said he was not aware of the circumstances referred to by the hon. gentleman, and therefore could not give any explanation. He would make inquiries into the matter. It struck him at first blush that the representatives of the Press in the metropolis, to say nothing of the country, were probably very numerous, while the accommodation in the reporters' gallery was very limited. Certainly, there was not room there for everybody. He had not the slightest idea by whom the instructions had been given, but he had no doubt that, whoever it was, they had some reason for doing so. As he was quite ignorant on the subject, he was unable to offer any explanation.

The SPEAKER: With the permission of the House I will make an explanation which I think will put hon. members in possession of the facts of the case. At the close of last session I had complaints made to me about the crowding of the Press gallery to such an extent that it seriously interfered with the *Hansard* reporters; and the House will probably remember that almost every day at the commencement of the session there were complaints made by members of their speeches not being properly reported. Very serious and grievous mistakes were made, and these arose in a great many instances from the constant talking which was going on in the Press gallery. In some cases very insulting remarks were made about hon. members on both sides as they were addressing the House. I gave the matter full consideration, and ascertained what was the practice resorted to in Sydney, where I found that the arrangement made with regard to the Press gallery was, that only representatives of the metropolitan journals, which publish the morning reports of the speeches of the House, were admitted to the reporters' gallery; and that one other person who had access was Mr. Greville, representing Greville's Telegraph Company, which supplies telegrams to the country papers of what transpires in the House. At the commencement of this session I requested the Clerk, Mr. Bernays, to put himself in communication with the proprietors of the Brisbane daily papers, to ascertain what course they could suggest to secure the *Hansard* reporters from being disturbed in reporting the speeches of hon. members, while the daily papers might have every facility afforded to them to report hon. members also. The Clerk received communications from these gentlemen, and I acted upon what I thought was a very judicious plan to prevent hon. members from being insulted by visitors in the gallery, who really had no occasion to be there; for I found that sometimes gentlemen would bring perhaps half-a-dozen of their friends on the plea that they were representatives of the Press, and they would occupy seats in the Press gallery and talk during the whole time that hon. members were addressing the House. The course of action that has been taken had no political tinge whatever about it; I have been guided solely by the considerations which I have mentioned. I think members of the Press will admit that I have given them every possible facility for the performance of their duties, and have, in fact, helped rather than obstructed them in any way, knowing, as I do, something of the onerous nature of their work. Hon. members will observe that during this session, with the exception of the complaint made by the hon. member for Darling Downs to-day, there has not been a single instance of misreporting. The staff has been organised as efficiently as it possibly can be, and the greatest care should be taken that the reporters are not disturbed by strangers talking in the gallery, and that a stop should be put to these persons using insulting remarks about hon. members while they are addressing the House. If it is the wish of the House that I should continue to issue tickets to other members of the Press, I shall most gladly do so. The course which I have taken is one which I thought would best conserve the interests of the House, and assist the *Hansard* staff in the very difficult duties they have to perform.

Mr. ARCHER said that in some respects the explanation of the Speaker was satisfactory, and in others not so. They were told that the action had been taken because of reporters having introduced their friends to the gallery. That, of course, was an abuse of the privilege, and was very properly put a stop to; but the abuse could have been stopped without stopping what had been the practice so long, of allowing actual reporters to take notes of what was going on in the House. He thought every possible latitude should be given to all the newspapers in the town. It was possible that the reporters' gallery was too small to contain the number that would like to be there; but he generally noticed there were one or two vacant seats; and he thought that as many *bonâ fide* reporters as could find room there, who did not interrupt the discussions of the House or prevent the *Hansard* staff from reporting the speeches, should be allowed the privilege of admission, for purposes not only of reporting speeches, but of noting what was going on in the House in any way they chose. Of course if they abused that privilege the House or the Speaker could deal with them, and any attempt to bring their friends for the purpose of tittle-tattle should be checked.

Mr. HAMILTON said that the action taken by the Speaker no doubt proceeded from a very laudable purpose. He did not believe the Speaker would allow any political feeling to guide him, because both sides of the House must agree as to the impartiality of his conduct since he had occupied the chair. At the same time, he thought the facts showed that partiality had been shown somewhere, as circumstances would induce one to believe that the Government organs had had more privileges accorded to them than the Opposition organs. The Speaker had told them that it was not right for the gallery to be overcrowded, and they would all agree with him on that point; but they saw, in addition to the reporter from the *Courier*, and an occasional reporter from the *Telegraph*, there was frequently a representative of the *Zeitung* in the gallery, and also a representative of the *Leader;* while *Figaro*, which had a far larger circulation, he thought, than either of those papers, had, as the hon. member for Balonne had explained, been refused the privilege of admission. Nor was it the only Opposition paper which had been refused admission. Mr. Thorne, of the *Southern World*—the proprietor of another weekly paper—had complained to him a week or two ago that he had been refused admission. He (Mr. Hamilton) told him that possibly there was some mistake, and he should again apply; but

he had seen him since, and learned that he had again applied, and been again refused admission. He might state that Mr. Thorne had explained that he did not think it had come under the Speaker's cognisance. He had sent the boy up to the Clerk of the Assembly, and had got word that the Clerk of the Assembly said he could not give him a ticket for the gallery. It appeared, therefore, that, while two representatives of weekly papers which were Government organs were seen by them very frequently in the reporters' gallery, the representatives of two Opposition organs had both been refused admission.

The SPEAKER: I may inform the House that Mr. Byrne has not made any application to me, personally or otherwise, for admission to the reporters' gallery. The first intimation I have had upon the matter has been from the hon. member for Balonne, this afternoon. Of course, if it is the wish of the House that I should issue tickets to Mr. Byrne or Mr. Thorne, I have not the slightest objection to do so. I will only say that the applications made for admission to the gallery have been legion. Some represent themselves as correspondents of country papers, others as Brisbane editors of country papers, and all sorts of imaginary excuses are made; so that, were I to accede to their wishes, fourteen or fifteen gentlemen would be there every evening. I have already pointed out the inconvenience that would result to our own staff were I to accede to every application made.

Mr. MOREHEAD said he was perfectly aware of the inconvenience that would arise in such a case. He made no charge, however, against the Speaker, but simply stated what he believed to be a fact—that the representative of *Figaro* and *Punch* was refused admission to the Press gallery. He was perfectly satisfied with the explanation made by the Speaker, and begged to withdraw the motion.

Motion, by leave, withdrawn.

PROSECUTION OF THE *BRISBANE COURIER*.

Mr. MOREHEAD, in moving—

That there be laid upon the table of this House copies of all Correspondence between the manager of the Brisbane Newspaper Company, Limited, and the Government, in reference to the late prosecution of the *Brisbane Courier*; also, the defendant's bill of costs in the said case—

said he had in his possession copies of correspondence, which he intended to have read in speaking to the question; but as he understood that the Premier intended to produce the correspondence asked for, he would merely move the motion standing in his name.

The PREMIER said that when notice of the motion was given he interjected the remark that there was no correspondence, which was perfectly true. The correspondence was initiated by a letter received by the Attorney-General subsequent to the notice of motion being given in that House.

Mr. MOREHEAD: Oh!

The PREMIER: That was a fact. It was initiated by a letter received by the Attorney-General subsequent to the notice of motion. True, it was on the same day, but still it was evident that whatever correspondence was in existence was written with a view to its being laid on the table of the House. It was an extraordinary proceeding; and the correspondence was not yet complete. He had been handed, by the Attorney-General, a letter written that day, containing a most extraordinary attack on himself (the Premier), the ground of which he was entirely unable to conjecture; and, of course, the correspondence would not be complete till that extraordinary attack had been answered. There was no objection to the production of the correspondence, but he thought it right to call attention to the extraordinary manner in which the matter was brought before the House. To ask for the production of the defendant's bill of costs was so unusual that he thought his hon. friend would not insist on that part of the motion. As a matter of fact the bill of costs was included in one of the letters sent to the Attorney-General, so that it would be produced as part of the correspondence; but it would be a very inconvenient precedent if the House should order the production of documents not apparently in the possession of the Government. That the Government were in possession of the bill of costs was an accident, and to order that anything which was not in possession of the Government should be laid on the table of the House would be a mistake, and might form a very inconvenient precedent. He hoped the hon. gentleman would leave out the words referring to the bill of costs, assuring him that, as the document formed part of the correspondence, it would be included.

Mr. MOREHEAD said that after the statement made by the Premier he did not object to the alteration. With regard to the letter mentioned by the hon. gentleman, he might say that it was dated 29th July, while the notice of motion was given on the 31st July.

The PREMIER: It was not sent till after notice of motion was given in this House.

Mr. MOREHEAD said that, with the permission of the House, he would amend the motion by leaving out the words, "also, the defendant's bill of costs in the said case."

Amendment agreed to; and question, as amended, put and passed.

NATIVE BIRDS PROTECTION ACT AMENDMENT BILL—COMMITTEE.

On the motion of Mr. ARCHER, the Speaker left the chair, and the House went into Committee to consider this Bill in detail.

Preamble postponed.

Clause 1—"Power to proclaim reserves"—passed as printed.

The PREMIER said, before proceeding to the next clause, he had a new one to propose. It had occurred to him lately that there ought to be some indication to people who were approaching a reserve that it was a reserve, and that by firing at or taking game upon it they would be violating the law. They could not be expected to bear in mind a notification in the *Gazette* which they might not have seen, or might have forgotten. He had therefore written a clause which he thought would meet the case, but he would be glad to receive any suggestion on the subject. It read as follows:—

There shall be set up at convenient and conspicuous places in every such reserve, not more than half-a-mile apart, notices legibly written or printed stating that the reserve has been so proclaimed, and indicating in a concise manner the extent of the reserve.

He moved that that clause be inserted after clause 1.

Mr. ARCHER said he must express his thanks to the Premier for suggesting the clause. If any reserve was proclaimed on any land he had, he would take very good care that a notice was put up immediately.

New clause put and passed.

Clauses 3 to 6, inclusive, passed as printed.

On the preamble being read—

Mr. KATES said the 5th clause provided that "the Governor in Council may from time to time appoint such persons as he shall think fit, to be rangers of such reserves." He thought the

appointment of rangers would necessitate a salary being paid them, and that the Bill was therefore a money Bill, and ought to have been introduced in committee. He would like the Chairman's ruling on the point.

The CHAIRMAN: The hon. member for Darling Downs has asked my ruling upon the question as to whether this is not a monetary Bill. I may point out that there is no mention whatever of money in the Bill; and, although rangers are proposed to be appointed, no provision is made for salaries to be attached to those offices. I presume that will be provided for in some other way.

Question put and passed.

On the motion of Mr. ARCHER, the CHAIRMAN left the chair and reported the Bill to the House with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

OATHS ACT AMENDMENT BILL—COMMITTEE.

On the motion of Mr. CHUBB, the Speaker left the chair and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

Preamble postponed.

On clause 1—"Section one of the said Act is hereby repealed"—

Mr. CHUBB moved the omission of the words "Section one," with a view of inserting the words "Sections one and two."

Question—That the words proposed to be omitted stand part of the clause—put.

Mr. T. CAMPBELL said when the second reading of the Bill was being discussed he said a few words upon the subject, but the amendment moved by the hon. member for Bowen placed a somewhat different light upon it. He understood the alteration the hon. member wished to make with regard to section 1 of the principal Act, but at the moment he could not understand the object of repealing section 2. No doubt the hon. gentleman would be willing to explain.

Mr. CHUBB said the object of the amendment was to make the Bill apply to interpreters as well as witnesses.

Question put and passed.

On the motion of Mr. CHUBB, the word "are" was substituted for the word "is" further on in the same line.

On the motion—That the clause as amended stand part of the Bill—

The PREMIER said that before the clause passed he would invite attention to the change which was proposed to be introduced. He agreed that the presiding judge should have discretion allowed him of determining the form in which a witness who would not take an oath was to pledge himself to tell the truth; and while he did not mean to say that he was opposed to the scheme, he had some slight doubt as to whether it was desirable to extend that provision to interpreters. If any interpreter was so ignorant of English as to be unable to make a declaration to tell the truth, he should not be admitted as an interpreter. An interpreter ought, at any rate, to possess a competent knowledge of the English language; and if he did possess that knowledge of the English language he certainly would know enough to say that he would tell the truth, and to say it distinctly and definitely. If he only could speak a little broken English he had some doubt as to whether he would do for an interpreter. The evidence certainly would not be of a very satisfactory character. He agreed that the present form of declaration was unsatisfactory and cumbrous, and might very conveniently be altered; but he was doubtful as to whether there ought not to be more formality insisted upon—not for the sake of the formality, but for the sake of securing that the interpreter did understand the English language; and if he did not understand it enough to make a declaration he did not understand enough English to be an intrepreter.

Mr. CHUBB said he felt the force of the remarks of the hon. the Premier. The matter had come under his observation not long ago in a kidnapping case, where some of the natives were put forward as witnesses, and the proposed interpreter was one of their countrymen. He forgot whether he was admitted as an interpreter; but unless a countryman of those natives were allowed to be used as an interpreter it would be hard to get an interpreter at all. So long as they introduced those islanders, unless they told off white men to learn their languages, as the law stood it would be impossible to make use of an interpreter at all. As he said on the second reading of the Bill, what he proposed to do was to make the evidence of the witnesses legally admissible; whatever weight it might have he would leave the jury to determine. It might not weigh a feather in their opinion, but it still should be left to the discretion of the judge to decide as to whether the interpreter was competent. He had seen the Chief Justice reject an interpreter because he did not satisfy him that he would be able either to understand the language of the witness proposed to be examined, or to communicate between him and the court. They might very well leave that to the judges, who would not allow a man to stand as interpreter in the case unless the court was fully satisfied that he really knew sufficient of the language of the witness to be able, intelligibly, to make the witness's evidence understood. Of course, if the interpreter was competent, witnesses might be examined. He did not know in what other way they could make provision for it, unless they omitted the clause altogether so far as regarded interpreters, and amended it simply with regard to witnesses.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said that so long as they had Polynesians coming into the colony from a great number of the islands, it would be imperative that the interpreting should be done by one of their own countrymen who knew a little more of the English language than any of the others. He had seen cases where evidence had been rejected because the interpreter sworn had not been able to interpret between the prisoner and the court, and make the prisoner understand the proceedings going on. He did not think that any actual injustice would be likely to arise by requiring the interpreter to make a declaration, because, if the interpreter was seen to be very faulty, the presiding judge would direct the jury that they were only to attach so much importance to the evidence as they ought to do under the circumstances. So long as those men came to the colony it was necessary to have a provision of the kind. If a competent interpreter could be obtained it was the duty of the Crown to obtain him; and not an incompetent one. As a rule the Crown always did secure the most competent interpreter that was to be had, and only took an inferior one as a *dernier ressort*.

The COLONIAL TREASURER (Hon. J. R. Dickson) said that the discussion of the Bill had hitherto been confined to the legal members of the House; but he was not inclined to allow

it to pass without expressing his opinion. He was rather startled at the Bill, he must confess. The second reading passed without its receiving any careful attention from him, because he thought it was one of those abstruse matters which legal men only were competent to discuss. He believed that the hon. gentleman who introduced the Bill was actuated by the very best intention; but he was abolishing everything that provided any safeguards, and putting nothing in their place. He might be abolishing them wisely; but at the same time there was a very startling change. He observed, on looking up the Act, that section 1 in the said Act, proposed to be repealed, contained a certain form of declaration which witnesses had to make in cases where they objected to be sworn. The hon. gentleman intended to dispense with that declaration. As had been stated by the Premier, that declaration might possibly be cumbersome and not sufficiently binding to make those who made it feel it equal to an oath, and in that light it might be wise to alter it; but he should like to see the hon. gentleman substitute something for it. They could not altogether divest human nature of sentiment; men would always feel there was more or less solemnity in the act they were performing in taking an oath, and in many cases the solemnity of the act would induce them to be more guarded in what they gave as evidence. He could quite understand that feeling obtaining among men, and, therefore, while he had no doubt the hon. gentleman might have good cause to urge the withdrawal or abolition of the declaration, he should propose some substitute, as it should not be left altogether to the judge who was conducting the case to decide what form should be proposed to the witness, which he might consider sufficiently binding to extract the truth from him. He really thought it was a more serious matter than many hon. members, particularly lay members, had as yet considered it. It was for that reason he had raised the discussion, and, though hon. members of the legal profession might not consider his remarks as having any weight, he should have been better pleased if the hon. member for Bowen had introduced some other form of affirmation; or, at any rate, prescribed some rules under which a witness would have to give evidence with the same solemnity as attached to the giving of evidence on oath, or by affirmation or declaration. He did not think it right that they should dispense with the declaration altogether. They knew there were men who would speak the truth whether they had to take an oath or affirmation, or to make a declaration; but he was sure there was a very large section of the community upon whom the solemnity of being sworn, or of having to subscribe a declaration, impressed them more fully with the nature of the duty in which they were engaged. It certainly would make them more careful in the evidence they gave. He would be glad if the hon. gentleman would answer the remarks he had made.

Mr. CHUBB said that in a Bill that was submitted to him some months ago—an Imperial Vice-Admiralty Bill—there was a section having reference to the evidence of witnesses of the character proposed to be dealt with in the Bill before them. They were to be made to promise that they would tell the truth; and that was the form proposed in that Bill. Since then the Kidnapping Act was passed, and he had adopted the form adopted in that Act. He was following an Imperial precedent. The hon. Colonial Treasurer could not appreciate the difficulties which occurred in connection with the taking of the evidence of those persons, unless he had personally witnessed them. The tendency of the hon. gentleman's remarks was, that by allowing evidence to be taken in such a way as the judge might declare they would be endangering the liberty, probably, of a white subject, because the charges were generally made against white people for offences against black people. He would like to ask the hon. gentleman and members of that House if they could recollect the criminal records of the colony for years past and say whether any miscarriage of justice against white people had arisen in the prosecution of justice in the colony in reference to Polynesians? They had had a paper laid upon the table of the House, in which the Earl of Derby had expressed the opinion that a miscarriage of justice had occurred in the "Alfred Vittery" case. That was on the evidence of blackfellows, which could not be taken under the Oaths Act as it now stood. The persons charged with those offences were acquitted by the jury, showing clearly that there was no danger of the liberty of the subject being brought into jeopardy by reason of the Kidnapping Act. That was only one case, and he could mention many. He said, unhesitatingly, that if the House insisted upon a form of declaration it would have no effect, as the evidence of all islanders had to be taken as the statements of children, and must go with the jury for what they were worth. The evidence of all barbarians had to be taken like the evidence of children, and the jury must give it whatever credit they thought it deserved, and no more. That was all they could do. If they attempted to lay down a rule or arbitrary form which they would have to go through before their evidence was received, they would never be able to take the evidence of those persons. The judge had now to satisfy himself that he had conveyed, or had had conveyed, to the minds of the witnesses what were the pains and penalties of wilful and corrupt perjury. He doubted whether anybody but lawyers knew what were the pains and penalties of wilful and corrupt perjury. It was somewhat difficult to say what they were now. In the olden days, they consisted of whipping, the pillory, fine, imprisonment; and certain forfeitures followed. How could they convey to a native of New Ireland, for instance, that he would have to stand in the pillory? It would be ridiculous. Therefore, he said the only form they could have—if they wished to have the evidence of those people at all—was one as elastic as possible; to leave it to the wisdom of the judges, who occupied very high positions, and were supposed to do their duty as men of common sense, and eminent lawyers administering the law, to do it properly, and see that the liberty of the subject was preserved as far as possible and that no injustice was done.

Mr. FOXTON said he agreed with every word that had fallen from the hon. member for Bowen, so far as related to witnesses, pure and simple; but when it came to the question of interpreters, he could scarcely follow so far as the hon. member went. He thought that an interpreter should be a man of sufficient intelligence to enable him to understand the nature of an oath; that his position as an interpreter should demand that he had sufficient intelligence, and was sufficiently acquainted with our ways and language to enable him to understand the nature of an oath. And he thought further that the fact of their requiring that he should take an oath, and that he should understand the nature of it, was the best possible guarantee they could have that the interpreter would perform his duties properly.

Mr. CHUBB: They are not required by law to take an oath now.

Mr. FOXTON said what he meant was, that they would have better guarantees under the law as it stood at present, than as it was proposed to be altered by the hon. member for Bowen. For those reasons he was very glad that the discussion had been raised upon the amendment. He freely admitted that the hon. member for Bowen and the Attorney-General had had much larger opportunities than he had for observing the necessity for such an amendment in criminal cases. At the same time he felt with the Colonial Treasurer that it would be better that the law as to the oaths taken by interpreters were left as it stood at present. The very object of bringing in an interpreter was in order that he might elucidate and translate to the court the evidence of a witness. As the hon. member for Bowen had pointed out, the cases at which that particular section was aimed were cases in which probably islanders were witnesses, and he certainly thought that any islander who was accepted as an interpreter should be of sufficient intelligence to enable him to understand the nature of an oath.

Mr. ARCHER said that in legislating for anything connected with races which were different from our own, particularly for races which differed so much from our own as the Polynesians, it was necessary that those who were legislating upon the subject should know something of the habits of those races. It would probably be admitted by hon. members that he knew as much about the Polynesians as any hon. member in the House, seeing that he had spent thirteen years of his life amongst them. He had been in the Polynesian islands as a sugar-planter and as a coffee-grower, and had lived amongst the natives of those islands and knew them intimately; and he might say that it was utterly impossible for the hon. gentleman who last spoke—unless he had lived with those people, and had become acquainted with their habits—to know how impossible it was to get one of them, even one who had learned English, to understand the nature of an oath, or to know what an oath meant. A barbarian was led to believe that lying was a judicious manner of going through life, so long as it was successful: and how were they going to teach him the difference, and the necessity of telling the truth? The power which an oath had with us was the accumulated effect of ages, of their being brought up in the Christian faith. Some people now, of course, had no belief in the religion in which their fathers were brought up, but, as their descendants, they carried with them evidences of the belief of their forefathers, in the belief they had themselves that it was dishonourable to tell a lie, and against the law. Natives could not understand that. He was not speaking simply of natives of Australia, but of a higher class of natives—men who had their own plots of ground and cultivated them, and lived in their own houses; as some of them did, for example, in Tahiti. They could not understand the nature of an oath, even though their fathers and mothers might have been members of a Christian church. It was only about the beginning of the century that Christianity had reached them. The best thing to do was what the hon. member for Bowen proposed, and that was to let the judge and jury decide the matter. Unless a blackfellow had been taken from his home in childhood and inculcated with right ideas it was utterly hopeless to attempt to make him see the value of an oath. If they made him understand that he ought to tell the truth he would do so, but if they wished him to tell falsehoods he would tell as many as he was asked questions. He (Mr. Archer) knew that from his own knowledge, from having lived with them, carrying on an extensive business, and having an admirable set of labourers amongst them. Before he could get the truth out of them he had to learn their habits, and he never would advise that they should be asked to take an oath; they had no conception of it. Therefore he thought they should not be bound, but that the matter should be left to the judges, who, with their training, were very often able to tell when men were lying, from looking at them. The more it was left to the judges, the better it would be for justice and truth.

The ATTORNEY-GENERAL said he wished to point out that the hon. member for Bowen had been slightly in error in his statement as to the witnesses examined in a kidnapping case. It was not the "Alfred Vittery" case, but another case tried about the same time. The witnesses in the "Alfred Vittery" case were intelligent witnesses. Several of them were British-born, and the Polynesians were comparatively educated Polynesians.

Mr. CHUBB said he was obliged to the hon. gentleman for pointing out the error, but the remarks he had made had the same force even though they referred to another case.

The MINISTER FOR WORKS (Hon. W. Miles) said that that was one of those measures which would not do much good or harm. As long as it were left to the jury to decide whether or not a witness was telling the truth, he did not think much harm would be done. When hon. members talked about blackfellows taking an oath, they knew very little about it. It was the greatest farce ever perpetrated. The clerk placed a Bible in the hands of a witness, then gave the oath, and then the witness kissed his thumb—so he (Mr. Miles) was told. It would be far better to leave it to the judge; it would save the lawyers a lot of trouble in examining witnesses.

Mr. T. CAMPBELL said he quite agreed with the last speaker that they would not be doing much harm by passing the present clause. On the second reading, he stated that he thought there were defects in the Bill which the hon. member for Bowen might remedy. He could understand that it was essential that the presiding judge should declare in what manner the evidence of a person should be taken. Still, they knew that judges were not always infallible, and sometimes there was a rush of business and they wanted to get the court over; they were not infallible, and were not without prejudice. He thought therefore, it would be better if some form were introduced so that the judge might be compelled to keep to something definite. Several cases had occurred lately under the Oaths Act, and the hon. member for Bowen was doing good in seeking to remedy the defects of the Act. He (Mr. Campbell) thought hon. members had not thoroughly apprehended the reasons for substituting a declaration for an oath. In the Oaths Amendment Act, as he took it, a witness was to understand what the declaration was. But in the case of blackfellows it was always difficult to make them understand the declaration; and as he understood the hon. member for Bowen, the Bill was to remedy that defect. He (Mr. Campbell) thought so much power should not be left in the hands of the judge, but that he should be required by the Act to say what questions should be put to the witnesses. He spoke with considerable diffidence on the matter, because he knew the hon. member for Bowen understood it much better than he did; but at all events he thought the suggestion worthy of consideration.

Clause put and passed.

Clause 2—"Mode of taking evidence of persons objecting or incompetent to take an oath"—passed as printed.

Mr. CHUBB moved that the following new clause be inserted, to follow clause 2 of the Bill:—

The provisions of the preceding section of this Act shall, *mutatis mutandis*, extend and apply to interpreters called to interpret in any civil or criminal proceedings in any court of justice.

He might say, in answer to what fell from the hon. member for Cook and the Colonial Treasurer, that he had not brought forward the Bill without due consideration. He had it under consideration last year, when in office, and had the opportunity of speaking to one or two of their Honours the Judges about it. He had framed the Bill in what appeared to him the best possible way, and he did not see how he could introduce the amendment suggested by the hon. member for Cook. However, if the hon. member chose to move an amendment, and the Committee accepted it, he should offer no opposition.

New clause put and passed.

Clause 3—"Short title and preamble"—passed as printed.

On the motion of Mr. CHUBB, the CHAIRMAN left the chair, and reported the Bill to the House, with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

WAGES ACT AMENDMENT BILL.

On the motion of Mr. NORTON—in the absence of the hon. member for Townsville—the House, in Committee of the Whole, affirmed the desirableness of introducing a Bill to amend the Wages Act of 1870.

The Bill was introduced, read a first time, and the second reading made an Order of the Day for Thursday next.

PATENTS, DESIGNS, AND TRADE MARKS BILL—COMMITTEE.

On the motion of the PREMIER, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

Preamble postponed.

Clauses 1 to 13 passed as printed.

On clause 14, as follows:—

"1. Any person may, at any time within two months from the date of the advertisement of the acceptance of a complete specification, give notice at the patent office of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative, or on the ground that the invention has been patented in this colony on an application of prior date, or on the ground of an examiner having reported to the registrar that the specification appears to him to comprise the same invention as is comprised in a specification bearing the same or a similar title and accompanying a previous application, but on no other ground.

"2. Where such notice is given the registrar shall give notice of the opposition to the applicant, and shall, on the expiration of those two months, after hearing the applicant and the person so giving notice, if desirous of being heard, decide on the case, but subject to appeal to the law officer.

"3. The law officer shall, if required, hear the applicant and any person so giving notice and being, in the opinion of the law officer, entitled to be heard in opposition to the grant, and shall determine whether the grant ought or ought not to be made.

"4. The law officer may, if he thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the law officer shall appoint."

Mr. CHUBB asked if two months was long enough to allow in this colony for any objection. It might suit very well in England, but might be too short a time here.

The PREMIER said the time was quite long enough for objections to be made by people in the colony, though it might not be long enough to allow for objections being made from abroad. If they were to provide for that, the time would need to be six months; but that would cause great delay.

Clause put and passed.

Clauses from 15 to 18 passed as printed.

On clause 19, as follows:—

"Every patent when sealed shall have effect throughout the colony and its dependencies."

Mr. CHUBB said he thought it unnecessary to include "dependencies."

The PREMIER said that some of the islands in Torres Straits, though under the jurisdiction of Queensland, did not form part of the colony.

Clause put and passed.

Clauses from 20 to 40 passed as printed.

On clause 41, as follows:—

"The law officer may examine witnesses on oath and administer oaths for that purpose under this part of this Act, and may from time to time make, alter, and rescind rules regulating references and appeals to the law officer and the practice and procedure before him under this part of this Act; and in any proceeding before the law officer under this part of this Act, the law officer may order costs to be paid by either party, and any such order may be made a rule of the court."

Mr. CHUBB asked whether the "law officer" was defined?

The PREMIER said he was defined as "Her Majesty's Attorney-General of Queensland."

Clause put and passed.

Clauses 42 to 52, inclusive, passed as printed.

On clause 53, as follows:—

"If a registered design is used in manufacture in any foreign country, and is not used in this country within six months of its registration in this country, the copyright in the design shall cease."

The PREMIER moved the omission of the word "country" between the words "this" and "within," in the 2nd line, with the view of inserting the word "colony."

Question put and passed.

On the motion of the PREMIER, the word "colony" was also substituted for the word "country" in the 3rd line.

Clauses 54 to 91, inclusive, passed as printed.

The remaining clauses of the Bill, and the schedules, were passed, with verbal amendments in clauses 92, 98, 101, and schedule 3.

On the motion of the PREMIER, the House resumed. The CHAIRMAN reported the Bill with amendments; the report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

ADJOURNMENT.

The PREMIER said that with the permission of the House he would move, without notice, that the House adjourn till Tuesday next. He would take the opportunity of saying that the Government proposed then to continue the debate upon the Land Bill.

Question put and passed; and the House adjourned at 10 o'clock.