Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 8 OCTOBER 1884

LEGISLATIVE COUNCIL.

Wednesday, 8 *October*, 1884.

Absence of the President.—Native Labourers Protection Bill—third reading.—Health Bill—third reading.—Appropriation Bill.—Oaths Act Amendment Bill—second reading.—Sale and Use of Poisons Bill—second reading.—Maryborough Racecourse Bill—second reading.—The Acting Chairman of Committees.—Skyring's Road Bill—committee.—Immigration Act of 1882 Amendment Bill—second reading.

ABSENCE OF THE PRESIDENT.

The CLERK announced that he had received a letter from the hon. the President, stating that in consequence of indisposition he was unable to attend in his place to-day.

The POSTMASTER-GENERAL (Hon. C. S. Mein) said: In the absence of the President, the Chairman of Committees (Hon. D. F. Roberts) will, as a matter of course, under our Standing Orders, take the chair and preside over our deliberations to-day.

The CHAIRMAN OF COMMITTEES took the chair accordingly.

NATIVE LABOURERS PROTECTION BILL—THIRD READING.

The POSTMASTER-GENERAL moved that this Bill be now read a third time.

Question put, and the House divided :—

CONTENTS, 12.

The Hons. C. S. Mein, G. King, A. Raff, W. Pettigrew, J. Swan, J. Taylor, A. C. Gregory, W. G. Power, W. D. Box, W. Forrest, J. S. Turner, and J. C. Heussler.

NON-CONTENTS, 2.

The Hons. W. H. Walsh and P. Macpherson.

Resolved in the affirmative.

The Bill was then read a third time, passed, and ordered to be returned to the Legislative Assembly with message in the usual form.

HEALTH BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time and passed.

The POSTMASTER-GENERAL moved that the title of the Bill be "A Bill to make better provision for securing and maintaining the Public Health."

The HON. W. PETTIGREW said: I have an amendment to move on the motion. I consider that this Bill is a measure that will conduce more to the destruction of the health of the citizens of Brisbane than any measure that has ever been introduced. I look upon it as a Bill to increase the mortality of the city; and if I thought it would be any use I would call for a division on the question, and give it its proper title—a Bill to provide for people dying about half faster than they are in the habit of doing. But I scarcely think it is worth while doing so; one division has satisfied me that this House is prepared to let a measure pass that is to thin the people out of the city of Brisbane, because that is practically what it amounts to. Living in the city of Brisbane after this Bill is fairly under weigh will be next to impossible; and the people, instead of dying at the rate of 11 or 12 per 1,000, will die at the rate of from 12 to 18 per 1,000. For these reasons I think the title of the Bill ought to be amended to express what it really is—a Bill to cause people to die off a half faster than they are in the habit of doing.

The HON. W. H. WALSH said: If that is the opinion of the hon. gentleman, and if there is any truth in his ideas, I think that we unfortunate members of this Chamber—legislators—stand in a very peculiar position. I am not quite sure that we may not be convicted—or, at any rate, stand charged with being accessories to the deaths of I do not know how many more people than ought naturally to occur. If that is the hon. gentleman's real opinion, it is a serious statement—a serious charge to make against this part of the Legislature. If, I say, that is his opinion, he should repeat it over and over again, and, if possible, prevent the passing of the Bill, and by a division show who are the members of this Council who connive at extra deaths amongst the population of Brisbane. I shall vote with him undoubtedly. I will be no party to hastening the deaths even of the inhabitants of the city of Brisbane; and I do trust that such a statement having been made by an hon. member whose word is worthy of all credence, some notice will be taken of it. It is not a matter for laughing or joking over, but for very serious consideration; and although it is a somewhat peculiar stage of the Bill to raise a debate upon, I put it to the hon. the Postmaster-General whether, having had such a statement made before us, he is not bound in the interests of the citizens of Brisbane and of ourselves to postpone the passage of the Bill.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the Bill was ordered to be returned to the Legislative Assembly with message in the usual form.

APPROPRIATION BILL.

The PRESIDING CHAIRMAN announced that he had received a message from the Legislative Assembly, forwarding, for the concurrence of the Legislative Council, a Bill to authorise the appropriation out of the Consolidated Revenue of £200,000 towards the service of the year ending on the last day of June, 1885.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time.

The POSTMASTER-GENERAL said: In moving that the second reading of the Bill stand an Order of the Day for to-morrow, I wish to intimate to hon. gentlemen, as it is too late to give notice on the subject now, that I shall ask the House to-morrow to suspend the Standing Orders in order to enable the Bill to be passed through its remaining stages in one day.

Question put and passed.

OATHS ACT AMENDMENT BILL—SECOND READING.

On the Order of the Day for the resumption of the debate being read,

The HON. A. C. GREGORY said: Having moved the adjournment of the debate on the second reading, I think it is only proper that I should state some of the points to which I wish to draw attention. The 2nd clause states that where a person tendering evidence objects to take an oath, or by reason of any defect of religious knowledge or belief, or any other cause, appears incapable of comprehending the nature of an oath, it shall be the duty of the judge or person authorised to administer the oath to declare in what manner the evidence shall be taken. While I am satisfied that a judge may be allowed to exercise his discretion, I must point out that some of the magistrates who will be allowed to do so are not thoroughly conversant with the forms of proceedings in law, however just they may be in their decisions; and it will be scarcely expedient to place so important a power in the hands of magistrates as that of determining in what way they shall substitute a declaration for an oath. The question is not new; it has been before the different Governments of the Australian colonies for the last twenty years. It has arisen chiefly in relation to the evidence of aborigines or semi-civilised persons. I must say that I have considerable objection to the part of the Bill to which I have referred, and I should like to hear the views taken by the hon. gentleman who has charge of the measure. I should be glad if some hon. gentleman would move the adjournment of the debate to allow that hon. gentleman to explain his views on the point.

The HON. A. RAFF said: I beg to move the adjournment of the debate.

The HON. P. MACPHERSON said: Hon. gentlemen,—I am very glad indeed that I have this opportunity of supplementing the statement I made in introducing this Bill, more especially as, since it was last under discussion, several cases have arisen in the Supreme Court upon the question, as to the capacity of aboriginals to understand the declaration sought to be repealed. No later than yesterday, in the Supreme Court, in the case of Regina *v.* John Hopkins *alias* Reed, and Edward Eaton, his Honour Mr. Justice Harding, concurring in the judgment of the court, put the matter very pointedly in this way:—

"Mr. Justice Harding said the declaration under the Oaths Act, 1876, required that it should be administered solemnly, but the thing itself was anything but solemn. They generally had ignorant persons talking a species of pigeon-English, and every word said was conducive to disturbance in court. To his mind the declaration was most unsatisfactory, but it being the law of the land it must be administered."

Now, I ask hon. members to listen to the words of this declaration, and suppose it to be put to an aboriginal:—

"I solemnly promise and declare that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth; and I make this solemn promise and declaration in the full knowledge

that, if I do not speak the truth, the whole truth, and nothing but the truth, I render myself liable to the penalties of wilful and corrupt perjury."

It seems almost a farce to put a declaration of this sort before an aboriginal. With reference to the amendment suggested by my friend the Hon. A. C. Gregory, I am quite prepared to consider it in committee, but I certainly think that the second reading ought to be passed, and I feel certain that the House will agree with me.

The HON. W. H. WALSH said: Hon. gentlemen,—In our position here as law-makers, I fancy we have a very grave duty to perform. I have not gathered from the hon. gentleman in charge of the Bill whether he is in favour of it even.

The HON. P. MACPHERSON: I am.

The HON. W. H. WALSH: The Bill itself is one of the gravest importance, affecting us as legislators, of the gravest importance affecting us as Christians—of the gravest importance, I do not hesitate to say, in connection with the administration of the laws of the colony—the laws particularly appertaining to the lives of our fellow-creatures. It is proposed in this Bill to make easy the art of taking an oath—for we are reducing it gradually to that; it is proposed to make easy, to cheapen, the art of taking oaths. And for what purpose? So that the most ignorant, the most uneducated of mankind may be allowed to give evidence. We are proposing now to reduce our privileges as judges of our fellow-creatures; to surrender them into the hands of persons who have no knowledge whatever, and who may give evidence at the instigation of improper persons. We are proposing by this Bill to give those persons the power to give evidence that may take away the lives of our fellow subjects unjustly and murderously—persons who ought properly to be held up to the punishment of the law and the execration of Englishmen. I cannot understand the feeling that prompted the introduction of such legislation. We have hitherto demanded that there should be some safeguard from persons allowed to give evidence in the solemn precincts of a court of law. For centuries and centuries the proceedings in our courts of law have been the admiration of the world. But if hon. gentlemen will analyse this Bill—a Bill not fathered by the Government, not recognised by the Government, but a most important Bill—they will see what a complete farce it is now proposed to enact. The 2nd clause says:—

"If any person tendered for the purpose of giving evidence in respect of any civil or criminal proceeding before a court of justice, or any officer thereof, or on any commission issued out of the court, objects to take an oath, or by reason of any defect of religious knowledge or belief or other cause, appears incapable of comprehending the nature of an oath, it shall be the duty of the judge or person authorised to administer the oath, if satisfied that the taking of an oath would have no binding effect on the conscience of such person, to declare in what manner the evidence of such person shall be taken."

Is not that a contradiction of the whole of the existing law? How often do we notice, in trials at home, that when a witness declines to take an oath the judge orders him to stand down—the reason being that if he cannot take an oath he is not fit to be recognised in a court of law! But this Bill provides—at the instigation of whom I do not know—that we should encourage such persons—that they should be allowed to give evidence which shall be of the same value as that of the most conscientious Christian given upon oath. The thing is altogether too great a departure from the glorious practice of English courts of law. It is too great an innovation for us to submit to. I do trust that my hon. friend who has charge of this Bill will see that it is at any rate premature and not required by necessity.

The HON. G. KING said: No reason whatever has been given to show the necessity for so great an alteration in the mode of admitting evidence upon oath, and certainly it is an innovation which may have a prejudicial effect in the administration of justice, in many respects. As no reason has been given for the proposed alteration, I should be inclined to move that the Bill be read a second time this day six months.

The HON. A. C. GREGORY said: Honourable gentlemen,—I think that there is not sufficient ground for throwing this Bill out altogether; and I shall oppose any motion postponing the second reading for six months or any other proceeding that would have the effect of shelving the Bill. At the present time the law is that any person refusing to take an oath on the ground that it would not be binding on his conscience may make a declaration in the following form:—

"I solemnly promise and declare that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth; and I make this solemn promise and declaration in the full knowledge that if I do not speak the truth, the whole truth, and nothing but the truth, I render myself liable to the penalties of wilful and corrupt perjury."

That is simply a matter of individual personal punishment in cases where a statement may be proved not to be true. It does not touch upon any question of belief or faith; in fact it has nothing whatever to do with religion, but is purely a matter of personal punishment. It is just the same as in the case of a commission of a misdemeanour—the person who commits the offence is liable to punishment. However, it appears that the judges of our courts have decided that the form I have quoted from the existing statute is not a convenient form, and I cannot myself see why we should not modify the words if it pleases the judges that we should make the proposed alteration. It certainly will not make the declaration less precise if we take out the word "solemn," and merely allow a witness to say "What I shall state in evidence will be the truth." Indeed I cannot see how the declaration can be interpreted in any other way to many witnesses. For instance, in the language of the aboriginals of this colony it would be very difficult to find an expression equivalent in meaning to the word "solemn." As I understand the matter, the judges object to employ the word "solemn" in administering the declaration when it is not used by a class of persons who can give their evidence in a proper form, and with a knowledge of the meaning of the declaration. Then, why not make an alteration? If the amendment proposed in the Bill does not quite meet the views of the House we can alter it in Committee. My own experience in regard to aboriginal testimony is that blacks do not care whether they tell the truth or not. There was nothing apparently to bind them as to whether they spoke truly or falsely. I can illustrate this by an incident that occurred many years ago. On one occasion we had sent a detachment of twenty men and an officer into an isolated place for about six months. When we went up to relieve the party, who were 300 miles away from any settlement, we met several aboriginals, who gave us a vague report of the destruction of the men. As we advanced a little further on our journey we got a little more precise information. Afterwards we got further particulars, including the names of the aboriginals who committed the murders; and when we approached within fifty miles of the locality the whole details of the alleged outrage were related to us, together with a good deal that we knew was fiction. They mixed up fact and fiction in such a manner that anyone, unacquainted with their habits and disposition, would have found very great

difficulty in determining whether they were speaking the truth or not. So circumstantial was their story, that it was difficult for any one not to believe that it had some foundation in fact; but when we reached our destination, we discovered that the whole thing was a fiction. Their narrative was elaborated very much in the style which I was once informed is sometimes adopted among Hindoos. For instance, a person who is to be a witness in a case is told "Now, if you want to go into court and give evidence you must say so-and-so." Take the case of a man claiming a sum of money. The witnesses are called together into a room. One man who represents the plaintiff in the action sits down in a certain place; another representing the defendant then enters, and going up to the plaintiff, makes a tender of a piece of paper, and everything is done as if it were a real *bonâ fide* transaction—all the actors, of course, being dummies. The consequence is, that when the case is called on in court, the defendant pleads that he has paid the money, and each of the witnesses corroborates his statement, under such circumstances that there is no necessity for them to be in court and hear the evidence previously given. All the witnesses may be ordered out of court, until called on to give their evidence; but their evidence, as regards the payment of the money, as well as the time, place, and the room in which the plaintiff sat, is substantially the same; it is, in fact, so precise that the closest cross-examination fails to elicit any discrepancies in their statement; and yet there is that beautiful slight divergence which is always noticeable when several persons give an account of a transaction at which they were all present. In such a case the court would be compelled on the evidence before it to give a judgment contrary to the real facts of the case. So much for the Hindoo system. The aboriginal method of this colony is perhaps not quite so precise or so well worked out, but for all that the blacks fill up their statements with facts and fiction; and in my opinion their declarations in court are not worth the paper on which their evidence is written. Under these circumstances I think the judge in the recent case was quite right when he objected to the term "solemnly" being used in the proceedings before him, and was perhaps also right in wishing to have that word eliminated from the declaration. But notwithstanding all that, I must admit that I do not see that any material alteration in the declaration will be effected by the Bill before the House. It will be almost the same whether administered under the existing Act or the amending Bill, and the evidence of the declarant of equal value in either case. It has been contended by some persons that aboriginals have no religious belief; that they do not consider that an untruth is of the slightest consequence; and that they are constantly making statements that are without foundation. But when we come to investigate their language, we find that they have designations referring to a future state. In every place where I have met aboriginals beyond the influence of our civilisation—beyond the country occupied by us, and where they have not been contaminated by our influence—I found that the aboriginals had a clear idea of a future state. That idea may have been more antiquated than ours; still blackfellows have such a belief, and will point to one star as representing a particular blackfellow, and to another as representing the blackfellow who sends rain, and so on. They certainly have a kind of mythology, which in many respects is the counterpart of the heathen mythology of our classics. Then they have what is a very clear indication of "eternal damnation"—I do not know of any other forcible phrase that will express its meaning. A blackfellow will say, when he feels himself utterly done, *mooroodaburna*—that is, as I have had it interpreted, that he is going to perdition.

The HON. W. H. WALSH: How do you spell it?

The HON. A. C. GREGORY: Well, I did not ask my friend what was the precise orthography of the word, but I shall be happy to give the shorthand writer what assistance my abilities will allow. When I asked for an explanation of the word I was told that the person to whom it was applied "had no weapons, no food, no brother, no sister, no father, no mother, no wife; he would never come back again." Under these circumstances, we can see, I think, that aboriginals may be as well qualified to make a declaration as many of our own people. At the same time their truthfulness is such that I do not think any conviction ought ever to be sustained upon their evidence alone. Another case which happened to the police will serve to confirm this view. A number of blackfellows got hold of a bullock, drove it into a gully, killed and ate it. One of the young blacks said to his companions, "We will be shot for this." "Will we?" replied an old man; "we will have a jolly good feed first, and then we will talk about being shot." When the feast was over they sent three or four of their number to tell the police that a tribe over the range had been down and killed a bullock. The police went out, and the men who had eaten the beast showed the place where the animal had been killed, pointed to the tracks of blackfellows leading over the range, and conducted the constables to a camp, saying, "There are the fellows who stole the bullock." The police rushed the camp, and the blackfellows not understanding what was meant jumped up and seized their spears to defend themselves and—were dispersed. A little while afterwards the whole affair leaked out, and it was then found that the people who had killed the bullock and afterwards given information to the police were at enmity with the tribe whom they accused of the theft. In that case the evidence, as hon. members can see, was very circumstantial—there were the bones of the bullocks, a bit of skin, and the tracks leading to the camp—but it was not true, and the consequence was that the innocent were punished for what the guilty had done. It is not worth while detaining the House any longer on this matter. I shall support the Bill, because if our judges desire any little difference in the form of the law, I do not see why we should not meet their wishes. The proposed amendment will certainly not make any material alteration in the existing Act.

The HON. A. RAFF said: With the permission of the House, I will withdraw my amendment.

Amendment withdrawn accordingly.

The HON. W. H. WALSH said: Hon. gentlemen,—I would not address the House again on this subject were it not for the peculiar remarks of the last speaker—namely, that as the judges wish it we ought to pass the Bill. I protest against being under the dictation of the judges of the colony. At any rate, if we are to be their servants, let it be thoroughly understood. But if that is the only reason why the Hon. Mr. Gregory is going to support the Bill, then I say that a worse one could not be advanced; and I beg to state that I, at any rate, shall necessarily vote against the second reading of it rather than it should be thought that I am obeying the behest or orders of the judges of the land. In my position here I consider that I am far and

away above their control or direction. I wish, at any rate, individually and emphatically to protest against the supposition that I am being directed by the judges of this colony in my parliamentary duties, or that I am being guided by their instructions.

The POSTMASTER-GENERAL said: I think my hon. friend misunderstood what the Hon. Mr. Gregory wished to convey. I do not think he intended to say that the Bill had emanated from the judges, or that it was brought in on their suggestion. When the Act of 1876 was passed, it was the intention of the Legislature to enable persons who did not understand the nature of an oath to give evidence, provided they made a declaration satisfying the court that they understood that they would be liable to the punishment meted out to corrupt perjury if they made a false statement. The form of the declaration is such that the judges, or one of the judges, at all events, has expressed his opinion that it must be literally interpreted to the individual making it; and, as the Hon. Mr. Gregory has pointed out, the languages of these natives is deficient in words to enable the interpreters to explain the form to the individual who has to give utterance to it. They really do not know the meaning of it. Upon one occasion one of the judges of the Supreme Court, before whom a witness, who did not understand the nature of an oath, was called to give evidence, asked that he should make a declaration, and he insisted that the witness, before being allowed to give evidence, should satisfy the court that he understood what perjury meant: in other words that he should give a legal definition of the word "perjury," which the witness of course could not do, and the evidence was not taken. My hon. friend Mr. King has complained that this is an innovation in our law; but this is not the first alteration that has been made in the direction contemplated. This is merely an adaptation of the provisions of the Kidnapping Act of the Imperial Legislature; and the tendency of legislation of late years has been to allow evidence to be taken where the party giving it can satisfy the court that—although he may have a conscientious objection to taking an oath, and is, therefore, unwilling to do so, or does not understand the meaning of it—he understands that the consequence of giving false testimony will be the punishment accorded to perjury. In that respect I think this Bill is defective. It is proposed that the court shall be allowed to decide in what manner the evidence shall be given, without being satisfied that the person submitted to give testimony is aware that the result of false evidence will be punishment; but that may be easily amended in committee without violating the principle of the Bill; and it will really have the effect that the Legislature intended when passing the Oaths Act of 1876. I think that under the circumstances—seeing that the Act of 1876 is practically a dead letter at the present time, and cases are constantly cropping up where it is necessary to get evidence of some sort from persons who have not been educated to any religious belief, and to whom it is impossible to explain the nature of an oath—those persons should be allowed to give evidence, as long as the court is satisfied that they know that if they tell an untruth they will be liable to punishment. I think we may very well leave it to the court to determine in what particular form that knowledge shall be communicated. I shall certainly oppose the Bill going through in its present bald shape, and shall insist upon a provision of that sort being inserted.

Question put and passed, and committal of the Bill made an Order of the Day for next sitting day.

SALE AND USE OF POISONS BILL—SECOND READING.

Upon the Order of the Day being read for the resumption of the adjourned debate on the Hon. P. Macpherson's motion, "That this Bill be now read a second time"—

Question put and passed, and committal of the Bill made an Order of the Day for Wednesday next.

MARYBOROUGH RACECOURSE BILL—SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said: In 1877 a grant was issued to certain gentlemen, of 146 acres of land near Maryborough, to be held by them in trust as a site for a racecourse, and no other purpose whatever. Since that grant was issued the ground has been improved to a considerable extent by clearing, the formation of racing and training tracks, and the erection of buildings for the purpose of facilitating the racing. That of course has involved considerable expenditure of money, and the persons who have expended it have been unable to raise sufficient funds to reimburse them their outlay, and they raised money by debentures, upon which they are paying large interest, in order to pay off part of the debt incurred by them. A portion of the ground granted is separated from the remaining larger portion by a road, and is practically useless for racing purposes. It may be sold at a fair price; and the object of the Bill is to enable the trustees to sell this small portion, comprising about thirteen acres, and apply the proceeds to the erection of buildings on the remaining portion. We have on several former occasions allowed the trustees of racing grounds to do this, as well as exercise much more important functions. We have authorised the trustees of the Brisbane racecourse to raise money by way of mortgage, and apply it to the construction of buildings and the payment of debts. We have also authorised them to sell a large portion of the ground for those purposes; and similar powers have been conferred upon the trustees of the Rockhampton racecourse. Although the trustees of the Maryborough racecourse were desirous of getting a similar concession, the other House declined to give any further power than is contained in this Bill, which is simply power to sell the unutilisable portion of their ground, subject to the condition that the money realised from the sale shall be expended in improving the remaining portion of the property and making it more suitable for the purposes of the grant. There is another provision in the Bill which has been inserted in order to remedy a defect in the original grant. The land was granted to three gentlemen named, their heirs and successors, but there is no provision, nor is there any in any statute in force in the colony, authorising the appointment of new trustees in the event of the death or resignation of the present trustees. Power is therefore given in clause 2 to the Governor in Council to appoint new trustees in the event of the death, resignation, or removal from office of the trustees. I apprehend that there can be no possible objection to the very small powers proposed to be conferred upon these gentlemen; and I have therefore much pleasure in moving that the Bill be now read a second time.

Question put and passed, and committal of the Bill made an Order of the Day for to-morrow.

THE ACTING CHAIRMAN OF COMMITTEES.

The POSTMASTER-GENERAL said: Hon. gentlemen,—Before proceeding to the next Order of the Day, as it will be necessary for the House

to go into Committee, and the Chairman is occupying the place of our President, whose absence we must all deplore, it will be necessary to provide a chairman to perform the duties of Chairman of Committees. I therefore beg to move that the Hon. J. C. Heussler act as Chairman for this day.

Question put and passed.

SKYRING'S ROAD BILL—COMMITTEE.

On the motion of the HON. F. H. HART, the Presiding Chairman left the chair, and the House resolved itself into a Committee of the Whole to consider the Bill in detail.

The several clauses and preamble were passed without discussion.

The House resumed, and the Bill was reported without amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for next sitting day.

IMMIGRATION ACT OF 1882 AMENDMENT BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—This Bill is intended to remedy defects which the working of the Immigration Act of 1882 has proved to exist. When our immigration laws were amended in 1882, the amending statute provided facilities for persons with relatives in Europe introducing them to this colony by what were called passage warrants; and provision was at that time made by which persons could indent mechanics, labourers, and servants, by paying a small contribution towards their passage money. Experience has proved that persons who were unsuitable as colonists have been nominated by their relatives; that a large number of worn-out old persons have been introduced at the public expense—people of no value to us, though their arrival in the colony may have afforded some comfort to their relatives. It is therefore proposed that it shall be lawful for the Governor in Council to direct that persons of any specified age shall not be eligible to be nominated for a passage warrant under the provisions of the 9th section of the principal Act. Under that Act any person could nominate a relative without any restriction as to age; and upon his nomination, and the payment of a small fee ranging from £1 to £10, according to the age of the person nominated, received a passage warrant to entitle him to get his relative out here within twelve months. Experience has shown that it is undesirable as a rule to allow persons to be introduced whose ages exceed forty-five, or, at the most, fifty years. The most important provision of the Bill is that dealing with indented labourers. As I stated before, under the Act of 1882, persons who wish to indent mechanics, labourers, or servants from England can do so by paying a small sum of money—from £1 to £10, according to the age of the individual. But no provision was made for the importation of the families of indented labourers, and practically the indented immigrants were restricted to persons between the ages of twelve and fifty-five years. The amounts paid in the case of males were £2 between the ages of twelve and forty years, £4 for those above forty and under fifty-five years, and £10 for those above fifty-five years. In respect to females, the same rates were payable for those above forty years, but between twelve and forty years the amount was only £1. As I have already stated, the Government consider it undesirable to introduce worn-out persons at the expense of the State. And experience has proved that, although agricultural labourers, whose duties will enable them to assist in the development of the land, are readily absorbed—the demand, in fact, being greater than the supply—yet mechanics, who have been introduced here in large numbers at the public expense, cannot readily find work. We therefore prefer to restrict the bringing out of indentured immigrants to labourers and servants, the principal Act defining labourers to be "persons whose labour has been connected in some way with the land, such as farm-servants, gardeners, road-makers, miners, quarrymen, navvies, and the like." We make a special provision in the schedule for the families of indentured labourers being introduced at the same rate as the labourers, and we fix a limit to the ages of the persons indented. Persons above the age of 45 years will have to pay the full amount of passage money, and for those of a lesser age the amount varies from £1 to £2. The effect of the Bill will be, I hope, that the class of labour which is desired in the colony, but which is not at present sufficient for the demands of agriculturists, will be forthcoming. We know that we cannot depend altogether on the mother country for a sufficient supply of agricultural labour; and as the original Act provides for the introduction of immigrants from the different parts of Europe, we intend to establish agencies on the Continent, where a desirable class of immigrants can be obtained, and the demand for this class of labour supplied as far as practicable. I beg to move that the Bill be read a second time.

The HON. A. C. GREGORY said: In looking over the provisions of this Bill they seem exceedingly simple; but when we take it with the original Act, we find that it is practically intended to introduce a very large supply of indented labour—in fact, to encourage a system of indenting immigrants to serve for twelve months. We have frequently seen the same thing attempted, and the disastrous results to all the parties concerned. It is one of those important questions, in the consideration of which we should endeavour to avoid the mistakes, and steer clear of the shoals and dangers, which have hitherto beset the system. It is now more than fifty years since I was personally mixed up with the settlement of a new colony where it was the chief object of some large capitalists to get large grants of land on the condition that they introduced a certain number of indented labourers. The scheme looked very well at first; but when the immigrants got out there was no way of keeping them to their indentures. All sorts of ordinances were passed by the Council—there was no Assembly—and various attempts were made to keep the labourers to their engagements; but all those attempts signally failed. Again, we know what happened in Queensland in 1858-60 in connection with a large number of immigrants drawn from the source whence the Postmaster-General says the Government will direct their endeavours to obtain labour—Germany. They were indented and brought out; and what was the result? They were satisfied with the wages offered to them, which were far in excess of anything they could obtain in their own country; but when they got here they found these wages somewhat lower than the current wages of the colony, and every attempt was made by those already in the colony to cause dissatisfaction amongst them. The result was that the men gradually broke their agreements; and hopes were expressed in the Press, and in other ways, that the magistrates would not convict men who had been brought out to work for less than the current wages of the country. There was no attempt on the part of the employers to deceive the immigrants, who were perfectly satisfied with their agreements; but every attempt was made, when the immigrants arrived in the colony, to induce them to break those agreements. The result was that the persons who made those attempts succeeded in causing—almost enforcing—the breach of the

conditions of agreement; and public opinion was so strong that the magistrates were, to some extent, induced to deviate from what was strict justice, however much they desired to be impartial. At a later period we have seen the same thing attempted with regard to the Cingalese and other labourers imported under the same conditions. In fact, it seems hopeless to attempt to carry out any measure for the introduction of immigrants bound to work for certain persons for a stated time after they are introduced. I therefore consider that we shall find the measure a signal failure if it should become law. We have seen hundreds, almost thousands, of tradesmen brought out here who call themselves agricultural labourers. I have known instances in which carpenters coming out were careful to get rid of their tools, simply because one man who had gone on board as an agricultural labourer had forgotten to dispose of a saw and a plane, and, when his effects were examined, those articles were discovered, and he was told that he was not an agricultural labourer and could not come out to the colony as such. The consequence was that other carpenters quietly took their tools to places where they could dispose of them, and brought out cash instead; and it proved to be a very small amount too. In this respect, no doubt, the existing law is to a great extent defective. There is one clause here that I do not understand. It says that—

"Every agreement for the employment of a labourer or servant made under the provisions of the thirteenth section of the principal Act shall contain a stipulation that the employer shall provide sufficient and proper accommodation for such labourer or servant and his family during the term of the agreement."

If a labourer is indented, does it necessarily follow that his family, which might consist of thirteen children, must also be brought out under the agreement? Is the person who indents a labourer obliged to maintain his family? It is not very clear to me how the clause is to be read—whether it is or is not a stipulation that a family, which may or may not exist, is to be maintained by the person to whom the labourer is indented. This part of the Bill requires amendment in order to make it more distinct. The Postmaster-General, in introducing the Bill, said that one of the objects the Government have in view is to induce a large amount of immigration from the continent of Europe, more especially from the northern countries. We know that there is very little probability of getting labour from Germany, under the proposed conditions. Hon. members will recollect the result which followed a similar attempt made on a previous occasion. We know that in every place the people were warned not to emigrate. Sometimes valid objections were urged, but the truth was not strictly adhered to in all cases. We know, also, that the German authorities are opposed to the emigration of their people, because it would interfere to a great extent with their municipal and political arrangements; and that the people themselves are much more attached to the soil of their native country than the people of Great Britain. There is also a further objection to the scheme. Why should we endeavour to introduce any other nation than our own people? Our own people are here already, and great attempts have been made to prevent any other nationality coming to the colony. The cry against coolies has been made a watchword, and everything has been done in order to prevent their introduction into the colony; and obstructions have also been placed in the way of the introduction of Polynesian labourers. We have also tabooed the introduction of Chinamen; and now we are asked to consent to the introduction of a people who are certainly as different to our own, both in language and customs, as any of those to which we have so strongly objected. And what will be the effect of the Bill if it is passed? It will, to a great extent, reduce the wages of the working men. It is proposed to bring out a number of people to compete against the workmen already here. I think it is a matter of the greatest cruelty to delude those people, whom it is intended to bring out under this measure, with the idea that they are coming to comfortable homes and to good wages. If they understood the exact state of affairs they might feel something like the Greenlanders, who, when the missionaries told them that if they misbehaved themselves they would be cast into eternal fire, replied that that would compensate them for the intense cold that they had had to suffer in this world. The labourers whom it is intended to bring out are to be employed in the worst class of work. They will have to work in the canefields, with a vertical sun bearing down upon them, and unused to the class of clothing which is adopted here. The climate is one to which they are altogether unaccustomed; and it appears to me that some special provision will have to be made for the families of those who may perish from sunstroke. On the whole, I think that this Bill is not calculated to effect the object which the Government profess to have in view in introducing it. They will be exceedingly sorry when its actual results shall be felt by them; when the outcry of our present working men is raised against them. They think they have the voices of the people with them now; but I fear they will find a very different state of affairs prevail after this Bill, if it becomes law, has been a short time in operation. They will then be denounced as having done their utmost to reduce the wages of the working men. I certainly think the Bill is not a good one; but, unfortunately, we may perhaps, be under the necessity of allowing it to pass and be put into operation, to prove what a very inequitable and ill-judged measure it is.

The HON. W. FORREST said: Hon. gentlemen, it is near tea-time, and we have almost finished the business on the paper; I would therefore ask the Postmaster-General to adjourn the House until to-morrow. I beg to move the adjournment of the debate.

The POSTMASTER-GENERAL: I have no objection to the debate being adjourned. I very much doubt whether we would get a House after tea, and as I do not wish to unduly hurry the measure through the House, I will consent to the hon. gentleman's motion.

Question—That the debate be adjourned—put and passed.

On the motion of the POSTMASTER-GENERAL, the resumption of the debate was made an Order of the Day for to-morrow.

The House adjourned at five minutes to 6 o'clock.