

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**FRIDAY, 19 DECEMBER 1884**

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## LEGISLATIVE COUNCIL.

*Friday, 19 December, 1884.*

Absence of the President.—Railway Extensions.—Benevolent Asylum, Dunwich.—Motion for Adjournment.—Additional Sitting Day.—Suspension of Standing Orders.—Acting Chairman of Committees.—Officials in Parliament Bill—committee.—Bundaberg Gas and Coke Company Bill—committee.—Message from the Legislative Assembly.

### ABSENCE OF THE PRESIDENT.

The POSTMASTER-GENERAL (Hon. C. S. Mein): Hon. gentlemen,—I have to inform the House that, in consequence of important public duty, the President will not be able to attend and take the chair until after dinner. In pursuance of our Standing Orders, the Chairman of Committees will take the chair during the President's absence.

The CHAIRMAN OF COMMITTEES (Hon. D. F. Roberts) took the chair accordingly.

### RAILWAY EXTENSIONS.

The POSTMASTER-GENERAL brought up and laid upon the table reports of the Select Committees appointed to inquire into the following railways:—Extension of the Fassifern line from Harrisville to Teviot; Maryborough Wharf Branch; Extension of the Cooktown Railway; and Extension of the North Coast Railway to Caboolture; and moved that the papers be printed.

Question put and passed.

### BENEVOLENT ASYLUM, DUNWICH.

The Hon. W. H. WALSH brought up and laid upon the table final report of the Select Committee appointed to inquire into the management of the Benevolent Asylum, Dunwich, together with minutes of evidence, the proceedings of the committee and appendices; and moved that the papers be printed.

Question put and passed.

### MOTION FOR ADJOURNMENT.

The Hon. W. H. WALSH said: Hon. gentlemen,—Referring to the question of privilege I introduced yesterday—that is, regarding the publication of papers ordered by this House to be printed—I have to state, in addition to what I did yesterday, when the discussion was so abruptly, and, I think, improperly interfered with, that an order of this House, seven or eight days old, for the printing of those papers, has not been complied with by the Printing Office. Papers that I think of very great importance in connection with the administration of certain affairs in this colony are wanting. We have no power to deal with them. I refer to those respecting the tramway—the correspondence between the Government and the tramway syndicate of Brisbane. I can plainly see that for some reason or other we shall not be able during this session to take action in connection therewith; and I attribute it entirely to the inadequateness of the Government Printing Office, or to outside interference which may have been exercised, that we shall not be placed in possession of this printed information, which would at any rate enable the public, myself, and members of this Chamber to judge of the proceedings. Probably the hon. the Postmaster-General, who is as much interested in the matter as any of us, will be able to say why this small—comparatively small—correspondence has not been printed, because we consented to eliminate, as hon. gentlemen will remember, the lithographed plans, so that we might obtain the information without delay. But although we did that we are still deprived of the information; and I repeat what I said yesterday,

that when I called at the Government Printing Office and inquired why this correspondence was not published I was met at once with the frank admission of the gentleman in charge of the office, that there was not the least prospect of its being furnished to members of Parliament during the present session, or rather, to use his own words, "until after the session is over." It is a question of privilege, Mr. Acting President, which I trust that you, sitting in that dignified and responsible position, will yourself consider worthy of your notice. In order to enable hon. gentlemen to express their views on the subject, I move the adjournment of the House.

The POSTMASTER - GENERAL: Hon. gentlemen,—Since the Hon. Mr. Walsh raised this question yesterday I placed myself in communication with the Government Printer, and find that what the Hon. Mr. Walsh has stated is correct as to the probability of the session closing—if it closes early next week, as we anticipate—before these papers are printed and placed in the hands of hon. members, and I think the House will understand very well the reason of it. The Printing Office has been working at exceedingly high pressure for two or three weeks past, and it has had quite as much as it could do in keeping up with current daily work. The two Houses have been sitting almost from day to day up to very late hours in the evening, and I have been assured by the Government Printer that the matter has not been neglected, but it is not completed simply because they have been unable to put the staff on to it. If they put the staff on it they would have been obliged to allow current matters to fall into arrear. I think no fault can be found with the Printing Office. In fact, it has been a marvel to me how they have been able to do the work required of them during the last three weeks. I may mention that I am assured by the Acting Government Printer that the printing of the return is no small matter. We did eliminate some things, as the Hon. Mr. Walsh has stated, but the Government Printer says it would take the whole of the general staff two days to "set up" the matter that has been ordered to be printed. There are several tables which involve a considerable amount of labour; and, after all, I am sure the Hon. Mr. Walsh, however much he may be interested in this matter, will not think that the ordinary business of Parliament should be set aside for the purpose of printing this return, which relates to a matter that may be regarded as an accomplished fact. However, I can assure the House and the Hon. Mr. Walsh that there has been no sinister influence at work to keep the return back. As far as the Government are concerned, they have nothing to conceal, and I do not think the public care one jot about the matter. In any case, we have no desire to conceal the information; and I urged upon the Government Printer, if it is by any means practicable, to have the documents printed before the House adjourns, to do so, and he promised to comply with my request.

The Hon. T. L. MURRAY-PRIOR said: I take advantage of the motion for the adjournment of the House to bring a different matter under the notice of hon. gentlemen. I have in my hand the Loan Estimates for 1884-5, and as the session is so near the close, and as I see—

The Hon. W. H. WALSH: If the hon. member will pardon me, he is quite out of order, if he is anticipating any question that has to be brought before us upon a subsequent occasion. The hon. gentleman cannot, upon a motion for adjournment, anticipate any matter that is to come before us, or discuss it. I hope the hon. gentleman will pardon me for telling him so, but that is the practice of Parliament.

The Hon. T. L. MURRAY-PRIOR: I was only going to speak to the Postmaster-General on this matter, and I will not refer to the business that I was going to mention. I should be very sorry to take the hon. gentleman at short notice, and when a certain Bill comes before us we will expect him—

The Hon. W. H. WALSH: The hon. gentleman is really out of order. I regret to have to oppose him for one moment, but he is clearly out of order in anticipating a motion that has inevitably to come before this Chamber. I trust the hon. gentleman will see that it is so, and that he must not anticipate discussion upon a motion which, as I said just now, has inevitably to come before this Chamber.

The Hon. T. L. MURRAY-PRIOR: I will take another opportunity.

The Hon. W. H. WALSH said: With regard to my motion for the adjournment of the House, Mr. Acting President, all that I have to say is that I am quite satisfied with the explanation given by the hon. the Postmaster-General. I have done my duty in calling the attention of the House to the fact that its business is to some extent obstructed by the inability of the Government Printing Office to obey its orders. I have nothing more to say, except that I regret that I am unable to bring forward the motion I intended to introduce into this Chamber in connection with that vile tramway system that has been sanctioned by the Government, in consequence of the inability of the Government Printing Office to furnish the information in obedience to an order of this House.

The Hon. A. J. THYNNE said: Hon. gentlemen, I wish to take advantage of the motion for the adjournment of the House to speak upon another subject which at present is attracting a great deal of public attention. I speak of the men who are now under sentence of death. It is not my intention to go into this matter from beginning to end. It is a subject about which I have scarcely the information necessary to be able to do so, nor have I had time during our recent heavy work to devote myself to the matter in such a way as to master the details of it. I express no opinion—I do not wish to interfere with the peculiar circumstances of each case, but I think it my duty on this occasion to mention some circumstances which are within my peculiar cognisance, and probably not within the knowledge of other members of this House, or, probably, of the general public. I am aware that a vast majority, if not all the members of this House, have taken a certain course with regard to the condemned men, and for that reason alone I consider that I am not called upon to go into the matter fully; but I wish now to state a few circumstances which are not even known to the hon. the Postmaster-General. Towards the end of September last, a respectable business man from Townsville came to Brisbane. He called on me about some private business of his own, and, to my astonishment, I was told on the 1st October that this man was in gaol, charged with some offence in connection with a certain witness in this kidnapping case. I made inquiries, and the result was that I attended at the police court in my professional capacity, when I took what is to me a most unusual course in my professional capacity, inasmuch as I stated before the case was decided that it was my belief that the man who laid the information was guilty of the grossest perjury. I made that statement long before the charges against McNeil and Williams were investigated. The defendant's name is McFadden, and he was an hotel-keeper at Townsville, well recommended

and highly respected by every man I have met who knows him. Members of both Houses of Parliament speak of him as a man of high character. This man was charged at the police court on the 1st October with having on the 29th September unlawfully endeavoured to intimidate a witness in the case of the Queen *v.* McNeil, the witness' name being Albert Messiah. The intimidation was alleged to be a threat of shooting Messiah, a threat which everyone who knows McFadden believes him to be most unlikely to have made. He was on his way to Parliament House to listen to the debates while waiting for the completion of the business on which he had come to town when he was taken into custody by a detective, who on his examination made the statement—a very rare statement for a detective—that he had heard of the accused as being a very respectable man. The case was remanded and the man remained in custody, being sent to gaol on account of being a stranger in the place and unable to get bail at once. The case was called on again while I was out of the colony, but Mr. McFadden was represented by counsel. Evidence was called to show that a threat had been made on Monday, 29th September, and McFadden, in answer to the statement, went beyond what he was called upon to do, and gave full notice to the police and the Government, and everybody else, that he had never spoken to the man on Monday, but that he had spoken to him on the previous Saturday; and he gave the details of a conversation such as was likely to have occurred between the two men. I do not wish to detain the House; but if I were to read that statement to hon. members they would see that there were strong grounds for believing the truth of this man. On the evidence of this Messiah, the Police Magistrate, as a matter of course, committed McFadden for trial. I am not going to discuss the question whether the offence alleged to have been committed was an indictable one or not; but the counsel I employed was strongly of opinion that there was no indictable offence chargeable against McFadden. Not only that, but he was kept waiting about till after the kidnaping cases were tried and all the sentences pronounced—he was kept hanging about with his mouth shut; and then, when the object aimed at had been attained—the conviction of these men for kidnaping—McFadden was told to go home. He was sent home after being kept two or three months away from his family and his work. It was known all along that McFadden gave the fullest notice—possibly an injudicious notice—that he fixed the time when he met this man and the conversation which took place between them. And I will add, as a circumstance probably unknown to the members of the Government, but which was known to the law officers of the Crown, that three people were subpoenaed and ready to attend the trial to support the correctness of McFadden's statement as to the time when he met with this man. I will now refer hon. members to the case. The offence was said to have taken place on Monday, 29th September; the information was laid on the 30th, and he was arrested and brought up at the court on the 1st October. Messiah having stated that the conversation took place on the 27th, it is very important to see whether he was a witness of truth or a witness of falsehood; and if the Crown in proceeding with this matter had even put McFadden on his trial, and brought out the evidence for and against him, I should have been quite satisfied with the result, whatever it might have been. What I wish to impress upon hon. members is this: that the Crown law officers had this man waiting his trial; they knew that the evidence brought for the defence was

such that, if supported, it would prove that the men giving evidence would have been perjured. I say, therefore, that it was the duty of the Crown to have either satisfied themselves whether the man was a truthful witness or not, and have investigated the thing to the end. What was the reason for taking this extraordinary proceeding? As I said before, McFadden is an hotel-keeper at Townsville. I will now introduce another character. There was a man named, I think, Dingwall, a witness in connection with the kidnaping cases. This man had obtained from McFadden certain accommodation by means of what I may safely call false representations. He and his wife represented themselves to be persons coming from a station and waiting in Townsville for their money. After they got the accommodation from McFadden, and he asked for payment, the reply they gave him was "Do you expect a person just out of gaol to pay you?" Yet this is one of the men on whose evidence McNeil and Williams were chiefly convicted.

The POSTMASTER-GENERAL: Not at all.

The HON. A. J. THYNNE: Possibly, I am wrong. I confess that I have not studied the case so completely as to be able to criticise the details of the proceedings. But these men, knowing that there ought to be a black mark against Dingwall, suggested a motive for a false charge against McFadden, to prevent him from disclosing the true character of the man who was called upon to back up the evidence of Messiah. These circumstances alone would not, I consider, justify me in discussing this matter now, if it were not for the peculiar treatment which this case has received at the hands of the Crown. Why he should have been kept hanging about while a sword was hanging over his neck, and his mouth shut in consequence, I cannot understand. He was kept, however, and then the Crown did not investigate the case, either to satisfy themselves or the public, as to whether these numerous charges of falsehood or perjury against witnesses spoken of in public were true. There is just one thing further: I was prepared to prove attempts at conciliation by this man Messiah towards McFadden, made in the presence of different people with expressions of regret of what he had done, even before McFadden was discharged. I mention these matters—not for the purpose of initiating a discussion on the whole of this serious and important question, but to call attention to facts which, I believe, justify me in making the remarks I have just made.

The HON. W. APLIN said: Hon. gentlemen, —I am glad the Hon. Mr. Thynne has referred to this case of McFadden, because I happen to have known the man for many years. He is a decent, honest, respectable man, and a man whom I consider quite incapable of using the words he was charged at the police court with having used in this case of Messiah. I was out of town when the case came on, and I received a letter from the gaol stating that McFadden was incarcerated and committed for trial on a certain charge; also that he was acquainted with no one here, and asking me to go bail for him, which I did. I felt certain that he was incapable of committing the crime with which he was charged, and I had no hesitation in going bail for him. I look on the case as one of great hardship. He was charged at the beginning of October, and the case should have come on for hearing early in December, but he had to remain in town the whole time. What surprised me most was the fact that the case was never even called on for trial. I inquired the reason, but I never heard any reason assigned for such an extraordinary thing. I cannot help thinking

that there is a great deal of truth in the reason given by the Hon. Mr. Thynne for the case not having been called on, and I am glad he has called attention to the matter.

The HON. K. I. O'DOHERTY: Hon. gentlemen,—I take this opportunity to call attention to a matter which I think requires some consideration from hon. members and from the Government. It has been rumoured within the last few weeks that an important discovery of gold has been made on the Johnstone River, and these rumours have resulted in certain action being taken by the Government with reference to ascertaining whether there is any ground for them or not. I have reason to know that a report has come to the Government from an officer sent for that purpose, and I hold in my hand an account from another officer of the Government, the Clerk of Petty Sessions at Geraldton, in reference to the matter, stating that urgent action is required. I have no hesitation in reading that statement, which was sent to the Secretary for Works and Mines. This is the letter:—

“Geraldton, 9th December, 1884.

“SIR,

“Referring to my telegrams of the 28th ultimo and 5th instant, I have the honour to report, for your information, that on the date of my first message a number of Chinamen applied at my office for miners' rights for a new goldfield, which they claimed to have discovered on the head waters of the north branch of the Johnstone River.

“They stated that there was about 150 of them on the field, and that, with very few exceptions, they were all getting payable gold.

“Having no miners' rights on hand, and no warden being in the district, I advised them to remit the necessary fee of 10s. each to the warden at Cairns, and promised in the meantime to bring the matter under the notice of your department; hence my telegrams referred to above.

“I do not believe, however, that they sent for the rights to Cairns.

“From other sources of reliable information, including that of the senior constable of police here, who, with his boat and trackers, visited the place, I have learned that what the Chinamen stated is substantially true, and as it is my experience that Chinamen seldom or never divulge the real value of their find, I am of opinion that the prospects are much better than they represented.

“Several white men have been seen coming to town from the direction of the diggings, and returning with all the necessary diggers' equipments.

“I have seen some of the gold found in the dry beaches along the river, which appeared to me to be of superior quality, and I have also seen some good specimens of gold-bearing quartz purporting to have been found near Mount Bartle Frere.

“I am informed that gold has been found in many of the large creeks which take their rise from the above mountain, and that the country in its vicinity resembles the Palmer in its early days.

“The country from Geraldton to the diggings consists of the usual lawyer scrub of the Johnstone, and is entirely impenetrable, except where trucks have been cut; the only means of transit now being by small flat-bottom boats, which must be dragged along by men at many of the various rapids occurring on the head of the river; and until roads are cut there will be great difficulty experienced in getting supplies to the place.

“The present occupants of the field may be estimated at 150 Chinese and 40 Europeans, but I have no doubt it may be double or treble the number ere this reaches you. They are scattered along the beds of the river for about thirty miles, but as the Johnstone in that particular locality is very tortuous the distance may be reduced to ten miles as the crow flies.

“Even if the field is payable, it must for some time be worked at considerable disadvantage, because of the inaccessible nature of the surrounding country; and with the Johnstone rainy season close at hand very little gold can be got from the bed of the river for the next five or six months.

“I am well acquainted with the river for a considerable distance up, but my report on the nature of the prospects found is entirely based on the testimony of others, supported by circumstances which have come to my own knowledge.

“I may mention that one of my informants was a servant of mine for some time, and, though a Chinaman, I had no reason to doubt his veracity, and in the present instance his information was given in more of a confidential nature than with any desire on his part to publish his good luck.

“I have the honour to be, sir, your most obedient servant,

“M. O'DONOHUE, C.P.S.

“P.S.—Since writing the above small boats are passing for the new diggings daily laden with diggers and provisions.

“M. O'D., C.P.S.”

And here is a statement by the editor of the paper in which the letter appears:—

“We are officially informed that Warden Towner has been instructed by wire to proceed to Geraldton as early as possible to examine the new field and to furnish a report on the discovery to the Mines Department.”

That statement, in connection with the report— which, I believe, the Postmaster-General holds in his hand—from the chief constable, is sufficient to justify me in drawing the attention of the Government to the matter; and I hope that they will take steps to prevent the disasters of a rush to such a place. I have no hesitation in saying that the statements made here and in other papers from Herberston, giving the experience of a very experienced miner who had already gone over the ground, and who describes this as a very important gold discovery, show that inevitably there will be a rush of people to this place. Nothing will stop people when they have this attraction of gold staring them in the face. I know what sort of a place this is. It is nothing but a jungle, as stated in the letter of this C.P.S. You have got to cut your way through it, and in one month from this time, if some precaution is not taken by the Government, I have not the slightest doubt we shall have a repetition of the scene which I, to my horror, witnessed some twelve months ago in this neighbourhood. We shall see poor ignorant people working there without any idea of the dangers before them, and being swept away by fever, sun-heat, dysentery, and all the horrors of life in such a place as this. Already, on more than one occasion, the attention of the Government has been drawn to the grievous wants of this district. Enormous amounts of money have been spent in this district; but the Government have declined even to spend a shilling, as I understand, to provide hospital accommodation at Geraldton. We have been claiming for the last year that hospital accommodation should be provided for in the only township in the place—Geraldton. Some difficulty has been raised by the Government, I believe, on the ground that the settlers of the place are not prepared to subscribe what the Government consider a sufficient sum, but the difficulties of the settlers there during the last year is sufficient to account for this. If the Government recognise their true responsibility, they will not lose a moment in providing for the positive dangers which will arise from the numerous people who will flock to this place in consequence of these reports of Government officers, and who will be without any possible medical aid to save them under the terrible circumstances they will find themselves in. I am warm upon this subject, because I have no hesitation in saying that it is quite within the reach of the Government to prevent the loss of a single life. In the first place, they should not lose one moment in having a proper hospital erected at the central place; and that ought to have been done six months ago, without any reference to the large number of people whom this discovery will attract to this place. I do hope, in view of the great danger to the lives of people, the Government will not lose a moment in ordering this central hospital to be

constructed so as to make it available during the coming hot period. I will go further, and say they should follow this rush of people to this most dangerous place and adopt whatever measures might be called for, in order to save life there. I say, from experience of the place, which I visited twelve months ago, that the expenditure of a few hundred pounds is all that will be required to arrange matters in such a way as to effectually protect the lives of these poor people. When I was there I found that while inexperienced persons—immigrants new to the colony, pitching their little tents in the burning sun—were being swept away like chaff, those Chinese boys and old experienced settlers were able to make their arrangements at scarcely any expense, and in such a manner as to effectually save their lives. What is wanted is, that they should do as Mr. Bashford's men do on the line they are constructing between Mourilyan and the Johnstone River. Those men make a regular camp in the jungle. They clear away all the under scrub, and burn it off, and leave the big trees to shade them from the sun's heat, and they have plenty of room to pitch their tents, and may lie in them and find a perfectly cool place in which to rest, take their meals and sleep, and their lives are not in danger. I insist upon it that if the Government will only adopt this plan, and in addition provide some sort of skilled medical aid and medical comforts and medicine at some camp or other situated at this place, they will accomplish a great work, will save valuable life, and will have performed what I hold to be a duty they are called upon to do. I have no hesitation in saying that if these measures are not taken, there will be a large sacrifice of life there; but if they are taken, the probability is we will have a very important district fully developed, additional wealth will be added to the colony, and there will be no loss of life.

The HON. W. GRAHAM: Hon. gentlemen,—It is not my intention to deal with the remarks of the Hon. Dr. O'Doherty. I have no doubt there is a great deal of truth in them, and that they deal with a subject which it is very necessary should be brought under the consideration of the Government, and I must say the hon. gentleman has very ably brought it forward. But I certainly was rather astonished when the Hon. Dr. O'Doherty got up and took us away from the subject introduced by the Hon. Mr. Thynne. A subject has been started here which I think is much more in the minds of the public at the present time than any discovery of gold.

The HON. K. I. O'DOHERTY: They are both for the saving of life.

The HON. W. GRAHAM: Yes, they are both for the saving of life.

The HON. K. I. O'DOHERTY: And in my case for the saving of a hundred for one in the other case.

The HON. W. GRAHAM: That is perhaps true, but in the one case I would point out to the Hon. Dr. O'Doherty the time is very short. There are two men under sentence of death. I am not going into the legal part of the business at all; that has been most ably done by the Hon. Mr. Thynne, and in a fair way—that is as to the credibility of the witnesses. I think myself it has been clearly proved that the evidence was not credible. I always thought so myself, and I think the Hon. Mr. Thynne has given additional proof that the evidence of those witnesses was not credible. Many other reasons might be brought forward. Anyone who has lived even in Australia knows that, in settling countries, people cannot be too particular, and abuses do arise. I am no believer in Polynesian labour. I have never

employed a Polynesian myself, and I have no sympathy with Polynesian labour, nor have I any sympathy with the manner in which the recruiting has been carried on. I always objected to it; but, when it has gone on for so long, I do not think that when the Government have made up their minds to put their foot down—and I am quite with them in that—still in the first instance I think that justice should be tempered by mercy. I cannot help feeling that if these two men are hanged it will be, if not political murder, political hanging.

The HON. W. H. WALSH; Judicial murder.

The HON. W. GRAHAM: There can be no doubt about it. I suppose hon. members of this House know that a petition is being signed by members of both Houses in connection with this matter. I have myself asked for signatures to that petition, and I am not ashamed to say so. I have asked some members of the Assembly to sign this petition, and I am not ashamed to say this either, and they have declined to do so, and have said, "Wait till we see what the party will do." Speaking of it as a party question, and disbelieving as I do in the present Government, the best thing in the world would be to sacrifice these men's lives, and I think that would be the last straw that would finish them. But I do not wish to look at this as a party or political matter at all. The opinion of the people of this colony, so far I believe as they have been able to express it, has been so strongly and so influentially expressed, that we may allude to the fact here. Of course, there can be no motion made bearing upon the subject, but I am only giving my opinion. I daresay other hon. gentlemen will express their opinions. I hope their opinions agree with mine, because I am certain that nearly the whole of the people of the colony agree with me.

The HON. T. L. MURRAY-PRIOR: Hon. gentlemen,—I cannot help saying a few words upon this question. There has been much excitement caused by the result of these cases everywhere in this colony, not only in the minds of men who sympathise with Polynesian labour, but of men of all views. I have myself signed the petition asking for the reprieve of these men, and it has been the first time in my life that I have signed a petition to interfere in any way with the execution of the law. But in such a matter as this, where the lives of two men are at stake, and where, to put it in the mildest possible form, it is the wish of everybody that they should not be executed, I ask the hon. Postmaster-General, as a member of the Government, to take some interest in the matter. I am sure the hon. gentleman would feel it very much if he could in any way have prevented it and it was subsequently found that these men were executed unnecessarily. It is to be remembered that only a few days will elapse before this execution will have been put into effect, if it is put into effect. There is a certain amount of uncertainty in men's minds in respect to the evidence given in these cases, and there being such an uncertainty, I hope the hon. gentleman will use what influence he has, and I know he has great influence in this matter. I think I may say that, with one or two exceptions, every member in this Chamber has signed the memorial. I am not aware how many members of the other House have signed it, but I think the number of those who have signed it would carry the day. As it is the first instance of the sort, I cannot help hoping that a reprieve may be granted, and that the hon. gentleman who represents the Government in this Chamber will interest himself in the matter.

The POSTMASTER - GENERAL : Hon. gentlemen.—Had it not been for the direct and pointed reference made to me by the last speaker, and my personal regard for him, I should not have made any remarks on the subject of those unfortunate men. A Minister of the Crown has no more painful duty to perform than that of having to advise His Excellency as to cases of persons condemned by law to suffer death as the punishment of their crimes. Although that has been my duty I have never shirked it, but it has always been a duty which has caused me a great deal of anxiety and distress.

HONOURABLE MEMBERS : Hear, hear !

The POSTMASTER-GENERAL : Whilst these cases were going on, I did not allow my mind to be operated on at all by the perusal of reports appearing in the papers. I came to the conclusion that if those men were not found guilty it was a matter that would not particularly concern myself ; but if they were found guilty, as I would be one of His Excellency's advisers in the matter, I should leave my mind unprejudiced and unembarrassed in the investigation of the case. I have read most carefully and scrutinised most minutely the whole of the evidence taken before the court and the Chief Justice's report ; and the conclusion I arrived at was that in the whole course of my experience, both here and in New South Wales, in connection with criminal matters, no more conclusive proof has been supplied of the completion of an offence, and that both of these men had committed the offences with which they were charged in the most deliberate and cold manner. It has been stated as a plea for the reprieve of these persons, that this is the first time an offence of this description has been brought to a head ; that this is the first occasion on which persons charged with these offences have been found guilty. When the Government introduced the new regulations—they were, in fact, the only regulations—for the management and supervision of this Polynesian traffic, it was plainly intimated that any abuses of those regulations would be followed by the most condign punishment. We cannot deny the fact that for many years the reputation of this colony has been to a certain extent under a cloud ; it has been asserted over and over again in Great Britain that the colony was conniving at trafficking in human lives, and that we did not take any steps to remedy the abuses which had crept into this traffic. It has always been asserted by persons engaged in the traffic that none of such abuses have existed. I recollect well the indignation expressed many years ago when a person named Coath was put upon his trial for, I think, man-stealing in the South Sea Islands. The Governor of that day, the Marquis of Normanby, investigated the matter, and came to the conclusion that there was nothing in it ; and had it not been for Lord Normanby's statement on that occasion, I think the fair fame of the colony would have suffered considerably more than it has suffered since. The present Government gave plain warning that they would be no parties to the toleration of such offences, and stated, with the utmost distinctness, that offences against the persons of these unprotected South Sea Islanders must be met with exemplary punishment. With regard to this matter concerning these two men, if His Excellency sees his way clear to extend the prerogative of mercy to them I shall be as gratified as any man in the community.

HONOURABLE MEMBERS : Hear, hear !

The POSTMASTER-GENERAL : I say it is a most distressing matter to have to determine upon at all—to take away the life of any individual ; but we are trustees as it were for

the due administration of the law, and it is our duty to give honest advice under the circumstances. With regard to these men, all that I can say is that, after anxious consideration, the Executive have not seen their way clear to advise His Excellency that there are palliative circumstances in these cases. In this instance we are not administering the law of Queensland, but the law of Great Britain.

The HON. W. H. WALSH : Hear, hear !

The POSTMASTER - GENERAL : These men have been found guilty of offences against the law of Great Britain. I would ask those gentlemen who are anxious about this matter—and I believe I am now referring to the whole community and not to members of this House alone in saying this—I say the real question to be determined is this : Do those gentlemen, or can we ourselves, see that there are any circumstances in the case which would justify the Home Government, if those persons had been found guilty and sentenced to death in Great Britain, in extending to them the prerogative of mercy ?

HONOURABLE MEMBERS : Certainly.

The POSTMASTER-GENERAL : Well, I say if there are, that is a matter entirely for His Excellency's consideration. Every petition, every representation made to His Excellency, will receive the fullest and most careful consideration.

The HON. W. H. WALSH : No.

The POSTMASTER-GENERAL : Most undoubtedly they will. I know something about His Excellency.

The HON. W. H. WALSH : I was not referring to His Excellency at all.

The POSTMASTER-GENERAL : I was referring to His Excellency ; and I say that so far as the Executive is concerned the matter will receive the most careful and honest consideration.

The HON. W. H. WALSH : I am very doubtful about that.

The POSTMASTER-GENERAL : Some people regard killing as no murder. With such persons I have no sympathy. As far as I am personally concerned, as an adviser of His Excellency, I will do what I conscientiously believe to be fair for these men and for the country. I cannot do more. I may say this : that altogether apart from the testimony of Messiah—who I believe could not be classed amongst the most respectable and trustworthy people—and also the testimony of Dingwall, there was overwhelming testimony upon all material points.

HONOURABLE MEMBERS : No.

The POSTMASTER-GENERAL : I say there was overwhelming testimony upon all material points by independent witnesses. I read the evidence, and I venture to assert that no hon. member in this House is as well acquainted with the facts of the case as I am. I have read every single word of the evidence most carefully ; I scrutinised it most minutely, and I say that there is overwhelming testimony by independent witnesses, altogether regardless of Dingwall and Messiah, that conclusively proves that those men committed the offence of which they were found guilty.

The HON. W. FORREST : Blackfellows.

The POSTMASTER-GENERAL : Precisely so. The hon. gentleman has just hit the nail upon the head. We are to have one law for the white skin and another for the black skin.

The HON. W. FORREST: The hon. gentleman misunderstood my interjection. What I mean to say is that the witnesses were blackfellows whose evidence had to be given through several interpreters.

The POSTMASTER-GENERAL: I do not see why a blackfellow should not be as capable of telling the truth as a white man. The whole history of that voyage is stained with blood. I have read nothing in connection with the African slave trade more horrible in its details than the transactions of that voyage. There has been an utter disregard of human life; and I am afraid that persons engaged in that traffic become imbued with a feeling that a blackfellow's life is of little more value than the life of a wild animal.

The HON. W. H. WALSH: What about the native police?

The POSTMASTER-GENERAL: However, I will not dwell upon the question further, but will pass on to the matter referred to by the Hon. Dr. O'Doherty. The Government are only to-day in receipt of information of the discovery of gold on the Johnstone River, and the report bears out to a great extent the information that hon. gentleman has received. I would like, however, to read the two telegrams that have come to hand from the spot, cautioning the public against rushing there, particularly at the present time. It appears that gold has been discovered distributed in different places over the creeks running into the Johnstone, over a distance of about twenty-five or thirty miles. Reports vary as to the amount of gold discovered, the return being from 5s. to 10s. a day, and I believe the highest is about 15s. a day. There are about 300 Chinamen and 50 Europeans upon the ground, and the Government officer there wishes it to be distinctly understood that this is a most unfavourable time for persons to go up there. The gold has so far been discovered only in the bed of the creeks, and there are no roads; the country is dense jungle, and the rainy season will soon set in, which will render the district impassable for traffic and prevent the possibility of working on the banks of the river and creeks. One telegram is dated the 18th instant, and is to this effect:—

"Find of gold on head of Johnstone, as reported to me to Works Department is further confirmed by person in from field to-day who states that there are over 300 Chinese and 50 Europeans working for thirty miles along bed of river and creeks and that with tin dish as high as 15s. a day per man is being turned but considering that gold is only yet found in river that there are no roads and the near approach of our severe rainy season it is highly undesirable that a rush should take place."

The second telegram says:—

"Since wiring yesterday Herbert steamer brought large number of European diggers and some Chinamen I think everything possible should be done to prevent a rush."

I read these telegrams in order that they may be published, and caution people from going there at present. I do not know whether the Hon. Dr. O'Doherty wishes—his observations almost implied it—that the Government should undertake to supply the miners with tents.

The HON. K. I. O'DOHERTY: No, no!

The POSTMASTER-GENERAL: That, of course, the Government could not undertake to do. I do not see why miners on the Johnstone should be treated differently from any other miners in the community. With regard to the hospital at Geraldton, some correspondence has taken place, I believe, between the Colonial Secretary and the inhabitants of that place with regard to the establishment of a hospital there, but hitherto no steps have been taken

towards its erection in consequence of the apathy displayed by the residents. They have been asked to contribute the ordinary amount towards the construction of a hospital, and as the institution would be entirely for the benefit of the neighbourhood, and would not supply the back country, I think the Colonial Secretary was quite right in asking them to contribute in the same proportion as is required from other places before a hospital is erected. However, in view of the present condition of affairs, and being urged thereto by gentlemen from the North, the Colonial Secretary has already taken steps for the purpose of providing hospital accommodation in the district as speedily as possible. No time will be lost. All that is required to be done will be done without delay.

The HON. K. I. O'DOHERTY: I feel called upon to say one word with reference to the observations of my hon. friend, Mr. Graham.

HONOURABLE MEMBERS: Spoken!

The HON. K. I. O'DOHERTY: I wish to speak in explanation. I should be sorry that hon. gentlemen should for one moment think that I viewed the remarks of the Hon. Mr. Thynne in any sense as disregarding their great importance. I had a consultation with that hon. gentleman before meeting to-day; but it seems to me that the remarks he has made were more for the ears of His Excellency than for the representative of the Government in this House, who has already declared his judgment in the matter along with other members of the Government. It appears to me that the tribunal to which he must appeal is a still higher one, the only one from which relief—

The HON. W. H. WALSH: The hon. gentleman is quite out of order. If he goes into the subject again, I suppose others who have spoken on it will also be allowed to do so.

The HON. K. I. O'DOHERTY: I have done.

The HON. A. C. GREGORY: With regard to the discovery of gold on the Johnstone River, I may mention that I have seen a specimen of it in the hands of the Commissioner for Police, and its character is such as to indicate a number of very small veins and not large lodes; nor would it be likely to be found in large quantities—that is, if the sample I saw is a fair representation of the gold found in the district. I mention this because I have had opportunities of examining a great deal of gold from various parts of the colony, and my opinion, from the character of the specimen I saw, is that there would be a considerable quantity of gold found scattered in the beds of these creeks, but not in payable quantities, beyond the immediate watercourses in which it has been deposited.

Question—That this House do now adjourn—put and negatived.

#### ADDITIONAL SITTING DAY.

The POSTMASTER-GENERAL said: I beg to move—

That, unless otherwise ordered, this House will meet for the despatch of business at 3-30 p.m. on Monday in next week, in addition to the days already provided for meeting.

I have placed this motion on the paper because we are all anxious to get away before Thursday next; and as there is some important business to come up from the Legislative Assembly, and a report respecting an important public institution to be considered, it is desirable that this should be done before the House is prorogued; and after that business is sent up from the Legislative Assembly they will have nothing to do but await our pleasure in returning it. There are some



hon. members who, I know, are anxious to get away before Christmas, and I think we ought to be prepared to do a little extra work to attain that object.

The Hon. W. H. WALSH: Before the question is put, I avail myself of the opportunity to inform the Postmaster-General, as the representative of the Government in this Chamber, that on next sitting day, or as soon as possible afterwards, I will call attention to the dissatisfaction expressed generally by the members of the public with respect to certain sentences which have been passed upon individuals charged with kidnapping and the murder of kanakas. I feel that it is only fair to call the attention of the Postmaster-General to the fact that I intend to do so; and I do trust that hon. gentlemen of this Chamber will give it their most serious attention. The question is not a party one, but one which affects us as Christians, as responsible members of the government of the country, and I do trust that there will be a full meeting. I should almost like to demand a call of the House to consider the matter, but as I know that time does not permit me to avail myself of that, I do trust that there will be a full meeting—that all members who can possibly attend will do so, so that, at any rate, we may be able to express our opinions on the subject, and be able to save, probably, the lives of two men who, I believe, have been most illegally and improperly convicted; that we may be able to prevent an intended offence which I am sure not one of us would ever forgive ourselves for tacitly tolerating.

The Hon. T. L. MURRAY-PRIOR: I only wish to say, as the session is so soon to close, and there are some very important measures still to come before the Council—measures that we ought to have a great deal more time to consider than we will have for that purpose—that to expedite matters I trust the hon. the Postmaster-General will be prepared to answer questions with respect to those Bills that will be put to him. I refer particularly to the Loan Bill.

Question put and passed.

#### SUSPENSION OF STANDING ORDERS.

The POSTMASTER-GENERAL said: I beg to move—

That so much of the Standing Orders be suspended as will admit of the passing of Bills through all their stages in one day.

The only two Bills to come up from the other House for consideration will be the Supply Bill and the Loan Bill. I expect the Loan Bill will pass through the Assembly to-day or to-morrow and come up to us on Monday, and I will be able to give hon. members the fullest information respecting it.

The Hon. W. H. WALSH: Hon. gentlemen,—This is a most serious question. We are to be called upon to vote £10,000,000 of the people's money in one day. We claim to be more dignified and sedate than the gentlemen in the other Chamber, and yet we are asked to coolly vote away £10,000,000 in one day, to ignore our Standing Orders, and ignore our reasons—and for what purpose? Simply that a sum of money greater than has ever been asked for by any Colonial Government before shall be handed over to the Government to spend as they like. I say it is an indecency, an impropriety, for which there is no necessity, to postpone the Loan Bill till the end of the session. While the whole debt of the colony is only £13,000,000—

The Hon. J. F. McDUGALL: £16,000,000.

The Hon. W. H. WALSH: That makes it all the more serious. While the whole debt of the colony amounts to so large a sum as £16,000,000 we are called on to aggravate that debt and

make it £26,000,000, and that in a manner which will not admit of us giving it due consideration. We know that there are already political railways running where they ought not to have been taken; and yet we are called upon to deprive ourselves of our judgment, to do away with the time necessary for consultation on such a subject, and pass a Loan Bill of £10,000,000 of money through all its stages—a Bill which really ought to take a week if we decently conducted the business. Hon. gentlemen may approve of it, but I certainly do not.

Question put and passed.

#### ACTING CHAIRMAN OF COMMITTEES.

The POSTMASTER-GENERAL moved that the Hon. F. H. Hart do act as Chairman of Committees during the absence of the President.

Question put and passed.

#### OFFICIALS IN PARLIAMENT BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the House went into Committee to consider this Bill.

The Bill was passed through its remaining stages without discussion, and ordered to be returned to the Legislative Assembly with message in the usual form.

#### BUNDABERG GAS AND COKE COMPANY BILL—COMMITTEE.

On motion of the Hon. P. MACPHERSON, the House went into Committee to consider this Bill.

The Bill was passed through its remaining stages without discussion, and ordered to be returned to the Legislative Assembly with message in the usual form.

#### MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The ACTING PRESIDENT announced the receipt of the following message from the Legislative Assembly:—

“MR. PRESIDENT,

“The Legislative Assembly having had under consideration the message of the Legislative Council of yesterday's date, relative to the Crown Lands Bill, beg now to intimate—

“That they approve of the insertion of the proposed new clauses to follow clauses 20 and 110, as proposed by their managers at the Free Conference, and agreed to by the Legislative Council.

“Approve of the omission of clause (f) of subsection 4, clause 56, as proposed by their managers and agreed to by the Legislative Council.

“And do not further insist upon their disagreement to the amendments insisted on by the Legislative Council.

“W. H. GROOM,

“Speaker.

“Legislative Assembly Chamber,  
“Brisbane, 19th December, 1884.”

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