

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 11 SEPTEMBER 1885

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Friday, 11 September, 1885.

Question without Notice.—Beer Duty Bill—third reading.
—Gratuity to the Widow of the Late Mr. Justice
Pring.—The Case of David O'Brien.—Land-owners
in the Colony.—Exemption on Goldfields.—Alleged
Wrongful Seizure of the “Forest King.”—Printing
Committee Report.—Mineralogical Lecturers.—
Adjournment.

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

QUESTION WITHOUT NOTICE.

Mr. HAMILTON said : I should like to ask
the Minister for Works, without notice, whether
contracts have been signed for the following two
tenders for railway construction which were
accepted about five weeks ago—namely, from
Howard to Bundaberg, and Cabarlah to Crow’s
Nest?

The MINISTER FOR WORKS (Hon. W.
Miles) : If the hon. member will give notice I
will answer his question.

BEER DUTY BILL—THIRD READING.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council by message in the usual form.

GRATUITY TO THE WIDOW OF THE
LATE MR. JUSTICE PRING.

Mr. ARCHER, in moving—

That the House will, on Friday, the 18th of September, resolve itself into a Committee of the Whole to consider of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates the sum of £1,000, to be granted to the widow of the late Mr. Justice Pring—

said : Mr. Speaker,—I do not think I ever came before the House with the same amount of regret that I do to-night, in having to propose this motion. Of course, hon. members will see that it is a most painful thing to think of a lady who for many years has been the wife of a man who, since Queensland became a separate colony, has filled a very prominent position here, both as advocate, as Minister, and as judge—who has filled the highest offices that the State can confer—I say it is exceedingly painful that I am now called upon to come before the House and ask that his widow should be relieved from what is practically a position of absolute poverty, by the bounty of Parliament. Such, however, is the necessity of the case, and I shall not occupy much of the time of hon. members in stating it, my only regret being that someone who is more fitted to bring forward a motion of this nature is not here to take my place. Before giving my reasons for bringing this matter before the House I shall say very few words to hon. members. In the first place, I would say that I am perfectly aware—as well aware as any hon. member sitting in the House—of all that can be said against a motion of this nature. I know that if it is the wish of hon. members to do so they can say bitter things, but I would ask them to remember that whatever may be said will only punish those who are now living, and certainly will not affect him who has gone from amongst us. I ask them, therefore, most seriously, that they will confine anything they wish to say simply to such objections as they may think themselves obliged to use for the protection of the State. I myself am encouraged to bring this motion forward for several reasons, and one of them is that at the time the Estimates passed through this House last year we found a sum of £1,000 put down on the Estimates for the widow of the late Hon. Arthur Macalister, which was agreed to by all the gentlemen now sitting on both sides of the House. That sum was voted by the House, and I have no doubt that it went far to cheer her in her position. The lady for whom I am now asking the same consideration is in very much the same position as the widow of Mr. Macalister. The husbands of both these ladies have filled the best positions that can be held in the colony of Queensland. Both of them have been Ministers of the State; one ended his career as a judge, the other ended his career in what I believe to be the very highest position which the Government of the colony can confer on a man—I mean, of course, outside an official position in the Government. Both died under somewhat the same circumstances, leaving their widows wholly unprovided for; and as I know this was what appealed to Ministers last year—that, in fact, it was this that induced them to put a similar sum on the Estimates for the purpose of providing for Mrs. Macalister—I am perfectly satisfied that they cannot now well say that this is not a case that ought to be thought of with the same generosity of feeling, and treated in the same manner.

There were, of course, objectors to the proposal made last year, but still it was carried eventually by a large majority, and I am unable to see in what way the one case differs from the other. As to pretending that Mrs. Pring has any claim on this House why this £1,000 should be granted, that I know would be utterly useless. She has got no claim whatever, and I do not bring this motion forward on the score of a claim. I bring it forward simply in the same manner as the motion in reference to Mrs. Macalister was brought forward last year, and for the same reasons as I think the House consented to vote a sum of money to that lady—as a case in which hon. members do not wish to see the wife of a man who has held a prominent position in Queensland suffer, as Mrs. Pring is doing, the sting of poverty. I bring the motion forward simply as a matter affecting the dignity of the colony of which we are the representatives. I believe it is not creditable to Queensland to leave this lady, of whom I am speaking, in the state that she is in now, and I believe it will be to our credit to allow this motion to pass, and place the proposed amount on the Estimates. I believe that by doing so we will not be going a step outside our duty but will be strictly fulfilling it. I consider that we in Queensland would suffer much more in the opinion of people outside the colony by leaving this lady in absolute want than by granting the small pittance I am asking for. Of course I know that we are the guardians of the public purse, and I am quite prepared to accept my share of the responsibility in that respect. I thought over that point coolly for some time—indeed for several days—and I have arrived at the conclusion that I, at all events, will bear my responsibility in the matter. We are here as guardians of the colony, but we are not absolute delegates of the men whom we represent so far that we cannot judge what is for the honour and for the benefit of the colony, and I am perfectly prepared to answer the part I am taking in this matter. I have now stated the grounds on which I have come before the House asking hon. members to agree to this motion. I have stated that the case is similar to Mrs. Macalister's. I have stated that it is a matter concerning the dignity of the country to consider whether something ought not to be done for Mrs. Pring, who is in the same circumstances as Mrs. Macalister was; and I have stated that for my part I am prepared to accept the responsibility of introducing this motion to the House. I have nothing more to say; I do not put the motion forward as a claim; I simply, therefore, ask the House to be generous in their consideration of what I have said. I now end by moving the motion standing in my name.

The PREMIER said : Mr. Speaker,—I do not rise to speak on behalf of the Government, because I understand that there is a difference of opinion between some of my hon. colleagues and myself upon this subject. It is a matter which ought not to be in any way considered as a party question, and I rise individually to support the motion of the hon. member for Blackall; and I do so on this ground, that I do not think it is to the credit of any country that the widow of a distinguished public servant should be allowed, after his death, to be in penury. I lay that down as a distinct proposition applicable to all distinguished public servants. It is a rule that is recognised in a great many countries—I believe in all—even in the most ultra-democratic. It has been recognised in the extremely democratic colony of Victoria during the present session of the Victorian Parliament; and I consider the principle is a sound one. I would apply the same rule, without any discrimination as to the politics of the person the case of whose widow is under

consideration. Politics, in a matter of this kind, should be left entirely out of consideration. The fact remains that Mr. Pring held the high office of Attorney-General in this colony for a great number of years; he afterwards held the office of judge of the Supreme Court, and now the colony cannot shut its eyes to the fact that he was a distinguished public servant. That he had faults we all know. Which of us has not? There is no one of us whose actions will always bear to be closely scrutinised. I hope the motion will be considered entirely on the question whether it is a right rule for the country to adopt, to say that the widows of distinguished public servants should not be left in penury. As to Mrs. Pring's position, I shall not say much. I know, however, that the late Mr. Justice Pring left her practically nothing—I believe absolutely nothing—and she has, as a matter of fact, no blood relations in the colony. Those are the facts, and these reasons commend themselves so strongly to my mind that I believe the House ought to carry the resolution, and I think it would be a mistake not to do so.

Mr. KATES said: Mr. Speaker,—I think we ought not to allow this matter to go into committee. I thoroughly sympathise with the lady who has been left unprovided for, as no doubt every other hon. member does; but let us remember that the late judge of the Supreme Court, Mr. Pring, had been in the colony for the last twenty-five or twenty-six years and had, according to my calculation, drawn no less than £40,000 from the Queensland taxpayers. He could, if he liked, have provided for his family in the same way as other people have to—by means of life assurance and similar institutions. I represent a farming constituency, and I do not see my way clear to support the motion of the hon. member. The legal fraternity, which is considered to be a very wealthy fraternity, if they think that something should be done for the lady, ought to put their heads together and put their hands into their pockets and subscribe a few hundreds or £1,000 towards the family of their deceased legal brother. I would have no objection to contribute £5 if a subscription were to be raised for the benefit of this unfortunate lady. I know that on the Estimates there is a sum of £7,000 or £8,000 for retiring allowances, and if I had my way I would sweep the whole amount out of the Estimates, seeing that it is to provide means for gentlemen who are well able to keep themselves. I do not see my way clear to support this motion, and I shall certainly oppose it if it goes to a division.

The MINISTER FOR WORKS said: Mr. Speaker,—This is a very painful subject to discuss; but as a representative of a certain portion of the community who pay the taxes I do not feel justified in allowing it to pass without making some comment. I dissent from my hon. colleague the Premier in the opinion that the country is bound to provide for the widows of men who have held the highest positions in the colony. If that argument is worth anything it goes to encourage profligacy and debauchery. I have nothing to say against the lady—I believe she is most deserving—but the taxpayers of the country ought not to be called upon to provide for the widows of all those who have held the highest positions in the State. I hope the Premier will reconsider the conclusion to which he has come, and oppose the motion, which, if carried, will be an inducement to a man in that position to squander away his substance and leave his family to be provided for by the State. I feel great delicacy in saying what I feel on the subject, and shall content myself with recording my vote against the motion.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—I regret to have heard the Minister for Works speaking in the way he has done. There is not a kinder-hearted man in the House than the hon. gentleman, and I know that he spoke against his heart in favour of that hard logic of his in the interest of the taxpayers of the country. But I can assure him that the taxpayers will forgive him for being generous while at the same time he consults the dignity of the colony. I quite believe it, and thoroughly appreciate the terms in which the Premier has spoken on the subject. He has not only stated it correctly when he said that it has been the custom of the House to remember the widows of distinguished public servants, but he also defended it as a thing that is right in itself and for the dignity of the country. I quite believe in his appreciation of the facts and the reasons he gave for these facts being as they are. I think we consult the dignity of the country when we do not examine too closely into the lives of those who have gone, but look simply to the bare fact that the men who occupied high positions have gone and left widows destitute. That is the correct view to take, and the taxpayers of the colony will not be hard on hon. members who take that view. I know that hard things may be said—and no one would say them more readily than I—on any other occasion than one like the present; but they should be laid aside, simply because those who suffer from them are the living and those that ought to suffer have gone from us. As the hon. member for Blackall said, Mrs. Pring has no legal claim on the House, but she has a strong claim on our sympathy and a strong claim on the sympathy of the country. In this case I think, both from precedent and in consulting the dignity of the country, we ought, in the absence of any scheme by which pensions are granted to public servants—I think we shall be consulting our own dignity and the dignity of the country by quietly looking at the facts as they are now and remembering that the widow of one of the distinguished servants of the country is in want at the present time and appeals to our sympathy. I shall give the motion my hearty support.

Question put, and the House divided:—

AYES, 25.

Sir T. McIlwraith, Messrs. Griffith, Archer, Rutledge, Moreton, Sheridan, Bailey, Black, Fraser, Brookes, Aland, Campbell, Mellor, Isambert, Jordan, Annear, Donaldson, Kellett, Macrossan, Lissner, Foxton, Scott, Hamilton, Stevens, and Wallace.

NOES, 13.

Messrs. Norton, Dutton, Midgley, Govett, Lalor, Kates, Higson, Footc, Miles, White, Macfarlane, Smyth, and Salkeld.

Question resolved in the affirmative.

THE CASE OF DAVID O'BRIEN.

Mr. STEVENS, in moving—

That there be laid on the table of the House, all Correspondence that has taken place between the late bailiff of the Hodgkinson Gold Field—David O'Brien—and the Departments of the Colonial Secretary and Minister for Works and Mines since 1st June, 1883—

said: Mr. Speaker,—When I gave notice of this motion I had not the slightest idea that it would be opposed by the Premier. It has always been considered, to the best of my knowledge, that when a Civil servant has been dismissed, if he has any cause to believe he has been dismissed unfairly, he should have an opportunity of laying his case before Parliament. I have no idea what reasons the Premier may have for obstructing the passage of this motion. I have read most of the papers in the case through, and the statements contained in them have every appearance of being true; and if they are true, I consider that the applicant, David O'Brien, should have an oppor-

tunity of ventilating his grievance. The papers are certainly rather voluminous, and I think that is the only reason that can be urged against the motion. Ministers, as a rule, try to protect their clerks from having any extra work in their departments, but when a man has a grievance he should have an opportunity of laying that grievance before the House, even if it does cause a little extra work in any department. I shall not enter into the case, nor mention any names in connection with it; but I trust the Premier will see his way now to remove any objection he may have had before, and that the motion will be allowed to pass.

The PREMIER said: Mr. Speaker,—I did not consent to this motion going as formal, as such motions are usually allowed to go, because I was satisfied the hon. member could not have known what the papers are that he is asking to have laid upon the table of the House. This man was in the Police Force fifteen years ago, when he was dismissed. Some time after that, in 1881, he was appointed bailiff of the Warden's Court on the Hodgkinson. He was there dismissed. He has a grievance and says various outrages were committed against him. The outrages are these: Three times he was charged with being drunk and disorderly, and on each occasion he pleaded guilty and was duly sentenced. After the patience of his superiors was exhausted he was dismissed, and since that time he has been writing voluminous letters: he wrote any quantity to me when I was a private member of the House, and has since written voluminous letters to the Mines Department and to myself. To show the conclusion I came to on his case I will read a minute I made upon his letters of complaint:—

“The outrages consisted in his being three times arrested and confined for being drunk and disorderly. On each occasion he pleaded guilty. From the language of the complaint, which is very voluminous, I infer that he was not quite in his right mind when he wrote it.”

That is the conclusion I came to on reading his complaint. I have since ascertained that he has been frequently confined not only for being drunk and disorderly, but for being out of his mind. I do not think the Government should be called upon to go to the expense of copying these papers. I may add that they contain very serious charges against a very respectable man who is now dead; and no relief can be got against him. I see no reason why the papers should be produced when their production can serve no useful purpose.

Mr. STEVENS: Has he been charged with being out of his mind?

The PREMIER: That is the conclusion I came to, and I have since heard that he has been locked up for it.

Mr. HAMILTON said: Mr. Speaker,—I have seen these papers though I have not read through them all, and as to their being voluminous, if they were printed I do not think they would exceed one-half the bulk of the paper I hold in my hand—the “Estimates of Probable Ways and Means”; and if they were printed as the Estimates are printed I do not suppose they would require more than two pages of this pamphlet. Three or four pages of print, at the outside, would comprise everything that is contained in these letters. I think the Premier must be mistaken in stating that O'Brien had been in the Police Force fifteen years ago and dismissed, as according to the Government service regulations no man who has been dismissed from the service is considered eligible for reappointment. Now, O'Brien has been for the last eight years in the Government service in Northern Queensland, and about twenty years in the service altogether; during which time, according to his own statement, he never had a

complaint preferred against him until the time these charges were made, which resulted in his dismissal. O'Brien evidently is a man who had the respect of the community, for at the time he received his dismissal, in addition to his other duties, he performed that of mining registrar, and was also chairman of the school committee, chairman of the cemetery trustees, member of the hospital committee, and a licensed auctioneer. A man holding such a position is entitled to some consideration. Yet he complains that charges have been made against him upon which he has been dismissed, although he has been refused the privilege of being allowed to confront his accusers, when he could easily prove his innocence. At the same time, he has made far more serious charges against other officers in the service, which have not even been inquired into. Now, what are these charges which were made against him to which the Premier referred? One was that a prohibition order had to be issued against him. O'Brien says, however, that neither he nor his friends were aware that such an order was ever issued until he heard of it in the charge preferred against him. He also states that the charges on which he was dismissed referred to actions which were alleged by his accuser years before, and he asserts that this very accuser—his superior officer—recommended him, subsequent to the time when he was alleged guilty of these offences, to the position of clerk of petty sessions at Cairns, which recommendation is in the Colonial Secretary's Office. One of the charges that he, on the other hand, has made, and which has never even been inquired into, is that of a policeman attempting to murder him. Another charge is the following: On the 10th May, 1883, he was taken in charge by a policeman when on his way to get some Cockle's pills from a store, and placed in a small cell in the lockup on a charge of drunkenness. The only aperture which supplied air to that cell was four inches square. I will read from a letter of O'Brien's his account of the treatment he received when in that lockup. He has mentioned many names in connection with this matter, but in reading the extract from the letter I shall not do so, as it would be unfair. Some of those names belong to friends of my own, but in a matter of this kind I do not think that any personal liking would justify me in failing to see fair play. Mr. O'Brien said:—

“When on my way to the store I was caught by Constable —, who was concealed behind my stable. He said, ‘Come to the lockup.’ I was sick and weak, and begged him not to take my liberty, but to let me go to my own home. I was then thrust into a dark cell, the only ventilation being through a trap-door, 4 inches by 4. During this terrible night of torture I sustained life by holding my mouth to the little hole for air until my strength would fail, and I would lie down on the cell floor until I would be nearly suffocated. The door was opened next morning about 7 a.m. Carmody, another constable, then took me out of the cell to his quarters, and asked his superior officer to allow me bail. He refused. Mrs. Carmody then commenced to cry, and asked him to allow it, and he replied that he would report her husband for allowing her to interfere with prisoners. I asked for bail; it was refused. I asked for a doctor; it was refused. I asked to have the door of the cell left open; it was refused. I asked to be brought before a magistrate; it was refused me. All this time my wife and daughter were crying outside the lockup in a state of frenzy. On this day I had to my credit in the Queensland National Bank £403 6s. 11d. I had two racehorses in my stable valued at £120, besides other horses and property, and my wife and daughter had obtained sufficient money to bail me out for the greatest conceivable sum which could be required for any bailable offence; yet I was in only on a false charge of drunkenness. On this morning, Mr. Martin, a magistrate, was at his place, 300 yards from the police station, yet, sooner than go to him,—went for a magistrate who lived a mile distant, whom he

knew was on unfriendly terms with me. In the meantime several persons went to Mr. Martin and pointed out the prejudice which the magistrate who had been obtained by the officer who was persecuting me had against me.

"Mr. Martin, in consequence, without being asked by the police, went to the police office at 10 a.m. and told this officer that he had come up to sit in O'Brien's case. That officer replied that he would not bring the case on until 2 p.m., as the other magistrate, the one who lived a mile away (my enemy) could not arrive until that time. He then left the police station and gave orders, in absence, to his inferior officer, not to allow bail to be given during his absence. Shortly after Mr. Martin, hearing I was still in the cell, came to the little trap door, and seeing the state I was in, in his capacity as a magistrate and in my presence, ordered Constable Carnody to admit me on bail or to bring me before the court. Carnody said, 'If he were to die in a minute, I could not let him out; I must obey—'s orders or be reported.' Mr. Martin then ran for the doctor, who would not attend without an order from the police. About 2 p.m. I was brought before the court in a dying state. The bench was presided over solely by the magistrate who had been specially sent for because he was at enmity with me. I was charged with drunkenness. I was too ill to defend myself, and I was fined £2."

Mr. O'Brien further on explained that the magistrate who was specially obtained by the officer who persecuted him, at the same time that he had a seat on the bench, had immediately before this trial had the seat cut out of his trousers when lying drunk in the street. It appears to me that this man has not been well treated: the charges he made were not investigated. He is evidently not an accomplished letter-writer; but if it be true, as he states, that he was locked up in a little cell in the tropics and refused bail—though his wife and daughter were crying outside and offering any amount of bail—it is a scandalous shame, and the individual concerned should be hauled over the coals. Not only were the charges he made not investigated, but he was dismissed on charges which he declares he can disprove if he is confronted with his accusers. Subsequent to that, the person who made those charges recommended him highly for the post of clerk of petty sessions at Cairns, which recommendation is in the Colonial Secretary's Office. I think that in the interests of justice these papers should be brought forward, and therefore I have much pleasure in supporting the motion of the hon. member for Logan.

The MINISTER FOR WORKS said: Mr. Speaker,—I must draw the attention of the House to the fact that this man is of such intemperate habits that an application had to be made to the bench of magistrates for an order prohibiting publicans from supplying him with liquor. I think when it came to that it was time that he should be dismissed from the Public Service.

Mr. STEVENS said: Mr. Speaker,—I should just like to say a few words in reply. The Minister for Works has told us that a prohibition order was taken out against this man. I believe that is true; but it was not stated, and O'Brien never knew, who obtained that order against him. After it was granted, his family and other persons in the township applied to have it removed, but failed. I think that what has fallen from the hon. member for Cook shows that, whether this man is a drunkard or not, he was used very badly. It is evidently one of those cases of petty tyranny that are happening every day in some of the bush towns. It very often happens that all the Government officials in a country town are not first-class men; some trouble arises, and three or four of them band together to make a scapegoat of another. That has been done over and over again. I hope the hon. the Premier will allow these papers to be printed. I do not see what harm could be done by that. It would not necessarily follow that the man should be rein-

stated, but it would give him an opportunity of clearing his character. As was pointed out by the hon. member for Cook, the very magistrate who granted this prohibition recommended him for a Government situation in another township. Now, the statements of a gentleman who would condemn a man as a drunkard who ought to be protected against himself, and then recommend him for a Government situation, are not very reliable.

Question put and negatived.

LAND-OWNERS IN THE COLONY.

Mr. ISAMBERT, in moving—

That there be laid upon the table of the House, a Return showing the names of proprietors possessing 640 acres of land and upwards within the colony of Queensland, and also showing the area so owned by the said proprietors—

said: Mr. Speaker,—After I tabled this motion it came to my knowledge that the preparation of the papers asked for in it would entail a considerable amount of trouble, if not expense, to the Registrar-General's Office. For that reason I myself called "Not formal" to the motion, in order that I might explain the reason for which I wanted the return, so that those who had to compile the papers might do so with the least possible trouble. I supported the motion of the hon. member for Darling Downs, that the Government should purchase the Canning Downs and Westbrook Estates and subdivide them, although I did not consider it was the best way of bringing these lands back into the hands of the people. I expressed my opinion at that time that, since a previous Government had allowed those large estates to be formed, it was the duty of the Government now to do something, and if they thought it would be too dear to repurchase the lands the next best thing to do was to impose a land tax on properties over a certain size. That is one of the reasons why I tabled this motion, so that when the Government come to consider that proposition they and other hon. members may have something to guide them as to the amount of revenue likely to be derived from lands held in that way. Since then I find by the "Votes and Proceedings" for 1878, vol. II, pages 83 to 91, that a similar motion was tabled by Mr. Macrossan, and a return made showing exactly what my motion implies at the present time—the holders of land and the amount of land held by them. The amount of labour, therefore, in preparing the return will not be so heavy as I expected it would be. It can be completed from the previous one up to the present date. The only difference between my motion and that of the hon. member for Townsville, is that that of the hon. gentleman commenced from an area of two square miles, while the present motion refers to areas above one square mile. When we want to put on a land tax for the purpose of splitting up large estates, this tax will be sufficient. Another motive I have in asking for the return is that I consider the colony to be in a very grave position. All our industries, with the exception of the mining industry, and another which I had never before heard of in my life—the industry of spending borrowed money—which are going on merrily, are in a serious state, and we do not know how soon we may be compelled to reckon up our own strength. It will, therefore, be very convenient for the Government and hon. members to know every source of revenue we have. We do not know how soon Great Britain may be involved in war, and the industry referred to by the hon. leader of the Opposition—that of spending borrowed money—will come to the ground through our not being able to raise a loan in Great Britain; but not because we are not to

be trusted any more. The colony may be in a very gloomy situation now, but I have great confidence in the future, and in Queensland. We are so immensely rich that we have only to find out our resources, and apply our energies, and all gloominess will disappear; and the sooner we are brought to our senses in this respect the sooner good times will come. Although I freely admit that the colony is in a very serious position, we have nothing to fear for the future; we have only to open our eyes, and the colony will have no need to suffer from any depression whatever. If there is any country on the face of the earth that ought not to be touched by depression, it is Queensland. Another motive I have in looking to taxation as a means of revenue is that the Liberal party cannot resort to the desperate means of forcing artificial prosperity by building railways on the land-grant principle. That was decided against at the last general election, so that the only way out of the difficulty is by imposing increased taxation through the Custom House, so as to encourage and protect our industries and settle people on the land. We have the word of the Minister for Lands that all the lands in the neighbourhood of the settled districts are in the hands of large holders—all the land worth having for occupation is in the hands of large capitalists—grabbed. When we come to our senses and adopt a different fiscal policy, which will put all our industries in a flourishing condition, we must have land for our farmers to settle upon, and the best thing one can do, as the Government have refused to accede to the motion of the hon. member for Darling Downs, is to put on a good land tax. When they do go in for a change of policy they will have learned a lesson. They may as well be “slated” for a good fat cow that gives plenty of milk as for a miserable calf. I may also mention that, for reasons I have explained, the papers are not required in a hurry; so long as they are ready before next session it will be sufficient.

The PREMIER said: Mr. Speaker,—There is no objection on the part of the Government to furnish this information when they can; but I wish the hon. gentleman to understand that the work can only be done when the other exigencies of the department will permit. It will involve very long and careful research indeed. Eight years ago the hon. member for Townsville (Mr. Macrossan) moved for a similar return, and it took twelve months to prepare it.

The Hon. J. M. MACROSSAN: This refers only to freeholds.

The PREMIER: The hon. gentleman's return refers to freeholds and leaseholds as well. The return called for by the hon. member for Townsville was ordered on the 23rd May, 1877, and was not prepared till the following year, and it took all that time to get it ready. The hon. gentleman also asked for a fuller return—the previous one was only a preliminary one—and that was laid on the table in September, 1878. Since then, probably as much land again has been alienated. Of course the information can be obtained, but the hon. gentleman must understand that the return can only be prepared when the officers in the department have time to attend to it. He cannot expect to have it this year, and possibly not even next.

Mr. BLACK said: I quite agree with the hon. member for Rosewood that this motion may serve a useful purpose if made sufficiently reliable to let the House know the amount of land which is being held by the various freeholders—and I assume that he means also the selectors—but I think that according to the reading of the motion, which fixes a minimum 640 acres, it will not serve such a useful

purpose. I would point out to the hon. member that if he wishes a land tax to be based on this return it will not in any way meet the requirements of the case. Why, there are holders of 20, 30, 40, or 50 acres of land who are, comparatively speaking, monopolising more valuable land than those who hold from 2,000 to 3,000 acres. I believe the hon. member is quite sincere in wishing to have some calculation on which he can base a general principle of taxation by which the land will contribute its fair proportion to the revenue of the country, but I repeat that this return, having a minimum of holders of 640 acres only, will fail to effect that object, on the ground that the smaller areas of land are those which will have to contribute most to the growing deficiency which we are likely to have in the revenue. I would very much prefer—if the Government intend to go to what I am certain would be an enormous amount of work in compiling this return—that the whole of the landholders in the colony had been included in the motion, and the return might be made of considerable additional value if the approximate value of the land as assessed by municipal or divisional boards were added. I am quite aware that this is a return involving an enormous amount of labour to the department, but if it is to be of any value for the purpose for which the hon. member desires, and in the principle of which I entirely concur, the return must be based on the lines I have indicated. Now, the value of municipal land—which certainly exceeds that of country land—could all be obtained from the municipal valuations. The value of country land in the divisions could also be ascertained from the divisional valuations; so that in order to make this a really valuable return the hon. member should add what I have suggested, and then I consider the return would be worthy of the vast amount of labour which will be necessary for compiling it; otherwise it will have little or no practical value to this House or the country. We shall have a return of landholders, and it is possible that reference will be made to So-and-so, who held 1,200 or 12,000 acres, and that man will be held up to public scorn, because he holds more than somebody else. That will be the view that the hon. member for Rosewood and other hon. members will take, and it will be said that the man who holds a greater number of acres than somebody else is not as good a colonist. I beg entirely to differ from that principle. I think the hon. member should withdraw his motion, and move it again in the shape in which I suggest, and then the Government would perhaps be justified in going to the great amount of labour which the return will involve; otherwise they would be justified in refusing to accede to the motion for the reason that it will not serve any useful purpose.

Mr. ISAMBERT, in reply, said: I have already stated that for the purpose of saving as much trouble to the department as possible I called out “Not formal” to the motion in order to indicate for what purpose I want this return. I am quite prepared to accept any suggestion or amendment which will make the papers as useful as possible, and I am not particular in asking that they should be furnished during the present session; even if they are furnished within two years it would serve my purpose. I look upon this motion more as a suggestion that the Registrar-General's Department should keep a register of those sort of things, so that the information might be had at any time it was required, without moving for papers. I am not bound to the wording of the motion, and I am prepared to leave it entirely to the Government to supply the best information possible. I cannot agree with what

has fallen from the hon. member for Mackay. He must know that small holdings are already well taxed under the Divisional Boards Act, and districts which are chiefly settled by small holders have a great amount of trouble to get sufficient revenue. On the other hand, where holdings are in large areas—where there are few roads to make and a large amount of ratable property exists—in those districts they are not able to expend the revenue they derive and have money as fixed deposits in the banks of the colony. It is with the object of distributing taxation more equally than at present that I make this motion. Large holdings are not paying their fair quota in the shape of taxation, whilst the small holdings are taxed already to the very utmost under the Divisional Boards Act. I want it to be understood that the papers should afford the most useful information for this purpose, and I leave it entirely for the department to furnish it in the manner they think best.

Question put and negatived.

EXEMPTION ON GOLDFIELDS.

MR. BAILEY, in moving—

That there be laid upon the table of this House, copies of all correspondence, minutes, &c., relating to the recent order of the Minister for Mines withdrawing all discretion from goldfields wardens' in dealing with the question of exemptions—

said: I should like to see this correspondence laid on the table of the House. I do not want it printed, but I want it merely for the information of members who are interested in mining districts. I have received several complaints from mining fields lately—notably Gympie and Charters Towers—that the order lately given by the Minister for Mines has had a very injurious effect upon the numerous companies which are now being formed to work up abandoned ground on those fields. Until I see the correspondence and the Executive minutes I will refrain from saying anything on the subject. I beg to move the motion standing in my name.

The MINISTER FOR MINES said: Mr. Speaker,—The reason that made me call out "Not formal" to this motion was that I did not know the cause of it. I have never done anything in the way of refusing applications made by miners for exemptions from labour conditions if any good reason could be given for it. I had a list prepared to-day of the exemptions from labour conditions granted on the different goldfields throughout the colony during the last six months, and found that during that period there were thirty-one exemptions on Gympie, twenty-eight at Charters Towers, ten at Etheridge, three at the Palmer, one at Rockhampton, two at Hodgkinson, one at Ravenswood, one at Kilkivan, one at Mulgrave, and one at Nebo. I have never refused to grant exemption from labour conditions if really good reasons could be given for granting exemptions. The hon. member for Wide Bay says he has received information, or complaints, from miners about my refusal to grant exemption from labour conditions. I can tell the hon. gentleman that I have never refused one application. Somehow, however, the member for Wide Bay gets information that nobody else happens to be possessed of. He is the champion of the timber-getter—the pioneer of the country; he is the champion of the farmer, who is also a very useful man; and he is the champion of the miners and of the licensed victuallers; he is the champion of those four classes. I am sure the hon. member will be satisfied when I tell him that I have not refused one single application for exemption on Charters Towers. I have often, when the gold

warden has recommended exemption from labour conditions, asked for further information if the reasons given in the application were not satisfactory. All that I want to do is to assure myself that those who take up land on goldfields take it up for mining purposes and not for the purpose of locking up the land from others. I have had many complaints from working miners on various goldfields of the colony, blaming me very considerably for these exemptions, which, they say, have prevented other people working the land. There are, however, causes for exemptions. Oftentimes a mine does not return sufficient gold to pay the working expenses for a considerable time, and after a man had incurred a very large outlay for machinery it would be very hard indeed, and very unjust, if we refused him relief in the shape of exemption from labour conditions. So far as my recollection serves me, in not one single instance have I refused an application for exemption where anything like fair reasons could be given. I have not always granted six months, but have sometimes reduced the time from six to three months, with the assurance that if proper endeavours were made by the applicant to work the mine a further exemption would be granted. As to Charters Towers, I hold in my hand an application, dated the 2nd of December, which I received from the warden, who recommends exemption from labour conditions being granted to the Phoenix Gold-mining Company. The application was made some time ago, and as I did not feel satisfied with it I asked for further information. I found that the land had been taken up two and a-half years, and that during that period sixteen months' exemption had been granted. I did not feel justified in granting six months more without asking for additional information. I therefore requested the warden to furnish that information. He has now done so, and I am perfectly satisfied that the company is endeavouring to procure machinery, and that there is a fair prospect of their doing so. On ascertaining that, I granted the exemption at once. It is a very delicate matter to deal with. I have no desire to cripple or injure this industry in any way; I have done everything that I could to foster and assist it, but at the same time I have a right to be satisfied that there is some fair prospect in taking up this claim for mining leases that the land is taken up for the purpose of working, and is not held for merely speculative purposes. I ask to be satisfied about that, and when I am satisfied of course the application for exemption from labour conditions is granted. The only letters I sent to the gold warden were to that effect. Recently two applications for gold-mining leases were made in one month, and then a month after the parties taking up the claim asked for six months' exemption, without giving any reason at all. I then instructed the Under Secretary to send a letter to the gold warden stating that it was no use sending applications for exemption in respect of a claim which had only been taken up one month, and on which no work whatever had been performed, and that they would not be granted without some good reason being given. The whole correspondence is simply to that effect. I hope the hon. gentleman is satisfied with the information I have given. The Government have no intention to cripple or throw any impediment in the way of endeavours to develop the goldfields, but at the same time it is only fair that I should have some assurance that the land is not taken up for speculative purposes, but for working. If it will be any satisfaction to the hon. member I can give him copies of the letters sent to the gold warden. I believe there were only two.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said: Mr. Speaker,—With all due respect to the hon. member for Wide Bay, I think the method he has chosen in bringing this matter before the House is a very easy one for hon. members to adopt in order to appear to the mining constituencies as being very greatly interested in their behalf. If the hon. member had done what I did on receiving a letter on this subject, he would have got equal satisfaction, though probably not so much publicity. He might have done as I did; that is, have gone at once to the Minister for Works, interviewed him on the subject and ascertained what the facts really were, and then communicated direct with those who had complained to him. I daresay the hon. gentleman will, with some people in the colony, get credit for being remarkably interested in the miners, because he puts this motion on the paper and gets it all into *Hansard*, and figures as the friend of the miners, when probably some mining members who have not done this will be regarded as taking no interest whatever in their welfare. I wish the miners to know that it is not those who say most in the House—who figure most largely on the notice-paper—who really do devote themselves to furthering the interests of the miners of this colony. The hon. gentleman really has not rendered the service he might have rendered to the miners. I daresay the letter I wrote in answer to the letter I received, conveying the gratifying information I obtained from the Minister for Mines, is already in the hands of those who wrote to me, whereas if they had been made to wait until the circumlocutory method the hon. member has adopted was completed, they would have to wait till next week—till they get their *Hansards*—to have the satisfaction of knowing that they have been labouring under a delusion as to the intentions of the Minister for Mines. The hon. member ought to know—representing a constituency in which mining is carried on—that the warden is not entrusted with discretion in granting exemptions. What he does is, when application is made, to hear what is said for and against the application, and send to the Minister for Mines his recommendation on the subject. That is what has been done heretofore and that is what is being done now, and nothing the Minister for Mines has written to the various wardens is suggestive of any intention on his part to depart from the usage which has been prevalent heretofore. I am very glad to know that no such intention exists in the mind of the hon. gentleman. I am too thoroughly convinced of his anxiety to promote the welfare of the mining population of the colony in every possible way to feel the least anxiety as to the course he will adopt in this or any other matter. I am perfectly satisfied that he is second to none in his anxiety to do all that ever a liberal-minded man can possibly devise to develop the mining resources of the colony; and as long as he has charge of the department I feel perfectly certain that the interests of the miners will be well looked after, and that no such foolish edict will be issued as that attributed to him by those who probably had not the opportunity of knowing any better.

Mr. KELLETT said: Mr. Speaker,—I think the Attorney-General has aired his eloquence well for the benefit of his constituents to-day. We are happy to hear his eloquent voice on any occasion, but he now attacks the member for Wide Bay for calling attention to a matter in public and getting it into *Hansard*. If the hon. member's own speech was not intended to show how very anxious he is for the miners, I do not know what else it can possibly be for. If the Attorney-General would let us hear his eloquent

language, of which he has such a flow on all occasions, in some better way than by traducing some other hon. member who is trying to do his duty it would be far better. The hon. gentleman's remarks were altogether uncalled for.

Mr. NORTON said: Mr. Speaker,—I agree with what was said by the hon. gentleman who has just sat down. Certainly the remarks applied to the hon. member for Wide Bay were the most extraordinary I have ever heard in this House. "You should do as I do, not as you did. You should follow my example; that is the proper way—that is what the miners like." But what harm is there in bringing the question forward publicly? None whatever. The motion is simply that certain papers may be tabled. I do not think the Minister for Mines objects; and I hope they will be produced. I should like to see the correspondence; and I think the Attorney-General, instead of making speeches like he made just now, had better attend to the House a little more. If the hon. member had given us his vote the other night against the tax on machinery, which affects the miners very much, his action would have been appreciated far more than the speech he has just delivered. Miners do not care for that sort of butter; they like something more substantial. As far as the motion is concerned, it is desirable that the papers should be laid on the table. I do not wish any one to suppose that I think gold wardens should be allowed to grant exemptions as they like. It is the custom, however, to grant those recommended by the wardens with very few exceptions. I quite support what the Minister for Mines has said, and I am sure he would act in all matters of the kind with perfect fairness. I hope there will be no opposition to the motion.

Mr. SMYTH said: Mr. Speaker,—I think in granting exemptions from the labour conditions the Minister for Mines is quite right in sticking up his back at times. I know in Gympie, very often, speculators—I do not say "miners"—apply for exemption in order to erect machinery. These exemptions got so numerous that the warden at last insisted that those persons should, if they intended to erect machinery, make their calls, put their money into the bank, and show their pass-book to him in every case to show that they really intended to erect machinery. In many cases the applications are only frauds, as it is never intended to erect machinery. Such applications for exemptions never come from *bona fide* miners, but from speculators, and individuals who may be called mining land-sharks. The mining law as it stands provides that, after working a claim for twelve months without getting payable gold, the proprietors have a right to get exemption for six months from the labour conditions. But there are other circumstances under which the labour conditions should be dispensed with for a time. Perhaps a claim is taken up from which no payable results are obtained for a long time. A lease of twenty-five acres—which is the limit to which the gold-miner can hold a lease—may be taken up, and after the upper levels are worked out the party may commence deep sinking. Until gold is struck the number of men usually employed is six—three shifts with two men in each; and it is impossible for them to comply with the labour conditions and put on the requisite number of men. Therefore, the warden is quite right in making recommendations to the Minister for Mines in such cases that exemptions should be granted. I know that the privilege of exemption is more abused in Victoria and New South Wales than in this colony. A short time ago a man named Wallace, in Victoria, held an

immense quantity of leases and did not comply with the conditions; and in New South Wales a lot of gold-mining land is locked up by leases, the conditions of which are not fulfilled. As far as this colony is concerned, the labour conditions have been fulfilled better than in the other colonies, no matter who has been Minister for Mines, whether the hon. member for Townsville, the member for Port Curtis, or the present Minister for Mines. I do not think that on Gympie any reasonable request for exemption from the labour conditions has been refused; at the same time the Minister for Mines should see that exemptions are not trifled with. I will just bring under the notice of the hon. gentleman a small case of my own. I have lately been the means of discovering a find of gold which may be payable or may not. In this case we are away some distance from crushing machinery. I will take the instance, say of twelve men's ground being taken up and six men employed upon it: There can only be six men employed because there is no means of getting the stone tested. There are not sufficient stampers to test it. There are not sufficient stampers on the Gympie Gold Field at present to crush the stone there, and we cannot get sufficient stampers for testing the stone at Traveston. Until we can get the stone tested we cannot prove whether it is payable or not, and we have had no time to have machinery erected there; and it would be unfair to ask people to fulfil the labour conditions until they can get stampers to test the stone. I think it is quite right that a warden should have discretion in such a case as that.

Mr. HAMILTON said: I am surprised that the Attorney-General should have spoken to the hon. member for Wide Bay in the way he has done, but at the same time I think he has struck the true cause of his action. I may say that that gentleman is in the habit of fossicking around various mining electorates, possibly with a view to undermining the sitting members and making himself popular. I remember on one occasion when he came to myself. It was in connection with the goldfield homestead areas, and the hon. member called on me and said, "I intend to table a motion regarding these homestead areas." The miners were objecting at the time to homestead areas being granted where they interfered with claims. I said to the hon. member, "I heard about that two or three weeks ago, and I have seen the Minister (Mr. Macrossan) about it, and it is not going to occur." A week after that the hon. member for Wide Bay tabled his motion, and got credit for obtaining what I had obtained.

Mr. BAILEY, in reply, said: Mr. Speaker,—I am exceedingly sorry that I should appear to be doing anything which I should not do. I do not trouble *Hansard* much; in fact I care very little for *Hansard*. When I moved that these papers should be tabled I did not wish the papers to be printed, but merely that members taking an interest in mining might see them and come to their own conclusions as to whether the new departure that has taken place in the management of the Mining Department is for the benefit of the mining interest or not. I may say frankly that my intentions were favourable to that speculative class of whom the Minister for Mines seems to have such a dread.

The MINISTER FOR MINES: I have no dread of anyone.

Mr. BAILEY: After companies are formed to take up areas on a mining field it requires some considerable time before they can get to work upon it, and if they have to comply with the labour conditions at once they will be only wasting the shareholders' money. I am

very glad to hear that the papers will be laid on the table of the House. I will only say one word to the Attorney-General, and that is—that while he applied what I suppose he would call the scrubbing-brush to me he soft-soaped the Minister for Works and himself most deliberately. The way they scratched each other's backs was very pretty indeed. No doubt both of them are very good men and very good members—very good mining members; but they might leave me alone, at any rate, when they want to flatter each other.

The MINISTER FOR MINES: One word in explanation, Mr. Speaker. I am not in the habit of flattering anybody.

Question put and passed.

ALLEGED WRONGFUL SEIZURE OF THE "FOREST KING."

Mr. MIDGLEY said: Mr. Speaker,—With the permission of the House, I wish to alter the motion of which I have given notice, so far as the constitution of the Committee is concerned. If the amendment is agreed to my motion will then be:—

That a Select Committee be appointed to inquire into the petition of Samuel Hodgson, presented to the House on the 21st July last, with reference to the alleged wrongful seizure of the vessel "Forest King."

That such Committee have power to send for persons and papers, and leave to sit during any adjournment of the House, and that it consist of the following members, namely: Messrs. Aland, Keltett, Wakefield, Foote, Stevens, Donaldson, and the mover.

In moving for the appointment of this committee, I may state that I know very little indeed about the details of the affair, and if it be my lot and my duty to act upon the committee I consider that would be in some measure a qualification for the discharge of the duty. I have no bias in the matter, and even if I were able to do it I should be unwilling—and I think it inexpedient—to go into details on the subject. The facts, I think, are: that Mr. Hodgson, who presented the petition mentioned to the House, has the impression that he has suffered damage through the alleged wrongful seizure of his vessel. This vessel was engaged, as I understand it, in the Pacific Island recruiting trade. It was engaged with the Government sanction, and was duly licensed. It carried the required interpreters on board; and the Government agent on board the "Forest King" appears to have been a man who faithfully discharged his duty, who vigilantly watched the conduct of the captain and crew, and who on one or two occasions wrote to the captain, telling him that he required to be more thoroughly satisfied about the recruits understanding the interpreters, or he would stop the recruiting—a man in no way lax or indolent in the discharge of the duty entrusted to him. The "Forest King" was seized on a charge of kidnapping, and the case was carried into one of our courts, and resulted in favour of the petitioner, who had awarded to him the costs. But the petitioner alleges that he has suffered damage—suffered actual substantial pecuniary loss—through the seizure and detention of his vessel, and he submits to this House his claim for compensation for the damage which he alleges he received through the wrongful seizure of his vessel. I am not prepared, as I said before, to state whether the vessel was wrongfully seized or not. I am not prepared to say whether the recruiting was carried on properly or not; but I think this is a case where the House may very fairly be asked to appoint a committee, or select a committee by ballot, or in any way they may think proper, to inquire into the statement of the petitioner. That Mr. Hodgson has suffered very serious loss I have not the slightest doubt, but whether he has a claim against the country for compensation

for that loss I am not able at present to form an opinion. That will be a matter for the select committee to inquire into and report upon to the House. I beg to move the motion, as amended, standing in my name.

The PREMIER said: Mr. Speaker,—The "Forest King" was, as the hon. member has said, engaged in recruiting in the South Seas, and while engaged in that occupation she was seized by the "Swinger" under the Kidnapping Act and brought to Brisbane for the case to be determined in the Vice-Admiralty Court. The Vice-Admiralty Court is a court which proceeds on strict rules of legal evidence, and there was not sufficient legal evidence to justify the court in condemning her. Consequently she was released, and the owners of the ship got their costs. I have no complaint to make of that decision, considering the evidence that was before the court. But the hon. member did not tell the House that there was another inquiry held afterwards. Every one of the islanders brought by the "Forest King" was separately examined before the Royal Commission that sat in the North, and their finding on the evidence was as follows:—

"We are of opinion that all the recruits brought by the 'Forest King' were decoyed on board under false pretences; that the nature of their engagements was never explained to them; and that none of them understood they were to work on a sugar plantation for any period, much less for three years."

The Government acted upon that and sent the boys back to their homes. Mr. Hodgson petitions for compensation for the loss he sustained on that adventure. If what the hon. member wants to do is to reverse the finding of that Commission who examined the witnesses on the plantations, I should be very loth indeed to consent to it; and I do not see how a committee sitting here can reverse that finding when all the witnesses have left the country. It happens that the "Swinger" is at present in port for a few days, but I do not see what more can be done than to compare the decision of the Vice-Admiralty Court on the insufficient evidence before it with the finding of the Commission who had all the evidence before them, and say with which they agree. I believe the finding of the Royal Commission to be correct; and if so, what claim has Mr. Hodgson for compensation? Like a great many other persons engaged in an unfortunate adventure—without any blame to himself personally—his servants have led him into trouble. I have maintained all the time this Polynesian business has been in my hands, that no owner of a ship shall get any compensation for the misconduct of his own servants, although there was a Government agent on board. The Government have undertaken responsibility in the matter to the extent of the Bill which the House passed the other day for compensation being given to the employers, and that is a long way to go. We certainly shall not ask the House to compensate the owners of the ships, nor do I think any hon. member will make such a request. If the hon. member desires to reverse the finding of the Royal Commission, I shall certainly strongly oppose the motion, because the Committee can have no proper basis for doing so. If their finding is right Mr. Hodgson has no claim on the House, although he may have a very strong cause of complaint against his servants. That is how the matter stands at the present time. I doubt whether, if the hon. member had thought it over more fully, he would have desired the appointment of this Select Committee. If it is intended to reverse the finding of the Royal Commission, the inquiry should be a general one, and not an inquiry into an isolated case all the witnesses in which have left the colony.

Mr. KELLETT said: Mr. Speaker,—There is a matter in connection with this which it is necessary for me to bring under the notice of the House. My name appears in the motion as one of the members to be appointed on the Select Committee. I was asked some time ago by the hon. member for Fassifern if I would act on the committee; and, as I know nothing about the case except what I have seen in the newspapers, I consented. Yesterday evening, to my great astonishment, I was informed by the hon. member that the Premier objected to my being on the committee. I was rather taken aback, and asked what reason there could be for it? The hon. member replied that it was because I was a personal friend or relative of Mr. Hodgson. Now, I am in no way related to or connected with Mr. Hodgson. No man in Brisbane knows less of him than I do; I have only been once in his house all the years I have been here. I could not understand it, and there are only three reasons that can possibly account for it. The first is, that he thinks I might be bought by Mr. Hodgson to act in an improper way on the committee—although I hardly think he could go so far as that; the second is, that he thinks I would not give my vote according to the evidence put before the committee; and the third is that he does not wish a member to be on the committee who would give an independent vote on the question. It is the most extraordinary thing that has happened to me since I came into the House. I can hardly believe the Premier intended his objection as a direct insult to me; therefore I must fall back upon one of the other two reasons, and that is only another proof of our present contention that the members of select committees are appointed on an utterly wrong basis. Whatever else hon. members may think of me, I am sure they cannot think I am a man likely to give an improper decision on this or any other question that may be put before me. Therefore that cannot be the Premier's reason for objecting to me; and I am consequently driven to the third reason, that he objects to an independent member being put on the committee—he only wants men appointed who lean towards his own way of thinking. I do not say he wants them to do anything improper, but merely that he is anxious to have his own ideas carried out. If committees are to be appointed on that basis they will be a perfect farce and utterly useless. It shows that the recent argument against the Elections and Qualifications Committee was a good one, and that the sooner its duties were removed from the scope of the House the better for the House and the better for us all. A committee of this kind ought to be appointed by ballot, and I certainly must withdraw my name from it, as I will not act under such circumstances.

The PREMIER: I think I ought to say something in explanation. I have heard with surprise the speech of the hon. member for Stanley. It is a great pity he did not speak to me about the matter before, and let me know something about it. The list of names in the motion which you have put, Mr. Speaker, was submitted to me by the hon. member for Fassifern, and I said I had no objection whatever to them. There has been a strange misunderstanding somewhere. I do not think my conversation with the hon. member for Fassifern should have been mentioned here, nor should it have been mentioned by him to anyone else.

Mr. MOREHEAD: There was a conversation then?

The PREMIER: Yes; he spoke to me about the committee; I said I did not think it was properly constituted. With respect to the hon.

member for Stanley, I said "Is he not rather intimate with Mr. Hodgson?" If he had been so I am sure the hon. member would admit himself that that was good reason why he should not act on the committee. On being assured it was a mistake, I said "Of course, there is no objection." It is altogether a misunderstanding, for which I do not think I am in the least responsible.

Mr. FOOTE said: Mr. Speaker,—After the discussion that has taken place I do not feel at liberty to go on the committee either; because the committee, after a discussion of this sort, would be looked upon as consisting of persons who would not have been picked if they did not hold certain views. Not that I think that is the case, but I know that with committees chosen in the ordinary way there is generally a charge made by one side or the other of inability, or bias, or prejudice, or one-sidedness and all that kind of thing; and when we have a prejudice to begin with it is fatal to the committee. I am very glad the hon. member for Stanley has brought this matter forward; I shall certainly withdraw my name from the committee, and I would advise the hon. member for Fassifern to do the same with the motion.

Mr. MIDGLEY said: Mr. Speaker,—I want to make a personal explanation before the debate goes further. I consider that what has been said may put me in a false position. I had no alternative except to put in the names that are mentioned in the motion, after I had asked hon. gentlemen to act, as, if I had left them out, they would have asked me the reason. I believed the hon. the Premier's objection to Mr. Kellett's name was a good one; I believed he had information as to what he stated—that there was some relationship or connection by marriage—

The PREMIER: I did not say so.

Mr. MIDGLEY: Or some unusual intimacy which would make it unseemly for the hon. member for Stanley to act on the committee. I told the hon. member for Stanley what had passed at the interview, and I informed the hon. the Premier this afternoon that I believed what he had said was not the case. The Premier then withdrew his objection to the hon. member's name. I do not see that what has passed is any justification for the hon. member for Bundamba to withdraw his name from the committee—

Mr. FOOTE: I do.

Mr. MIDGLEY: Unless he has a desire to harass and humbug the thing. I had his consent to put his name on the committee, and there I shall leave it.

Mr. BLACK said: Mr. Speaker,—I have no intention of opposing this committee in any way; but I think it is hardly likely to lead to any useful result. However, as I do not think the Premier is opposed to the committee, I think the statement he has made should not be allowed to pass unchallenged, as it would leave the committee to commence the investigation with a wrong impression of what I think are the real facts of the case. The Premier has seen fit to mix up the seizure of the "Forest King" with a matter which occurred much later—the Commission appointed to inquire into the method of recruiting certain boys.

The PREMIER: By the "Forest King," and on that voyage.

Mr. BLACK: I am quite prepared to admit that that is perfectly correct; but I think the House should bear in mind that we had a perfectly legal tribunal which acquitted the captain, and, I assume, the owners of the "Forest King," of having in any way infringed the Polynesian Act. That was the result of the case tried before

one of the judges of the Supreme Court in Brisbane. All the witnesses were brought down and a verdict was given in favour of the "Forest King." On the other hand we had another tribunal known as the Royal Commission, which did not take any evidence according to the usual legal way in which evidence is taken. Although I am not prepared now to differ in any way from the verdict they arrived at, I must say that I think the decision of a judge in the Supreme Court would have far greater weight with the country than that of a somewhat irresponsible commission. I think that should be clearly understood by the House. So far as I remember the facts, the seizure of the "Forest King" was brought about to a very great extent by the action of one of the Government servants. I think I am right in saying that the officer in charge of H.M.S. "Swinger," after examining the papers of the "Forest King," came to the conclusion that everything was being carried on in accordance with the law, and it was not until one of the officers of the Queensland Government induced him to take action that the vessel was seized. When the case came before one of the judges of the Supreme Court the vessel was released. Now, the present is not the proper time to discuss the merits of the two inquiries—the one held before the Supreme Court and the other held in a somewhat informal way by the members of the Commission; but that a wrong was committed on the owners of the "Forest King" is undeniable; and, so far as I remember, the judge who tried the case said as much, and regretted he was unable to give damages in favour of the owner as against the Admiralty. On the one hand, Mr. Speaker, we have the verdict given by one of our judges of the Supreme Court in favour of the vessel, after due inquiry and considerable expense to the country; and then again we have the decision arrived at by the Commission and confirmed by the hon. Premier, which has certainly not the same legal value as that arrived at by the Supreme Court judges.

Mr. BROOKES said: Mr. Speaker,—If the hon. member for Fassifern will take my advice he will withdraw this motion and never bring it forward again.

Mr. MIDGLEY: I shall not.

Mr. BROOKES: No good can possibly come of it. It begins badly—by discrediting the gentlemen who are named on the committee. It was certainly not judicious of the hon. member for Fassifern to make an improper use of the conversation which passed between him and the Premier. He should never have gone to the hon. member for Stanley.

Mr. MIDGLEY: What else could I have done? What would you have done?

Mr. BROOKES: That is a fair question. I should have said nothing whatever to the hon. member for Stanley, and have let his name stand. I am sure there is no member in this House who stands in higher estimation than the hon. member for Stanley, and I am sorry he should have put the three-fold construction he did upon what took place. What good can come of the motion? What good will this select committee do? I do not think the case can be put plainer than it has been by the Premier. All they can do is to bring into comparison the proceedings of the Admiralty Court and the proceedings of the Polynesian Commission. The hon. member for Mackay seemed to prefer the mode of proceeding in the Admiralty Court to that of the Polynesian Commission. However, that is a matter of taste. My impression is that the evidence given before the Admiralty Court was nothing like so full and comprehensive as that submitted to the Poly-

nesian Commission. The great difficulty in these Polynesian matters all along has been to get such evidence as was obtained by the Polynesian Commission. Many a man has escaped, who was undoubtedly guilty, through legal technicalities. In this case there is a distinct verdict by the Polynesian Commission that there was hardly an atrocity that can be committed—and they are very numerous, Mr. Speaker, in the slave trade—that was not committed by the "Forest King." I read the proceedings that took place in the Supreme Court without any idea that I should have to call them to memory after this space of time. I do not want to impugn that court or bring it into disesteem; but among the witnesses there was a missionary, and missionaries do not fare very well in courts of justice; there seems to be a bias against them. This man had been a missionary for years and years, and if his evidence had not been disbelieved the verdict of that court would have been, possibly, contrary to what it was. I do not want to impugn the decision of a court of such high standing as the Admiralty Court, and I say, Mr. Speaker, that this select committee can do nothing but bring into comparison the decisions of the Admiralty Court and the Polynesian Commission. I trust that hon. members will bear in mind what the Premier said, because his statement was very weighty and amounted to this: that while they attempt to make this comparison of conflicting decisions, the committee will not have the materials upon which to found a just comparison. That is very important, and should carry weight with hon. members. The committee will not have evidence upon which to found a fair and impartial judgment. On the one hand there was a purely legal trial, while, as the Premier had said, all the witnesses examined by the Polynesian Commission are in New Guinea. I do not see in what way the committee can call into question the decision of the Polynesian Commission by examining witnesses over again. I trust that the hon. member for Fassifern will think better of this matter. It does not much matter how we arrange this committee, it will be a "spotted" committee, and that is not a good beginning; and as to the labours of the committee, I think, Mr. Speaker, they will end in nothing. If we can find five or six hon. members of this House who are willing to waste their time—leave their business and other engagements in order to enter upon a tiresome and dreary proceeding which will come to nothing, I have nothing further to say; but I fancy that will not be so easily done as may be imagined. Everything connected with the "Forest King" is connected with the foulest lies, and it is not likely that the "Forest King," or anything connected with her, will come out unbesmirched. You cannot wash a blackfellow white. I recommend the hon. member for Fassifern to withdraw the motion, as the subject has become nauseous.

Mr. MOREHEAD said: Mr. Speaker,—No doubt the hon. member who has just sat down will make the subject as nauseous as he can. He certainly can make a speech as nauseous as anybody I ever heard speak in this House. I think the hon. member, in his remarks, forgets altogether that the request for a committee is an appeal from a man who believes he has been wronged—whether rightly or wrongly I offer no opinion at the present time, at any rate. I think that, when there has been a difference in the decisions given in regard to a case by two tribunals, any man, no matter what his position may be, has a right to appeal to this House for an inquiry to decide whether he has been wronged or whether he has not. I offer no opinion myself on the matter, which is, so to speak, *sub judice*. I think Mr. Hodgson has a perfect right to appeal to this House for the redress of what he

considers to be a grievance. I certainly was very much surprised at the action taken by the hon. Premier with regard to the constitution of the proposed committee. I was much surprised to find that some hon. members on that side have got into such a condition of serfdom that they have to submit to the Premier as to whether they shall be allowed to constitute a committee or not. I think that the disclosures that have taken place—which have led to a futile attempt to discredit the character of the hon. member for Stanley, and the withdrawal of the hon. member for Bundamba of his name from that committee—show that the Premier is attempting to exercise an undue influence upon the construction of committees in this House to inquire into matters which petitioners outside the House seek to have an inquiry into. I think there can be no doubt about that. The Premier has attempted to have selected a biased committee as he selected a biased commission. I say that with regard to only two members of the Commission. I do not allude to Mr. Rose, because I believe he was undoubtedly unbiassed, at all events, when he entered the Commission; but I say unhesitatingly that Mr. Milman was a biased man—a man who went into that Commission with a particularly strong bias against the "Forest King," because he had been defeated in the court of law in regard to that vessel. His action was upset by the Supreme Court, and he went on the Commission as a prejudiced man to inquire into the case of the "Forest King." The hon. member for—I forget what constituency he represents—the £460 gentleman—is it Oxley he represents?

An HONOURABLE MEMBER: Bulimba.

Mr. MOREHEAD: Yes; Bulimba. He went in as a strong partisan of the Government, bound to bring up a report in their favour. He was so biased by his position in regard to supporting the present Government that no matter how honestly he intended to act in the matter he manifested a leaning towards the side of the Government. I think I have clearly pointed out that the Government approved of appointing a biased commission so far as two members of that Commission were concerned, and the Premier's biased action this evening has shown that he wants a biased committee. I regret very much that there should have been such an exposure of the machinations of the Premier as has been made to-night with regard to the construction of this committee. I think he should be very much ashamed of his action in asking that the names of the members of the committee should be submitted to him for approval—that he ought to decide the constitution of a tribunal appointed for the simple purpose of doing justice between man and man. Mr. Hodgson has been, so far as I am aware, innocent of any improper practices carried on by those in his employ; but this Commission has certainly brought in a different report, and now Mr. Hodgson wishes, not only to clear his own character, but to be relieved of the charges which have been made against him by the action of the Government. Is there anything improper in that? Is Mr. Hodgson to come out of this inquiry—as the junior member for North Brisbane says—besmirched or shown up in some extraordinary way that the hon. gentleman did not know or care to explain; but that he should come out of it, at any rate, a dishonoured man. That was to be the result. If Mr. Hodgson thought that, I think he would be the last man to ask for the appointment of a committee. I fancy he is a man who knows his own business; at any rate, he is an old and respected colonist, a man well known and

respected in this colony. He has been a member of one of the branches of our Legislature, and I think he has a perfect right to ask that an inquiry shall be held into this matter. If he did not ask for a committee of inquiry he would go forth branded as having connived at certain gross iniquities in the labour trade, and he only asks now for a fair trial and to be tried by a tribunal appointed by this House. Surely there can be nothing improper in that—surely it is what any honourable man would ask—and I sincerely trust the House will allow this motion to pass. Whether the names of the committee are altered or not I care not; but I believe, no matter who is appointed, they will do their duty faithfully and truthfully, and that is all Mr. Hodgson asks.

Mr. MIDGLEY said: I just wish to enlighten the House on one point alluded to by the hon. member for Balonne. The committee that I proposed was not submitted for the approval of the Premier. The list of names was never shown to him until it appeared on the business paper. Afterwards, in conversation with him, allusion was made to these two particular names, and I think the objections, if true, were reasonable and fair objections to be made; but that I submitted the names to the Premier in the first instance for approval it is utterly a mistake. I feel altogether reluctant to go into the details of this question. I do not want any member of this House to have the least reason for supposing that before going into the committee I was biased either one way or the other. I will, therefore, abstain now from going into an expression of opinion, but I hope that Mr. Hodgson's reasonable request will be granted. Two tribunals have tried this same case—one deciding in his favour and the other against him—and I think it is not unreasonable for him to ask that a committee of this House be appointed to inquire into the matter.

Question put and passed.

PRINTING COMMITTEE REPORT.

Mr. FRASER (on behalf of the Speaker), as Chairman, brought up the Fourth Report of the Printing Committee, and moved that it be printed.

Question put and passed.

MINERALOGICAL LECTURERS.

On the Order of the Day being read for the consideration in Committee of the following resolutions:—

1. That it is desirable that mineralogical lecturers be appointed by the Government for the purpose of visiting and lecturing at the mineral fields of the colony, and explaining to the miners how the more valuable metals may be distinguished and their presence detected when found in combination with other substances.

2. That it shall be the duty of these lecturers to impart, so far as is practicable, any other information which may be of use to miners as a means for prosecuting the business of mining to the greatest advantage.

3. That an Address be presented to His Excellency the Governor praying that His Excellency will be pleased to cause a sum to be placed on the Supplementary Estimates to provide the expenses entailed by the above appointments.

On the motion of Mr. NORTON, the Speaker left the chair, and the House went into Committee.

Mr. NORTON, in moving the resolutions, said he only regretted that the sum of £2,000 which was to be made available for this purpose was not double the amount.

1885—2 v

The COLONIAL TREASURER said when that matter was debated in the House there was an expression of opinion that the appointment of lecturers would be a benefit to the mining community, and it was admitted that the provision made for the establishment of schools of mines would be adequate for the purpose. He had intimated that if the hon. gentleman would be satisfied with the provision made on the Estimates for the establishment of schools of mines without making any larger call upon the public funds of the colony, there would be no objection on the part of the Government to giving the miners the earlier advantage of having lecturers appointed to give them elementary instruction before schools of mines came into operation. He had, therefore, framed an amendment upon the hon. gentleman's motion, which he thought would meet with his approval, providing for the payment of mineralogical lecturers out of the moneys voted for schools of mines. The resolution, as he proposed to amend it, would read: "That an address be presented to His Excellency the Governor praying that His Excellency will be pleased to cause the expenses entailed by the above appointments to be defrayed out of such moneys as may be voted for schools of mines." He trusted that would satisfy the hon. member. He begged, therefore, to move that all the words after the word "cause," in the 3rd paragraph, to the word "provide," inclusive, be omitted. After that was disposed of he would propose a further amendment.

Mr. NORTON said he accepted the amendment.

Amendment put and passed.

The COLONIAL TREASURER moved that the following words be added at the end of the 3rd paragraph—namely, "to be defrayed out of such moneys as may be voted for schools of mines."

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

On the motion of Mr. NORTON, the CHAIRMAN left the chair, and reported to the House that the Committee had come to a resolution.

Mr. NORTON moved that the resolution be adopted.

Question put and passed.

The PREMIER said: I am afraid it is too late to call attention to the matter, but I would ask whether, in accordance with our Standing Orders, a resolution of this kind can be received on the same day on which it is passed.

The SPEAKER: I do not think there is any difficulty in the matter, because in my opinion the resolutions cannot be considered as money resolutions. They are only an order of the House directing the appropriation of moneys yet to be voted. I think they can hardly be accepted as money resolutions.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said it was proposed on Tuesday to take first the motion for the approval of the plans of the Cairns-Herberton Railway, and then to proceed with the Elections Bill in committee.

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