Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 3 NOVEMBER 1885

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LEGISLATIVE COUNCIL.

Tuesday, 3 *November*, 1885.

Assent to Bills.—South Coast Railway Extension.—Leave of Absence.—South Brisbane Gas Company Bill.—Pacific Island Labourers Act Amendment Bill.—Licensing Bill.—Joint Committees.—Federal Council (Adopting) Bill (Queensland).—Joint Committees.—Federal Council (Adopting) Bill (Queensland).—Motion for Adjournment.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

ASSENT TO BILLS.

The PRESIDENT announced the receipt of messages from the Governor, conveying his Excellency's assent, on behalf of Her Majesty, to the following Bills:—Friendly Societies Act of 1876 Amendment Bill, Undue Subdivision of Land Prevention Bill, and Noble Estate Enabling Bill.

SOUTH COAST RAILWAY EXTENSION.

The POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson) moved—

That the report of the Select Committee on the proposed extension of the South Coast Railway from Beenleigh to Southport and Nerang be now adopted.

Question put and passed.

The POSTMASTER-GENERAL then moved—

1. That this House approves of the plan, section, and book of reference of the proposed extension of the South Coast Railway from Beenleigh to Southport and Nerang, in length 28 miles 51 chains 60 links, as received by message from the Legislative Assembly on the 27th October.
2. That such approval be notified to the Legislative Assembly by message in the usual form.

Question put and passed.

LEAVE OF ABSENCE.

The HON. F. T. GREGORY said: Hon. gentlemen,—With the permission of the House I beg to move, without notice, that leave of absence for the remainder of the session be granted to the Hon. Gordon Sandeman. As hon. gentlemen are aware, the Hon. Mr. Sandeman met with a severe accident some time ago; and I have been informed of the receipt of a telegram stating that it is his intention to return to the colony as soon as he has recovered. Prior to the accident he intended to have been here this session, and he stated so positively to me in London. Under those circumstances, I trust the motion will meet with the approval of the House.

The PRESIDENT: Is it the pleasure of the House that the motion be put without notice?

The POSTMASTER-GENERAL: I object.

SOUTH BRISBANE GAS COMPANY BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to enable the South Brisbane Gas and Light Company (Limited), incorporated under the provisions of the Companies Act of 1863, to light with gas the city of Brisbane and its suburbs, and for other purposes therein mentioned.

On the motion of the HON. W. H. WILSON, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

PACIFIC ISLAND LABOURERS ACT AMENDMENT BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, intimating that the Assembly had agreed to one of the Council's amendments in the Bill, but had disagreed to the amendment which proposed to omit clause 11, for the following reason:—

"Because it has very frequently happened that employers of Polynesian labourers, being justices of the peace, have taken part in hearing and deciding complaints of breaches of the provisions of the Pacific Island Labourers Acts made against other employers, and confidence in the administration of justice has in consequence of their decision in such cases been much impaired. And it is consequently desirable that all unofficial magistrates should be relieved of the function of deciding such cases, and that the power to decide them should be confined to police magistrates."

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the message.

The POSTMASTER-GENERAL moved that the Committee do not insist on their amendment in clause 11.

The HON. T. L. MURRAY-PRIOR said he had already said enough to show what his feeling on the subject was, and he had no doubt that the Hon. Mr. Gregory, who moved the amendment, would again take the matter up. He seriously trusted that the Committee would not do as the Postmaster-General wished in the matter, but that they would insist on the omission of the clause.

The HON. F. T. GREGORY said, as the mover of the original amendment, which was now objected to by the other branch of the Legislature, he had only a few words to say. He had carefully studied the question since he had spoken on it at the time of moving the omission of clause 11, and he saw no reason whatever for withdrawing his decision. Further, in looking over the reasons given for the objection by the other House, he saw nothing whatever in them to carry the smallest weight. He therefore moved that the House insist on their amendment.

The CHAIRMAN: I must remind the hon. member that this is a negative motion, and it is therefore "yes" or "no."

The HON. SIR A. H. PALMER said the proper amendment to make was to move the omission of the word "not," and if that word was omitted the result would be that the Committee would insist on their amendment. The question would be "That the word proposed to be omitted stand part of the question."

The HON. F. T. GREGORY said there seemed to be some misapprehension as to the mode of putting the motion, and he therefore moved the omission of the word "not."

Question—That the word proposed to be omitted stand part of the question—put, and the Committee divided :—

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The Hons. T. Macdonald-Paterson, W. Pettigrew, W. H. Wilson, F. H. Holberton, J. Cowlishaw, and J. Swan.

NON-CONTENTS, 17.

The Hons. Sir A. H. Palmer, T. L. Murray-Prior, F. T. Gregory, J. F. McDougall, A. C. Gregory, G. King, A. H. Wilson, J. Taylor, W. Forrest, J. C. Smyth, W. Aplin, W. G. Power, A. J. Thynne, F. H. Hart, A. Raff, P. Macpherson, and W. Graham.

Question resolved in the negative.

Question—That the Committee insist on their amendment omitting clause 11—put and passed.

The House resumed, and the CHAIRMAN reported that the Committee insisted on their amendment omitting clause 11.

On the motion of the HON. F. T. GREGORY, the report was adopted.

The HON. F. T. GREGORY said : I now beg to move that the Bill be returned to the Legislative Assembly with the following message :—

Legislative Council Chamber,
3rd November, 1885.

MR. SPEAKER,

The Legislative Council having had under consideration the message of the Legislative Assembly of date 2nd instant, relative to the amendments made by the Legislative Council in the Pacific Island Labourers Act of 1880 Amendment Bill, beg now to intimate that they insist on their amendment—omitting clause 11—because there is no evidence of miscarriage of justice resulting from unpaid magistrates adjudicating under the Pacific Island Labourers Act.

Question put and passed.

LICENSING BILL.

The PRESIDENT read a message from the Legislative Assembly, returning the Licensing Bill, and intimating that they agreed to some amendments made by the Legislative Council, disagreed to others, and agreed to others with amendments.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the Legislative Assembly's message.

On clause 7—"Disqualification from appointment or acting as licensing justices"—in which the Assembly proposed to amend the amendment of the Council in subsection (*b*), by inserting the words "the owner or mortgagee" after the word "or," and by substituting the words "any such house" for the word "thereof"—

The POSTMASTER-GENERAL said that was purely a formal amendment, and he moved that it be agreed to.

The HON. A. C. GREGORY said the proposed amendment would not have any important effect beyond extending the disability imposed by the clause, so that not only the owner, landlord, or mortgagee of a licensed house should be disqualified from acting as a licensing justice ; but also the owner or mortgagee of the lease or furniture of any such house. He did not see any reason for dissenting from the amendment proposed by the Legislative Assembly.

Question put and passed.

The POSTMASTER-GENERAL said there was a consequential amendment in subsection (*f*) of the same clause, and the amendment, as amended, was transferred to the end of the subsection so that it would read as follows :—

"A director, manager, or officer of a corporation, joint-stock company, or building society, being mortgagees of any house within the district used or licensed for the sale of liquor, or for playing at billiards or bagatelle, or in respect of which an application is made for a license under this Act, or being the mortgagees of the lease or furniture of any such house."

He moved that the amendment of the Assembly be agreed to.

Question put and passed.

On clause 32—in which the Assembly proposed to substitute the word "is" for "shall be" in the amendment proposed by the Council—

The POSTMASTER-GENERAL moved that the amendment be agreed to.

The HON. A. C. GREGORY said the amendment appeared to be a simple matter of form, and he did not see any reason for dissenting from it.

Question put and passed.

On clause 115—"Poll may be demanded upon certain resolutions"—in which the Assembly disagreed to the proposal of the Council to substitute "one-fourth" for "one-tenth" in the 2nd line of the clause—

The POSTMASTER-GENERAL said the amendment proposed by the Committee was the substitution of one-fourth for one-tenth, as the proportion of the whole number of ratepayers required to demand a poll. The reasons given by the Assembly for disagreeing with that amendment were as follows :—

"Because the proportion of ratepayers whose preliminary concurrence is required in order to put the provisions of the sixth part of the Act in operation should not be so large as to impose undue difficulties in the way of taking a poll of all the ratepayers ;

"Because, having regard to the fact that in many parts of the colony a very large number of ratepayers are not resident in the district, the proposed proportion of one-fourth would be practically prohibitive—a result which, it is conceived, is not desired by the Legislative Council ;

"Because the condition that the applicants for a poll must deposit the sum of ten pounds with the returning officer is a sufficient guarantee of *bona fides*."

He did not think it was necessary for him to take up the time of the Committee in dilating upon the question, because the matter had been fully discussed by hon. members on a previous occasion. He hoped, however, that the reasons given by the Assembly would suffice to enable the Committee to agree to accept the decision of the other branch of the Legislature on that point. He therefore moved that the Committee do not insist upon their first amendment in clause 115.

The HON. A C. GREGORY said he thought the Committee ought to insist on their amendment in that clause. They carefully considered the question whether one-tenth was sufficient, and came to the conclusion that one-fourth of the whole of the ratepayers was necessary before a poll should be granted. When they looked at the first reason as to whether one-tenth should be sufficient—namely, that one-fourth would be, as it was stated by the Assembly, "so large as to impose undue difficulties in the way of taking a poll of all the ratepayers"—he scarcely thought it was tenable, especially when they considered the large number of ratepayers who would eventually vote, and that the poll would not of necessity be a poll of the ratepayers resident within the area, but of those whose signatures might be obtained by the promoters of the agitation. One-fourth was a comparatively insignificant proportion of the ratepayers, and if they were to allow one-tenth to demand a poll they would have a continued agitation for a poll and the country would be put to considerable expense. That small number was utterly insufficient to carry the vote through, because one-half the ratepayers would be required at the voting in order to carry any resolution. He was therefore of opinion that they ought to adhere to their amendment

on that ground alone. As to the third reason—namely, that "the condition that the applicants for a poll must deposit the sum of £10 with the returning officer as a sufficient guarantee of *bona fides*"—he did not think the deposit was sufficient, because in all cases there would be a considerable number of ratepayers in the area in which it was proposed to enforce the local option clauses, probably not less than 300 or 400 in any place—and a deposit of £10 would only amount to a few shillings each. He therefore thought the deposit was not a sufficient guarantee. He therefore moved the omission of the word "not" from the motion before the Committee.

The HON. A. J. THYNNE said he agreed that they ought to insist on their amendment, because the proportion of ratepayers ought to be sufficiently large to prevent a poll being demanded unless there was a reasonable prospect of success. It would be a pity to have a neighbourhood disturbed and property jeopardised, if there was no prospect of the people who signed the requisition being successful, when the question went to the poll.

The POSTMASTER-GENERAL said he trusted the amendment would not be insisted upon. It was admitted that the Bill was a good one, but he thought it would be deformed if the Committee insisted on their amendment. There was no doubt that if the amendment were insisted upon it would emasculate the provisions relating to local option, because it had been found in all municipal elections that very rarely more than one-third of the whole of the ratepayers actually recorded their votes; so that, practically, they were asked by the Hon. Mr. Gregory to decide that the number of ratepayers who requested a poll in writing should be equal to the number required to decide the election. It was intended that a reasonable number of the ratepayers should have a right to request a poll, but it was never intended that such a number should make that request in writing as would be sufficient to decide the question.

The HON. T. L. MURRAY-PRIOR said he did not think the Postmaster-General had made out a good case. If only a few names could be obtained for the purpose of demanding a poll, the majority could not have the question very much at heart, and if the majority had not the question very much at heart it would be a bad thing for the minority to cause a disturbance in the district without any prospect of effecting the object in view. He should vote for the amendment of the Hon. Mr. Gregory.

The HON. W. D. BOX said the Postmaster-General seemed to forget that the notice was to be in writing, and that it would be a very easy thing to get a large number of ratepayers to sign a requisition for a poll. If one-tenth of the ratepayers tried once and failed in their object, they would try again, and the effect of repeated agitation would be injurious to the licensed victuallers. He thought that when the first step was taken a considerable proportion should be required to demand a poll, and he hoped that the words "one-fourth" would be insisted upon; especially as the people who demanded a poll would only have to deposit £10 as a proof of their *bona fides*.

The HON. A. RAFF said he agreed with the Postmaster-General that it would be a pity to insist on the amendment, because it would nullify altogether the provisions relating to local option. Most hon. members would admit that the Bill was a good one; and he thought it would be better under the circumstances, though he thought good reasons had been given why one-tenth should be the number, to substitute some other number, which would meet with the approval of both Chambers.

The HON. A. H. WILSON said he should be sorry to see anything done which would have the effect of throwing out the Bill, which had been the subject of considerable excitement and agitation all over the country. He hoped some arrangement would be made so as to split the difference, and make the number one-seventh. He thought that would satisfy all parties.

The HON. G. KING said he was very much inclined to adopt the Hon. Mr. Wilson's suggestions. If some thought one-tenth too small, and others thought one-fourth too large, they might agree to a medium number.

The HON. W. GRAHAM said he doubted whether they could amend their own amendment.

The HON. W. FORREST asked whether it was likely, if one-tenth only were required to demand a poll, and if—as the Postmaster-General said—only one-fourth were in the habit of voting, that an election would be decided under those conditions? And if there was no prospect of carrying the election, why should a whole neighbourhood be disturbed and put to expense? He thought that the number who might demand a poll should be large enough to give a reasonable assurance that they would be successful.

The HON. A. C. GREGORY said that as a rule in the case of municipal elections—and it was in municipalities that local option was most likely to be brought into operation—considerably more than half the ratepayers voted, and frequently three-fourths, when it was a question that interested them; but where it was simply the election of a member going in at the end of the year they let the thing pass, and very few recorded their votes. It should be remembered that the petition in favour of a poll could be sent round to ratepayers who were not resident in a district, and that it would be very easy to get signatures; whereas the ratepayers must attend personally to vote, and it would take a good deal of driving to get them to the poll. Perhaps the number was not the most important point at issue, but he thought one-fourth was much nearer the mark than one-tenth.

The HON. W. FORREST said he would give a practical illustration of what might happen if they did not insist on their amendment. In the largest watering place in the colony there were 364 voters, and 36 of those could disturb the place with perhaps not the slightest chance of carrying the election. That showed the danger of reducing the number below one-fourth.

The POSTMASTER-GENERAL: Did the hon. gentleman refer to electoral voters or to ratepayers?

The HON. W. FORREST: Ratepayers.

The HON. A. J. THYNNE said the Committee ought to insist on their amendment, because then it would be necessary for one-fourth of the ratepayers in any area to commit themselves in writing to the assertion of the principle of local option before a poll could be taken. That would add such an amount of moral weight to the movement that the supporters of local option should not hesitate to insist on the amendment made by the Council.

The POSTMASTER-GENERAL said the arguments in favour of the amendment would be very well if hon. members of that Chamber were the Parliament of the country, but they were only a moiety in some respects, and not that in others. They must deal with the matter, having in view what had taken place elsewhere. The clause had been sent back by a majority of exactly two to one in a full House, and he thought they should have at least some regard for the conclusion

come to elsewhere, when the point had received so much attention. He had not thought that the matter would have been regarded as of so much importance; but, without having consulted any other member of the Government, he was quite prepared to accept the suggestion of the Hon. A. H. Wilson, which, he thought, would commend itself to all who had interests of the country at heart. He therefore hoped that the Hon. Mr. Gregory would withdraw his amendment, and allow that suggested by the Hon. Mr. Wilson to be put. He was satisfied from his knowledge of the country that it would be hard to get even one-seventh of the ratepayers in any community to ask for a poll to decide that the number of licensed houses in a district should be reduced. Hon. gentlemen were apt to consider that the country was going to stand still; but bad as things were the population was increasing, and the diminution of public-houses under the Bill would be practically nil, because the increase of population would require much more accommodation than at present subsisted. He hoped hon. gentlemen would conclude that they could reasonably and safely adopt the suggestion made by the Hon. Mr. Wilson.

The HON. SIR A. H. PALMER said he thought the Postmaster-General was slightly out of order, or, rather, considerably out of order, in adverting to what took place in another branch of the Legislature. If the hon. gentleman would refer to the Standing Orders he would find that he was completely out of order. He had no right to quote the opinions of members of the other House, and they could not properly and constitutionally, in that Chamber, take into consideration anything whatever that had taken place elsewhere. Now, with reference to the question under discussion, had it struck any hon. member that it would pay the publicans in any district to get one-tenth of the ratepayers to call for a poll? Why, it would pay them hand over hand to put down the £10 deposit and apply for a poll, and have the resolutions defeated. That was one very strong reason why the Committee should insist on their amendment. To his mind one-fourth was insufficient, and he should be inclined to make it one-half; but one-tenth was absurd, because, as he had said, it would absolutely pay some publicans to arrange for a poll being taken. They knew that candidates were often put up to contest an election without the slightest hope of their being returned, but simply for the purpose of having money spent in the district. Hon. members must know that if enthusiasts—let them be Blue Ribbon men, or Good Templars, or anything else—if they were enthusiasts, and got up an agitation and induced one-tenth of the ratepayers to sign a petition, it would not cost them anything; but it was forgotten altogether that the expenses must eventually be paid by the district. He thought it would be much safer if the House adhered to the amendment. For his own part, he did not believe very much in the principle of local option, and he never did. He considered the Bill would be a very good Bill if the local option clauses were left out altogether.

The HON. F. H. HART said he was not going to debate the question before the Committee, because not only had the hon. the President clearly pointed out that they ought to insist upon the amendment, but other hon. gentlemen had also so clearly explained the point at issue that there was no necessity to take up any further time, but he rose to allude to the matter referred to by the Postmaster-General, who had undoubtedly infringed the rules of the House. It was not the first time the hon. gentleman had referred to what had taken place in the other branch of the Legislature, but his offence had been passed over because it was known that he was rather new to the forms of the House. He (Hon. Mr. Hart) objected strongly to have thrust down his throat what had been done in another Chamber. Their duty was to discuss the matters brought before them on their merits, and have nothing whatever to do with the decisions on questions in the other House, either by big, small, or close divisions, or anything else; but, as a matter of fact, if they looked into the question of the disagreement of the other House with the amendment which had been made, they would find that there was no division at all—no one even called for a division. He regretted that the Postmaster-General had talked to hon. members in the way he had done, and he hoped the hon. gentleman would allow hon. members to deal with measures that came before them in their own way, conscientiously, and in the manner which they thought best in the interests of the colony. He hoped the amendment would be insisted upon.

The POSTMASTER-GENERAL said the hon. gentleman was correct in one point. The other Chamber was unanimous in disagreeing to the amendment. He was very glad that the question of infringing the rules had been raised by the hon. the President, because it gave him an opportunity of saying that the practice of not referring to anything that took place in the other Chamber had been practically abrogated for many years, and he had only to refer to the practice of the House of Lords and the House of Commons to prove his assertion. It was a matter of common occurrence that the proceedings of each House were referred to, one by the other. He was aware that there was a rule in that Chamber which prohibited hon. members from referring to anything which took place elsewhere, but in saying what he had said he had done nothing that there were not ample and numerous precedents for, and he was very glad to have an opportunity of saying so. It was a common practice in the House, which they all looked up to with respect and reverence, to refer to debates which had taken place in another Chamber.

The HON. T. L. MURRAY-PRIOR said it certainly had never been a matter of practice in that Chamber, and he thought it would be very inconvenient indeed if it were to become a matter of practice; it might cause dissensions, which were altogether unnecessary, and were to be deprecated, and he was greatly astonished at an hon. gentleman, who was a leader in that House, rising to say that he would at any time carry out the same plan. It was certainly against the rules of that Chamber to refer to anything which occurred in another place, and he trusted, whoever the member might be who offended in that respect, hon. gentlemen would set their faces against the practice.

The HON. W. PETTIGREW said he hoped the amendment to insert "one-fourth" would not be insisted upon, because of its inquisitorial nature. It was very seldom that such a large number could be induced to vote. According to the Bill, the system of voting by ballot was intended to be acted upon, and if hon. gentlemen looked at the last page of the Bill, page 44, they would find it there stated that—

> "The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross opposite each resolution upon which he wishes to vote, in the column headed 'for' if he wishes to vote for the resolution, or in the column headed 'against' if he wishes to vote against the resolution.
>
> "The voter will then fold up the ballot-paper so as to conceal the mode in which he has voted, put the paper into the ballot-box, and forthwith quit the polling station."

Now, if the Committee insisted upon the "one-fourth," the names of nearly the whole of the people who voted would be virtually disclosed, and he said that that would be an iniquitous thing, and was asking too much. If the names of one-tenth of the ratepayers were disclosed, that would be quite enough, but there were a large number of people who were in favour of local option who dared not vote. There were numbers of people who dared not vote for a principle which they knew very well was for their benefit, and he thought it was a very unfair thing to ask such a large number of people to vote publicly. He hoped the Committee would not insist upon their amendment of "one-fourth," although he was perfectly agreeable that a larger number than one-tenth should be adopted.

The HON. A. C. GREGORY said he must say he dissented from what had fallen from the last speaker, because he said many people would be afraid to vote; but there would be many more who would be quite willing to sign the petition than those who would actually vote. Further, voting by ballot was not provided for. The ratepayers had to attend to vote certainly, and therefore it would be known who voted. There was a far more important question that arose than any that had yet been advanced. The Bill was so exceedingly defective in its construction that it would be hardly possible to put it in operation whether they adopted "one-fourth" or "one-tenth." No limits were defined for the areas in which the ratepayers were to vote. The result would be that a number of those provisions, with regard to no second vote being taken, would become quite inoperative, and nothing but confusion would arise. It was too late during the present session to endeavour to amend the Bill; and it was almost better to let the local option clauses pass through as they stood, with the amendments that had been made, which, to some extent, would restrict the undue operation of that part of the Bill. But, if the number was allowed to stand at one-tenth, they should have nothing but continual confusion. His only object in not trying to throw out that part of the Bill relating to local option was that he thought the present might be a fair opportunity of starting the principle with proper restrictions; but if they reduced the number to one-tenth what would be the result? They should have facilities for those polls being called so often that the country would be kept in a continual state of turmoil and uncertainty, and it was to be hoped that next session the Government would be prepared to bring in some amendments which would define the limits within which the polls were to be taken.

The HON. A. J. THYNNE said the hon. gentleman had just shown that the Bill was really practically worthless, and he would go a little further and show the Postmaster-General how, if they left that "one-tenth" in, it would be in the hands of a few hotelkeepers to practically block the local option clauses from being put into force. In the first clause relating to local option there was no definition of any area that might be chosen. One small block of the city might be taken, or any small portion that was easily defined, and it would be well worth the publican's while to get up a petition for the purpose of picking the eyes out of a district by getting the resolutions negatived and further action debarred for two years. The same result would be brought about as was brought about in selecting land. If the eyes of the country were picked out, the waterholes all taken up, the rest of it was worthless; and so, if one-tenth was the number which was to be adopted in the present case, it would be open to the hotelkeepers to get up petitions and practically render it not worth while for those who were in favour of local option to apply for a poll.

The POSTMASTER-GENERAL said before going to a vote on the subject he wished to call attention to the expression used by the Hon. Mr. Gregory in reference to the clause. The hon. gentleman said there would be constant turmoil. He did not see how that could happen, as a space of several years must elapse between the taking of the polls. How, therefore, could there be constant turmoil? With respect to what fell from the Hon. Mr. Thynne, he held that the very contrary would take place to what he had suggested, and instead of playing into the hands of publicans the clause would play into the hands of those whom the hon. gentleman feared would interfere with the polls being taken. However, he did not intend to further argue the matter, because if he could not agree with hon. gentlemen they must agree to differ. He thought that the result would be the exact reverse of that predicted by the Hon. Mr. Thynne.

Question—That the word proposed to be omitted stand part of the motion—put, and the Committee divided :—

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The Hons. T. Macdonald-Paterson, W. Pettigrew, W. H. Wilson, J. Swan, F. H. Holberton, J. Cowlishaw, A. Raff, and J. C. Foote.

NON-CONTENTS, 17.

The Hons. Sir A. H. Palmer. T. L. Murray-Prior, F. T. Gregory, J. F. McDougall, A. C. Gregory, G. King, J. Taylor, A. H. Wilson, W. Forrest, P. Macpherson, W. Graham, J. C. Smyth, W. Aplin, W. G. Power, A. J. Thynne, W. D. Box, and F. H. Hart.

Question resolved in the negative.

Question—That the Committee insist on their amendment—put and passed.

The POSTMASTER-GENERAL moved that the Committee agree to the other amendment of the Legislative Assembly in that clause—namely, the substitution of the words "one-half" for "two-thirds," in the second resolution.

The HON. A. C. GREGORY said he considered that amendment was really one of greater importance than the one they had just dealt with. As the clause originally stood, the resolution might have reduced the number of public-houses in a district from one hundred to one, which amounted almost to prohibition. The amendment proposed by the Council allowed a reduction of one-third only. At the end of two years a second poll might be taken, and the remaining number reduced by one-third, which would bring the number down to one-half. Another poll might be taken at the end of the next two years, and the number of the then existing houses might be reduced by a third, and so on. He thought that was a better arrangement than allowing the ratepayers to make a sudden decrease by one-half. A one-third reduction would be an easier gradation from a large number to a smaller one; and seeing that no compensation was to be allowed those publicans who lost their licenses, he thought it would be far more equitable. He would therefore oppose the motion before the Committee, with the view of insisting on their amendment.

Question put and negatived.

On clause 119—"Procedure at poll"—in which the Assembly disagreed to the proposal of the Council to omit the words "and every ratepayer entitled to vote shall have one vote"—

The POSTMASTER-GENERAL said he thought that might be regarded as quite a formal matter. He moved that the Committee do not insist upon their amendment in that clause.

The HON. A. C. GREGORY said that amendment was not so easily understood by merely reading the clause, and he would therefore state what was the actual effect of it. Both the Local Government Act and the Divisional Boards Act provided that a person possessing certain qualifications—every ratepayer, in fact—should have a vote; if a man paid a certain amount in rates he was entitled to two votes, and anyone paying a higher sum still had three votes; but no amount of property in a municipality or division could give the holder or occupier more than three votes. It did not, in his opinion, appear desirable to disturb the method of voting now existing in municipalities and divisions, because if they introduced any modifications it was highly probable that it would give rise to much inconvenience and confusion, and possibly many irregularities in taking a poll. The reason given by the Assembly for their disagreement was—

"Because the omission of the words proposed to be omitted will not have the effect of altering the meaning of the clause, but may give rise to doubts as to its construction and to constant litigation."

It appeared that the objection was not to the principle at issue, but to a matter of form. It might have saved the Committee a great deal of trouble in discussing that matter had clause 118 been considered at the same time, because by that clause it was provided that "a poll shall be taken, which shall be conducted as nearly as possible in accordance with, and shall be subject to the provisions of the Acts for the time being in force regulating the procedure to be observed at municipal or divisional elections within the area." If they were to adhere to their amendment clause 118 would stand as it actually was and there would be no disturbance whatever in the present law in regard to the municipal and divisional elections. If they did not insist upon their amendment there would be a modification of the mode of voting which was allowed by the Local Government and Divisional Boards Acts. If there was any clashing or uncertainty about the matter it would be with regard to the meaning of the words "and every ratepayer entitled to vote shall have one vote." That provision was inconsistent with the provision of clause 118. Under those circumstances he thought they should insist upon their amendment, because, if it was not adopted, there ought to be a considerable explanatory amendment with respect to clause 118. He would therefore vote against the motion made by the Postmaster-General.

The POSTMASTER-GENERAL said the hon. gentleman who had just sat down gave clause 118 a very much wider scope of meaning than he attributed to it, or, he thought, anyone else did. The only question referred to in that clause was in reference to the mode of procedure to be observed at municipal or divisional elections within the area. That was all; there was no reference whatever to the number of votes which each ratepayer should be entitled to give. The matter of local option was attracting a great deal of attention in the mother-country at the present time, in view of the approach of the general election, and it was a very strange thing that the greatest number of candidates for election in Great Britain were of one common mind, in respect to voting on local option — namely, that a person should only have one vote, in the same manner as in the election of a member of Parliament. He had discovered that since the debate on that point the other evening, and he was very glad to find that the views he advocated were really the views which generally obtained in Great Britain in reference to that question. He then pointed out that the question of local option was a social one, and had no relation whatever to the expenditure of the municipal council or divisional board, or to good government generally outside the licensing laws, and hence it was desirable that the poorer ratepayer should have as much voice in that great social matter as the richer one. However, the matter was one on which he did not suppose he would be able to change the mind of any hon. member by anything he might say. He therefore thought it was undesirable to waste any time over it, and that at that stage they should come to a division on the question. He hoped, however, that the Committee would agree to accept the amendment proposed by the Legislative Assembly.

The HON. A C. GREGORY said he had looked at the 8th schedule since the question was moved, and he found that there would be no necessity for any modification of the schedule if the Committee insisted upon the amendment.

Question put, and the Committee divided :—

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NON-CONTENTS, 12.

The Hons. Sir A. H. Palmer, T. L. Murray-Prior, A. C. Gregory, F. T. Gregory, G. King, A. H. Wilson, P. Macpherson, W. Forrest, W. G. Power, A. J. Thynne, W. D. Box, and F. H. Hart.

Question resolved in the negative.

On the motion of the HON. F. T. GREGORY, the CHAIRMAN left the chair and reported to the House that the Committee had agreed to some amendments and disagreed to others.

On the motion of the HON. A. C. GREGORY, the report was adopted.

The HON. A. C. GREGORY then moved that the Bill be returned to the Legislatve Assembly with the following message :—

The Legislative Council having had under consideration the message of the Legislative Assembly, of date the 2nd instant, relative to the amendments made by the Legislative Council in the Licensing Bill, beg now to intimate that they—

Agree to the Legislative Assembly's amendments on their amendments in clauses 7 and 32;

Insist upon their amendment in clause 115, line 11—

Because the proportion of ratepayers whose preliminary concurrence is required in order to put the provisions of the sixth part of the Act into operation should be sufficiently large to prevent a poll being required except where there is a reasonable prospect of the requisitionists being successful in their movement;

Do not agree to the amendment on their amendment in clause 115, subsection 2—

Because the change would be too sudden and great to be equitable, and would act unfairly towards those who have vested interests in the area, especially as there is no provision for compensation;

Insist on their amendment in clause 119—

Because it is more equitable to give the ratepayers the same relative power in dealing with the question as they possess in cases of other municipal matters as provided for in clause 118.

Question put and passed.

JOINT COMMITTEES.

The PRESIDENT read a message from the Legislative Assembly forwarding a resolution arrived at by that Chamber with reference to the Library, Refreshment Rooms, and Buildings Committees continuing to act during the recess, and requesting the concurrence of the Legislative Council.

The POSTMASTER-GENERAL said: I I beg to move that this House concur in the resolution contained in the message.

The HON. T. L. MURRAY-PRIOR said: I am on the Library Committee, but I think it would be advisable if some other name were

substituted for mine, as I shall not be in town during the recess. It is no use being on the committee if I cannot do my work. I do not know whether this is the proper time to mention the matter, but I merely wish to let the House know my reasons.

The HON. G. KING said: I am also on the Library Committee, but I am sorry to say I have never attended any of the meetings because they generally take place when I am not in town. I would be very glad to attend during the session if the meetings of the committee were held in the morning, yet it is hardly convenient for me to come to town for the express purpose of attending a meeting of half-an-hour's duration. I think it is desirable that some other name should be substituted for mine.

The HON. F. T. GREGORY said: I only rise to express my approval of the proposal that the committees should sit during the recess. That was the practice some two or three years ago. I was on one or two of the committees at that time, and I think it is very desirable that the committees should continue to perform their functions during the recess.

Question put and passed.

FEDERAL COUNCIL (ADOPTING) BILL (QUEENSLAND).

The PRESIDENT read a message from the Legislative Assembly, returning the Federal Council (Adopting) Bill (Queensland), with amendments upon the Council's amendments, and requesting their concurrence therein.

JOINT COMMITTEES.

The POSTMASTER-GENERAL said: With reference to the previous matter before this Chamber, I now beg to move that the following message be returned to the Legislative Assembly:—

Legislative Council Chamber,
Brisbane, 3rd November, 1885.

MR. SPEAKER,

The Legislative Council having had under consideration the Legislative Assembly's message, of date the 2nd instant, relative to the control of the Buildings Committee, the Refreshment Rooms Committee, and the Library Committee during the recess, beg now to intimate to the Legislative Assembly their concurrence with the resolution contained in the said message.

Question put and passed.

The POSTMASTER-GENERAL: I beg leave to move without notice—

1. That the Hons. P. Macpherson and A. Raff be appointed as members of the Library Committee in the room of the Hons. G. King and T. L. Murray-Prior, resigned.
2. That such appointments be notified to the Legislative Assembly by message in the usual form.

The PRESIDENT: Does the House consent to the motion being put without notice?

The HON. W. FORREST: Hon. gentlemen——

The PRESIDENT: The hon. member cannot speak to the motion; he can object to it being put without notice.

The HON. W. FORREST: I object to it being put without notice.

The POSTMASTER-GENERAL: Then I will give notice for to-morrow.

FEDERAL COUNCIL (ADOPTING) BILL (QUEENSLAND).

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the amendments made by the Legislative Assembly on the Council's amendments in this Bill.

The POSTMASTER-GENERAL moved that the Committee agree to the amendments of the Legislative Assembly on the amendments of the Council in clause 1.

The HON. T. L. MURRAY-PRIOR asked if the Postmaster-General would explain what the amendments were?

The POSTMASTER-GENERAL said, in moving that the Assembly's amendments be adopted, he would point out that they were simply the omission of the word "two" and the insertion of the word "one," and a consequential amendment omitting the words "are two" and inserting the words "is one." If the amendments were adopted the clause would then read as follows:—

"1. In pursuance of the powers contained in the said recited Act, it is hereby declared and enacted that the said Act shall come into operation and be in force in Queensland on and from the first day of December, one thousand eight hundred and eighty-five, if at that date the said Act is in force in at least three other of the Australasian Colonies, of which one of the Colonies of New South Wales, South Australia, and Victoria is one."

"If at that date the said Act is not in force in at least three other of the Australasian colonies, of which one of the colonies of New South Wales, South Australia, and Victoria is one, then it shall come into operation and be in force in Queensland so soon after the first day of December, one thousand eight hundred and eighty-five, as it shall also be in force in at least three other of the said colonies, of which one of the colonies of New South Wales, South Australia, and Victoria is one."

The HON. T. L. MURRAY-PRIOR said he must own that he could not see the sense of the amendments. Perhaps the Postmaster-General's legal mind might be able to comprehend the motive of the amendments, but to him the amendments were incomprehensible. He had no objection to the amendments, but he wanted to understand them and see that there was some sense in them.

The POSTMASTER-GENERAL said it did not require a legal mind to understand that matter. No legal cast of mind would assist anyone in reading a clause of that kind. It was an absurd compliment to pay to anyone to say that he had a legal mind. He knew that the Hon. Mr. Thynne would agree with him that it was ridiculous to think that a legal training helped one to discover the meaning of the English language any better than a person in any other business or profession.

The HON. SIR A. H. PALMER: Hear, hear! On the contrary, very often.

The POSTMASTER-GENERAL said that if hon. gentlemen would follow him he would read the clause as it would appear if they adopted the amendments proposed by the Legislative Assembly. It would run as follows:—

"In pursuance of the powers contained in the said recited Act, it is hereby declared and enacted that the said Act shall come into operation and be in force in Queensland on and from the first day of December, one thousand eight hundred and eighty-five, if at that date the said Act is in force in at least three other of the Australasian colonies, of which one of the colonies of New South Wales, South Australia, and Victoria is one.

"If at that date the said Act is not in force in at least three other of the Australasian colonies, of which one of the colonies of New South Wales, South Australia, and Victoria is one, then it shall come into operation and be in force in Queensland so soon after the first day of December, one thousand eight hundred and eighty-five, as it shall also be in force in at least three other of the said colonies, of which one of the colonies of New South Wales, South Australia, and Victoria is one."

He hoped the hon. gentleman understood the matter. He thought that Chamber was entirely in agreement with the Assembly on that subject, and that there would be no hesitation in agreeing

to the amendment, which was merely a verbal one. It was not wise that any discussion should take place on the subject.

The HON. A. C. GREGORY said the amendment was a useful one, but he would suggest that instead of saying "of which one of the colonies of New South Wales, South Australia, and Victoria is one," they should omit the word "and" with the view of inserting the word "or," so that the sentence should read, "of which one of the colonies of New South Wales, South Australia, or Victoria is one."

The HON. A. J. THYNNE said if there was any amendment made in the clause he thought the proper way would be to alter it so that it should read, "if at that date the said Act is in force in at least three other of the Australasian colonies, including one of the colonies of New South Wales, South Australia, and Victoria." That would get rid of the repetition there was in the amendment, and the words would follow in proper sequence.

The HON. T. L. MURRAY-PRIOR said he understood now what was meant, but he thought that if the word "and" was altered to "or" it would be much better. The Postmaster-General seemed to be annoyed at him for speaking of his legal mind.

The POSTMASTER-GENERAL: No; not at all.

The HON. T. L. MURRAY-PRIOR said that by that he meant that any gentleman trained to the law had greater aptitude for dissecting a Bill, detecting the verbiage in it, and coming to a proper conclusion than those who had not that training; and he would therefore have been glad if he could do the same as the hon. gentleman.

The HON. P. MACPHERSON said he thought the amendment was perfectly intelligible as proposed by the Postmaster-General. He did not think they would do any good by putting the word "or" in front of the word "Victoria." The word "or" was disjunctive, and they preferred to have the clause as it stood with the conjunctive word.

The HON. W. D. BOX said he thought the amendment which the Legislative Assembly proposed ought to be accepted by the Committee. It seemed quite clear to him.

The HON. A. C. GREGORY said they were now considering the amendments proposed by the Legislative Assembly, and he thought the words adopted by the Assembly were quite explicit though they might not be in the best form. If they altered the amendment it would involve sending a message back to the Assembly, a return message, and another message back to Assembly again, while, if they accepted the amendment as it stood, it would not involve any further message.

The POSTMASTER-GENERAL said he did not think the matter was worthy of a moment's consideration. If they asked any person what colony should be one of the particular Australian colonies in which the Act must be in force before it came into force in Queensland, he would answer, in the ordinary phraseology, "One of the colonies of New South Wales, South Australia, and Victoria." Moreover, in amending that amendment as had been suggested, they would be amending their own amendment. He respectfully submitted that it would not help to make the clause any better or clearer than it was at the present time. It was perfectly clear, perfectly sensible, and denoted exactly what they wished to achieve.

The HON. F. T. GREGORY said he certainly should prefer to leave the clause as it stood. The wording was not of the very best construction that could be found, but at the same time it was easily accounted for by its being an amendment on an existing clause. Instead of breaking up the whole of the clause when the amendment was passed by that Committee they added those words, which had been amended by the Assembly, in order to simplify the matter as much as possible. Although there was what might be termed clumsiness in the form of construction the meaning was perfectly clear, and under those circumstances he thought it would be best to adopt the amendments as proposed by the Legislative Assembly.

Question put and passed.

The POSTMASTER-GENERAL moved that the Chairman leave the chair and report that the Committee had agreed to the amendments of the Legislative Assembly.

Question put and passed.

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

MOTION FOR ADJOURNMENT.

The HON. A. J. THYNNE said: Hon. gentlemen,—I rise to move the adjournment of the House with the view of calling the attention of hon. members to a matter which I trust they will excuse me for speaking on for a few minutes. At the end of last year we had, in Brisbane, a series of trials in connection with South Sea Island labour which attracted a great deal of attention; and, as we have passed to-day what I presume will be—for some time, at any rate—one of the last Polynesian labour Bills which we shall be called upon to consider in this Chamber, I think this is about as good an opportunity as one could have for speaking on the subject. One of the parties interested in those proceedings in December last is an old man, between sixty and seventy years of age, who held the position of Government agent on board the labour schooner "Ethel." He went on a certain voyage in that vessel on the labour business, the voyage lasting from January, 1884, to August of the same year. It was in connection with the circumstances of that voyage that his trial occurred. During the voyage he was complained of, and considered exceedingly strict in requiring the fulfilments of all the regulations for the protection of South Sea Islanders. So strict was he that he got himself very early in the voyage into hot water with the officers of the ship, and while on the voyage he took the opportunity, when somewhere near New Caledonia, of writing a private letter to the present Colonial Treasurer, the Hon. J. R. Dickson, intimating to him some of the difficulties he had to contend with. I will not detain the House by going into all the details of the matter; but I will mention one thing in particular. The officers of the ship, especially the captain—a man who has become notorious, and who has been twice sent for trial for violent conduct, and, I am sorry to say, has not been convicted, because he has escaped, as it is thought, by a great failure of justice—held out threats to him. He had a revolver discharged—very accidentally—in his neighbourhood, the bullet striking very near to him. He had an intimation, from a friendly native of one of the islands, that the captain of the ship had asked them, if they had an opportunity, to do him some injury, and he was warned not to go ashore. Those are the circumstances which occurred before the time that this poor old man wrote to the Hon. J. R. Dickson. If hon. gentlemen can imagine the position of a man like that, in the company in which he found himself, endeavouring honestly to do his duty, and yet creating the strongest enmity among

the men, whose object on the voyage he was, to a great extent, frustrating by being strict in his requirements for the carrying out of the law, it will be readily understood that he would have a most difficult and dangerous task to perform. The voyage, as I have said, lasted from January to August, and it resulted in the recruiting of only sixteen islanders, male and female. Early in June, in consequence of not being satisfied as to the interpreters who were available being capable of satisfactorily explaining the nature of the contracts to the islanders, he declined to continue recruiting, and required the vessel to return home. Now, close by New Ireland, they got a recruit. New Ireland is an island of very peculiar shape, being, as I have heard it described, like a cucumber. They got this islander on one side, and then sailed round and came up the other side—a considerable distance from where the islander was recruited. The islander then jumped overboard and swam ashore. The impression among the other islanders on board the ship was that this man had done the very worst thing for himself, as he would fall among hostile islanders and would probably be a victim to cannibalism. Shortly afterwards two islanders came on board, and the captain and the Government agent were parties to detaining those two men on board as hostages for the man who jumped overboard. Subsequently the captain went ashore with one of the islanders detained as a hostage, with the view of getting the islander who escaped, but he was not to be found. The strong presumption is that he had met the fate which it was feared would befall him. While the captain was away the other hostage who was left on the ship jumped overboard, and the mate of the vessel fired after him — a very wrong thing to do — and sent another islander into the water after him, captured him, and brought him back. He was kept on board until after the captain's return; and then several other occurrences took place which ended in the boy offering to recruit and come to Queensland. Now, here comes the gravamen of the charge against the Government agent, Mills. He said, in his examination at Maryborough, that he was determined, if possible, to get this islander to Queensland in order to see that justice was done to the mate for shooting at him. I acknowledge at once that in taking part in bringing that islander to Queensland he was technically committing an offence which he ought not to have committed; but it was done, as everybody must understand, with the view of preventing such outrages from occurring again. For that offence this old man has been sentenced to seven years' imprisonment. It seems to me an enormous thing that a man at that age, well known in the city of Brisbane, who has conducted himself respectably, against whom there has never been a whisper of ill-fame, should, for an error of judgment — putting it at the worst — be sentenced practically to die in gaol. If the man had gone beyond the mark in assisting at kidnapping for the purpose of making money, I should be the last in this House to say one word about it; but I fail to see how the cause of justice or the cause of humanity, or any good purpose, is served by having this awful punishment inflicted on the man under the circumstances. In order that hon. gentlemen may not think I am misquoting, I will read a portion of the Chief Justice's summing up, which will put the case in as clear and as safe a light as I can put it before this House. These are the remarks of the Chief Justice :—

"The charge was carrying this islander away to Queensland, and that he was taken for that purpose. The best evidence of a man's purpose was the act that he committed, and this islander was brought to Queensland. The prisoners Mills and Burton were men of good character; but men were always of good character until they took the first step in crime. That would only affect a jury if there was any doubt in a case of stealing, or anything of that kind, and if a man had been honest all his life a jury would give him the benefit of a doubt if there was one. If the evidence—more especially that from the mouths of the prisoners themselves — was of such a character as to convince them of the facts they must return a verdict of guilty. Without any reference to specific intention, without any reference to good character, if a prisoner committed an act which brought him within the letter of this statute, it would be their duty to say that he was guilty, The statute was framed very strictly, and it forbade a dealing of this character with the person of a native, whatever might be the intention of the party who carried him away. Assuming for a moment that the man who removed an islander was of the highest integrity and purity of character, and supposing he brought a boy from a state of savagery to teach him the doctrines of Christianity, to educate him and improve his condition, and to place him in a position of honour among men—that man, if he took the native with such a benevolent object on board ship, would be guilty of the offence if he had not got the consent of the native. The Imperial Act treated these islanders as intelligent human beings, and they were to say whether they would come or not. If they had not the option, the liberty, the full free liberty, to consent as free men standing on their native soil, their consent could not be accepted under the statute. They would observe that in this instance no option was given to the islander to go ashore; and the question for them to consider was whether there was evidence that the islander gave his consent at all. All that pantomime with the sovereigns and the yams in the presence of the two interpreters and Mr. Heinemeyer was quite consistent with kidnapping and with the belief that he was unwilling, and never, did recruit, because his subsequent attempt to escape showed that he wanted to go ashore, and if a free man he would have left the ship. Under this statute there must be absolute free will, and the meaning of the statute was that the moment a boy wanted to leave ship he could leave it. That being so, out of the mouths of the men themselves, particularly the Government agent, there was ample reason for believing that the boy never did consent.

I will not trouble hon. gentlemen by reading any further. I have given the gist of the Chief Justice's summing up, which points out that no matter how beneficial might have been the intention, whether for the purpose of benefiting the individual himself or for the prevention of further crime in the South Sea Islands, the unfortunate man Mills trespassed over the strictly legal line of the statute when he was a party to bringing the man to Queensland. I admit that he was acting illegally; but was it a wrong object he had in view? Was it an injustice which would cause any of us to say that he should be kept in custody for the remainder of his natural life? Since the trial, and since he has been in custody, the news of it has travelled to Mr. Heinemeyer at the islands, and he at once prepared a statement of the circumstances, which has been officially certified to by the German Consul and forwarded to the Imperial German Commissioner, by whom it was forwarded to the German Consul in Brisbane, Mr. Rüthning; and I will trouble the House by reading the document :—

"I, Paul Heinemeyer, at the time I witnessed the transaction *re* the engagement of a native of Labur, New Ireland, called Tabaran, was acting manager of the Mioko Agency of the Deutsche-Landels—und Plantangin —Gesellschaft der Südsee-Inseln zu Hamburg—and do now make the following statement :—

"For the month of June, 1884, I had occasion to go on business in H.I.G.M. gunboat "Hyæne" to Kuras, New Ireland, and was there landed.

"On my wishing to return to Mioko, my boat got disabled and I had to put back to Kuras.

"On the next day a vessel arrived at Labur, a village distant about three or four miles. I went on board of the vessel with the king's son, Lamas, and two natives of Mioko named Tarant and Taurai. She proved to be the Queensland labour schooner 'Ethel.'

"I now state how Mr. Mills, the Government agent, came to make agreement with Tabaran. A man

named Tut, recruited on another part of New Ireland, ran away at Labur, and was kept ashore by the natives of this village; in his place were two natives of Labur kept on board of the 'Ethel.' They were on board already when I entered the vessel. Mr. Mills strongly objected to take them away. One of the two men—Tabaran—volunteered to go in Tut's place; Mr. Mills had no objection to this. I was present when Mr. Mills entered into an agreement with Tabaran. The Mioko native, Tarant, who understands and speaks the language of the natives in that part of New Ireland, and also has quite a good knowledge of the so-called pigeon-English, acted as interpreter. Tabaran evidently fully understood the agreement he was making. Tarant told me that Tabaran was anxious to go in the vessel; no endeavour was made to coerce or persuade the man to sign this agreement.

"I took a passage in the 'Ethel' to Mioko. The vessel was some distance from the shore from New Ireland when Tabaran jumped overboard. It was the captain who ordered a boat to be lowered, and went himself and brought the man back. The Government agent did not take any step whatever to get the man back. I, as well as two other gentlemen, Mr. Warner and Mr. Garrett, on this station, noticed that the master and Government agent were not on good terms. The master openly expressed himself that he would go to gaol himself if he could only get Mr. Mills into a scrape, and a deal of language tending to show that he had a very bad feeling for the Government agent. We are well acquainted with the labour trade, and must say that all we saw and heard of Mr. Mills only proved that he did his very best to work the labour trade, according to law and humanity.

"I am prepared to swear to the truth of the above facts. I enclose a statement of Tarant, the interpreter, and also statements of the native king of Labur and his two sons—the two latter also speaking pigeon-English—which fully corroborates the evidence given by me.

"Mioko, March 16th, 1885."

This was accompanied I may state, with liberal offers of monetary assistance, if required, in order to remedy what he considered was an injustice done to Mills. Here we have a foreigner offering his assistance to take the burden off this old man's back, and I think that hon. gentlemen who have heard the statement I have read cannot but feel a considerable amount of sympathy with the case I have brought forward. I trust that the Government will see their way to act in connection with this matter in consonance with the dictates of mercy and kindness rather than the dictates of the grossest cruelty. I will say this much: It may be difficult to explain why it is that the Chief Justice, for whom no one has a higher respect than I have, should pass such a heavy sentence as seven years' imprisonment; but I can only solve the question in this way—that up to that time the people of Queensland were to a considerable extent in ignorance of what really had been going on in the South Sea Islands. I confess that it was what I saw of Mills and his report and logs that first gave me a clear idea of what the labour trade really was, and it was not until what have been called the kidnapping assizes of December, 1884, that the people of Queensland gained a full knowledge, not only of what they were liable to under the laws of Queensland, but of the Imperial laws in force; and the Chief Justice, to impress the lesson, sentenced all the prisoners convicted to exceptional terms of imprisonment.

The PRESIDENT: I am sorry to interrupt the hon. member, but he is stretching the privileges of the House beyond bounds. He is going far beyond the privileges of the House when he comments on the action of the Chief Justice, or on any sentence he has pronounced. The House has nothing to do with that; it cannot amend the sentence; it is a question entirely for the Executive. If hon. members bring forward subjects of this sort there will be no end to the session.

The HON. A. J. THYNNE: I bow to the decision of the President. I did not speak with a view of commenting, but to explain what seemed to me and people outside a difficulty in connection with the case I have put forward. I have spoken now in order that the matter may come under the cognisance of the Executive and the people a second time, and I think the present time is opportune, because I hope that the difficulties in connection with the traffic are now things of the past. I beg to move the adjournment of the House.

The POSTMASTER-GENERAL said: Hon. gentlemen,—The only part of the hon. gentleman's speech to which I should like to refer is that in reference to what the people of Queensland felt and thought about the South Sea Island trade, when he indicated inferentially that the Chief Justice was swayed in his judgment or action with reference to the case by that feeling.

The HON. A. J. THYNNE: No.

The HON. P. MACPHERSON: Yes.

The POSTMASTER-GENERAL: I respectfully submit — and I was watching the hon. gentleman closely, and though it is very much to be deprecated that he should deal with these matters as he has attempted—and I hope I shall be corrected at once if I am wrong—his remarks gave me that impression. There is no dissent; therefore I understand that I am in accord with the other hon. gentlemen who heard the speech. I say I regret that that view of the matter has been formed anywhere at all, for I believe that the Chief Justice was not influenced in any way whatever.

The PRESIDENT: I must rule the hon. gentleman out of order. We are not entitled to discuss the action of the Chief Justice—either for or against.

The POSTMASTER-GENERAL: I concur with the hon. President that we are not entitled to discuss the action of the Chief Justice, and I shall not discuss it; but an observation having been made with regard to that action, it would have been only fair that I should have been allowed, from the other point of view, to say that I disagreed with that observation. Mills was convicted on clear evidence, and sentenced to seven years' imprisonment, which sentence he is now undergoing in the Brisbane Gaol. That is all the information I can give. I do not think it is advisable that I should say any more on the subject. As was properly remarked by the President, it is a matter for the Executive if any grievance subsists—every citizen of the colony knows that. If the prisoner Mills has friends who think that he should have some consideration, the proper mode is to bring the circumstances before the Executive, and let them deal with the matter.

Motion, by leave, withdrawn.

ADJOURNMENT.

The POSTMASTER-GENERAL said: I move that this House do now adjourn.

Question put and passed.

The House adjourned at fifteen minutes past 8 o'clock.