

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 6 NOVEMBER 1885**

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## LEGISLATIVE ASSEMBLY.

Friday, 6 November, 1885.

Question of Procedure.—Seizure of the "Forest King."  
—Adjournment.

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

## QUESTION OF PROCEDURE.

The SPEAKER said: It will be in the recollection of hon. members that in the early part of the session a question of procedure arose with regard to what was called the enacting clause of a Bill. I have already read to the House two letters I received from the Speaker of the New South Wales Legislative Assembly, and from the Speaker of the Victorian Legislative Assembly, in reference to the words "Be it enacted" at the commencement of Bills. I informed the House that I had written also to Sir Erskine May, with a view of obtaining his decision upon the subject; and in order that he might have the full particulars before him, I thought it necessary to enclose a copy of *Hansard* containing a full report of the debate upon the point, and also a copy of "Votes and Proceedings." By the mail yesterday I received Sir Erskine May's reply, which I will now read to the House:—

"House of Commons,  
"24th September, 1885.

"DEAR SIR,

"It is amusing to find that a matter which has never excited the least attention in our Parliament should have been the occasion of grave discussion and controversy in Queensland.

"I may tell you in a few words how the case stands in both Houses of Parliament at Westminster. When there is no preamble to a Bill the clauses are proceeded with at once *seriatim*. As for the formula "Be it enacted, etc.," which is an essential part of every Bill, but without any enacting force of itself, it is treated simply as a formula and no question is put upon it. It was assumed in the debates of your Assembly that these words must be added by the officers of the House; but this is a misapprehension of the case. A Bill is ordered to be brought in by certain members and it is presented accordingly with those words, *of necessity*, inserted and printed as part of the Bill. When the Committee has agreed to all the clauses, with or without amendments, as the case may be, the Chairman is directed to report the Bill, and he reports the whole Bill accordingly, including the formula, which has throughout formed part of the Bill, and that Bill is afterwards considered by the House, read a third time, and passed. The authority is complete and patent from the very beginning.

"You observe that my work is silent upon the subject—the simple reason being that there was nothing whatever to say about it.

"With kind regards and all good wishes,

"I am,

"Yours very truly,

"T. ERSKINE MAY.

"The Hon.

"The Speaker, etc., etc.,

"Brisbane."

In accordance with the opinion of such a high authority on parliamentary procedure, it will be my duty—if I have to give a ruling on the point again—to rule in accordance with the Imperial practice.

## SEIZURE OF THE "FOREST KING."

Mr. MIDGLEY, in moving—

1. That the report of the select committee on the seizure of the schooner "Forest King," laid upon the table of the House on the 27th instant, be now adopted.

2. That the House will, at its next sitting, 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 provision to be made upon the Supplementary Estimates for giving effect to the recommendation of such report.

—said: Mr. Speaker,—I quite believe that this motion will be approached with different feelings on the part of hon. members. I suppose some will feel with regard to it the strongest antagonism, and some will feel the strongest disposition to favour it. Others will desire the matter to be decided purely upon its merits; while again others will deal with it as a party question, and the result as a party result. I disclaim, Mr. Speaker, any wish to do or say anything merely for the purpose of embarrassing the Government; but prefer that the matter should be fairly and dispassionately considered, and that party feeling, instead of running deeper as the evening goes on, may be somewhat allayed and diminished. Personally, as the hon. member for Balonne said last evening, I shall be very glad to have the thing finished and decided. Members of the Committee are aware that the report of the select committee into the alleged wrongful seizure of the "Forest King" contains a series of papers in reference to the affair. We have first of all an account of the proceedings in the Vice-Admiralty Court and the summing up and decision of the judge. Then we have the report of the Royal Commission appointed by the Government to inquire into the manner in which these islanders, brought by different vessels from different islands, were obtained. Then we have the report of the select committee appointed by this House, in September last, to inquire into this matter and report to the House. The constitution of that committee was such as ought to ensure for it the conclusion on the part of the House, that it would act fairly in the matter. There were members on it from both sides of the House—members in favour of kanaka labour and members strongly opposed to it. The majority of the members of the committee were upon this side of the House. The committee as finally constituted consisted of Mr. Aland, Mr. Foote, Mr. Wakefield, and myself from this side of the House, and Mr. Ferguson, Mr. Stevens, and Mr. Donaldson from the other side. We had some ten meetings at which a good deal of evidence was taken—much of it evidence that had really been taken before elsewhere; and after careful consideration we came to the conclusion embodied in our report to the House. I shall be troubled with one thought this afternoon, and that is the fear of detaining the House too long. I believe in brevity, and yet it is almost impossible to treat this subject with anything like brevity; nor do I think that everything should be sacrificed, in a matter of this kind, to the one consideration of brevity. I will be as brief as I possibly can in stating the case as reported by the committee. In order to do this it will be necessary for me to give, first of all, a hurried history of the voyage of this vessel, the "Forest King." She left the port of Brisbane on the 17th of May, 1884, after having been duly equipped and prepared for her voyage in the particular business in which she was engaged. She had on board a Government agent selected and approved by the Queensland Government. She was, I think, the first vessel that sailed under the Polynesian Act of 1884, which Act contained new and more rigid provisions

with regard to the manner in which this trade should be conducted. The owner of the ship, Samuel Hodgson, had been engaged in this trade about two years. This was the third trip of the "Forest King." She was captained on this voyage by Captain Dickson, a man who had been engaged about ten years in the Pacific Island labour trade. He had been a considerable number of voyages before this; he had been twelve voyages in one vessel, the "May Queen," and had been with four or five Government agents. During all that time there had been nothing reported to his disadvantage. I do not know what value hon. members may attach to this, but some degree of value is attached to evidence of this kind in a court of justice. If there is no record against a man in his previous career that is frequently considered something in his favour when he is charged with wrong-doing; if there is anything of official record to his disadvantage that is justly considered in the trial of the man. During all these voyages made by Captain Dickson he seems to have conducted himself as a captain of a labour ship should. At any rate there is no evidence—no record—of anything to the contrary. The Government agent on this occasion was a man named John Thompson, a man who, judging by his manner and demeanour before the select committee, was as good a man as could possibly be found to occupy that peculiar, difficult, and not altogether safe position. He was a man who gave his evidence in a prompt, manly, straightforward way. His appearance and his manner were in his favour, and the way in which he gave his evidence did not belie the favourable impression which the man gave to the committee. His records, the accounts of the voyage, had all been kept to his credit. In sailing on that voyage the "Forest King" was subject to certain Acts which applied particularly to the labour trade. There was the Kidnapping Act of 1872, with the provisions of which no doubt hon. members are acquainted. Clause 3 of that Act necessitates the giving of a bond by the master before a ship can go recruiting islanders. Clause 8 recognises existing Acts for the prosecution of this labour trade, and the right of the Queensland Government to pass Acts dealing with the trade. The first part of clause 9 is to this effect:—

"If a British subject commits any of the following offences, that is to say:—

"1. Decays a native of any of the aforesaid islands for the purpose of importing or removing such native into any island or place other than that in which he was at the time of the commission of such offence, or carries away, confines, or detains any such native for the purpose aforesaid, without his consent, proof of which consent shall lie on the party accused."

Then follow a number of other provisions, and the clause goes on to say:—

"He shall for each offence be guilty of felony, and shall be liable to be tried and punished for such felony in any Supreme Court of Justice in any of the Australasian colonies, and shall, upon conviction, be liable at the discretion of the court to the highest punishment other than capital punishment, or to any less punishment awarded for any felony by the law of the colony in which such offender shall be tried."

Other clauses in this Act provide that a ship engaged in this trade can be seized, and in another part of the Act provision is made for the payment of costs and damages, at the discretion of the British authorities, when the result of the trial is in favour of the defendant. Then, in addition to this, there is our own Polynesian Act of 1880, which recognises the trade, encourages, and sanctions it. Clause 6 is to this effect:—

"The Governor in Council may from time to time appoint fit and proper persons to be Government agents to accompany vessels licensed to carry Pacific Islanders under the provisions of this Act."

Clause 12, subsection 3, is as follows:—

"The master shall not obstruct or attempt to obstruct the Government agent in the discharge of his duty, and shall not bring on board, or allow to be brought on board, or remove, or allowed to be removed from the ship, any passenger, without the consent of the Government agent."

In addition to this there is the Act passed in 1884, to which I have already alluded, containing more detailed and stringent provisions with regard to the recruiting of Polynesians. Clause 6 provides that—

"No person shall be employed as the master, or as a mate, of a ship intended to carry native passengers from the Pacific Islands to Queensland, or as the agent of an intending employer on board of any such ship, unless he has been approved by the Minister as a fit person to be so employed."

Clause 7 provides that—

"No person shall pay or give, or agree to pay or give, to the master of any ship employed in carrying passengers from the Pacific Islands to Queensland, or any other persons employed thereon, any sum of money or other valuable consideration, the amount whereof is dependent either in whole or in part upon the number of passengers conveyed to Queensland. But the remuneration of the master of every such ship, and of every other person employed thereon, shall be at a paid rate, either for the voyage, or dependent wholly upon the time occupied in the voyage."

Clause 8 provides that there shall be kept a detailed statement of the expenditure on ships engaged in recruiting. As hon. gentlemen are aware, the object of the Act of 1884 was to prevent certain abuses which were known to exist in this trade, and clause 7 was one which was deemed to be urgently needed. It provided that there should be no allowance in the shape of payment by results, but that the services of those engaged on a vessel should be a fixed sum; and that there should be no inducement, no bribe, no allurements in the shape of anything specially paid in proportion to the number of the recruits obtained. This Act was assented to on the 10th March, 1884; so that, as I said before, the "Forest King" appears to have been the first ship that sailed from Brisbane to the Pacific Islands under this new Act. The objects of the committee were to ascertain if these laws had been violated—if they had been knowingly, wilfully, violated—violated in such a way that guilt and blame and punishment should justly be brought to bear upon those owning the ship or those in charge of her; and I am convinced that the committee, if the evidence had been of such a character as to show that there had been a violation of the law—that there had been an evasion of the regulations—with regard to this trade, on the part of those in charge of her, would have come to this conclusion: let those who have been guilty suffer the consequences. But if there has been no such violation of the law—if the voyage and the recruiting were properly and fairly done—then the seizure of this vessel has inflicted a wrong on the owner, and let such restitution be made as is just and fair. The "Forest King" left Brisbane on the 17th May, and arrived at an island called Rosel Island on the 27th May. There was an attempt—a partial attempt—made when they arrived there to engage in recruiting. The natives of the island appear to have been perfectly willing to recruit—at any rate to go on board and go away; but as yet the ship was not in possession of an interpreter, and while the captain appeared to be anxious and eager to push trade and get on with his business the Government agent at once interposed. He appears to have been more rigid and determined in the discharge of his duty, almost, than the law wanted or required. The captain's pretext was to obtain islanders and trust to good fortune to get interpreters afterwards. The Government agent wrote him a letter, drawing his attention to the regulations under which they were working,

and told him he would be no party to the recruiting of islanders without interpreters. In doing this he drew his attention to the regulations which had been issued by the Queensland Government, and which were in conformity with the Act under which he was working, and drew his attention to the particular clauses; and as a consequence, because of the rigid firmness and determination of the Government agent, some degree of friction arose there and then between the Government agent and the captain. It was apparently nothing serious; still there was a degree of friction. From Rosel Island the "Forest King" voyaged to Sud-Est, but being unable to obtain interpreters they journeyed from Sud-Est to a place called Brierly Island. Thus far no interpreters had been obtained, but at Brierly Island they obtained an interpreter called Cassoway, who, it is admitted, and not denied, could speak in some measure the English language, and could undoubtedly speak the Sud-Est language, being a native of either Sud-Est or an adjacent island. Having obtained Cassoway as an interpreter the "Forest King" went back to Sud-Est; and I do not think I can do better now than quote from the Government agent's log.

The PREMIER: That is not a document we have before us.

Mr. MIDGLEY: This document, from which I am about to read, is a document that was taken in evidence in the trial before the Vice-Admiralty Court; and a document that was deemed good enough there ought to be good enough for this Assembly.

The PREMIER: Is it printed so that we can see it?

Mr. MIDGLEY: I do not think so. However, it is here in the neat, concise, creditable way in which the Government agent did all his work.

"Sunday, June 1st, 6 a.m.—Moderate south-east breeze, and fine weather. Cassoway, a Brierly Island native (speaks pretty good English), came on board, and offered to come with us as interpreter. A written agreement was drawn out between Captain Dickson and Cassoway on the following terms, namely:—Cassoway agrees to come on the voyage (interpreter only), for the sum of ten shillings per month, one suit of clothes, two tomahawks, one knife, pipe and tobacco. Captain Dickson agrees when the voyage is ended to return Cassoway to his native island, or to his former master, Nicholas Minister, at present engaged fishing in the vicinity of Brierly Island. Said agreement was made in the presence of Nicholas Minister and myself.

That is the account of the engagement of Cassoway. Then comes the following:—

"Monday, June 2nd, 6 a.m.—Light S.E. breeze and fine weather. Eight o'clock went ashore with boats; returned at 2 p.m. with two recruits. In compliance with regulations and my instructions I carefully explained the terms (through Cassoway the interpreter). I am satisfied they understand the nature of the engagement they have entered upon. Weighed anchor, and proceeded eastward on south side of Sud-Est Island."

On June 3 he narrates the obtaining of the recruits. I had intended to read those extracts more fully, but on second consideration I will refrain from doing so. They had Cassoway on board seven or eight days; but on the 10th June he abandoned them—ran away. The log says:—

"June 10, 6 a.m.—Light easterly winds and fine weather; 6.30, went ashore with boats. Besides the interpreter we took with us a boy we recruited yesterday. Captain Dickson asked my permission. I gave my consent on conditions—it would be at his own risk if the boy should go away; I would not be held responsible. When we reached the shore we pulled into an inlet where we obtained two boys. When we got out again it appears, from what the recruiting agent told me, that the interpreter requested him to pull into some other place where he said he could get five boys. When we got there the interpreter took the recruit with him, as he was well known amongst the natives there, and went ashore. We waited from two to three hours, but they did not return. We came to the conclusion they had

deserted. At 2.30 p.m. went on board; took the two boys with us. After lunch boats went ashore again; returned at 5 o'clock; no signs of them. I advised Captain Dickson to return to Brierly Island, only about thirty-three miles from this place, where we might obtain another interpreter. He said he would. I also told him I could not sign the two boys till such time as we do obtain another interpreter."

The ship was then without an interpreter from the 10th of the month to the 14th, when they came across a man called Moses, a man who had been in the service of a Greek on the island, this same Nicholas Minister. He could speak pretty fair English, and at first agreed to go on board as interpreter, but afterwards changed his mind and went back to his master. He was only on board about a day, but the Government agent, while he had Moses on board, made use of him to put these recruits already obtained through another examination. He had obtained them through the interpretation of Cassoway, and was satisfied that they understood the nature of their agreements; but to satisfy himself further he again examined them through the interpretation of Moses. He was thus confirmed in his conviction that the recruits already obtained fully understood what they were to do, where they were going, and how long they were going for. Having lost Cassoway and Moses, the ship was again without an interpreter, and they went to Teste Island, recruiting meanwhile being stayed. At Teste Island they obtained, through the information of the wife of the missionary Jerry, the services of three interpreters—Harry, Archie, and Charlie. Charlie appears to have been the best informed and most experienced; he had knocked about the world a little, or, at least, on the Australian coast. With the services of these three interpreters they went on recruiting at various islands until the 8th of July, when they had obtained thirty recruits. I would just like to ask the House, Mr. Speaker, to pause and consider fairly: Is there any evidence thus far that there had been any wrong-doing—any evasion of the law, or attempt to evade the law, on the part of those in charge of the "Forest King"? Is there not fair evidence—the evidence of records kept at the time—records kept by a man in the employment of the Government, a man who, so far as any open legal act can go, could not be under any obligation to the captain or anyone else on board the ship—a man whose salary was fixed by the Queensland Government, who was their servant and was responsible to them alone? I think the House will at any rate admit that so far there is no evidence that there was any wrong-doing with regard to the recruiting. The question now comes in, whether, in the recruiting of these natives, there was any deceit on the part of anyone—did the islanders who had been obtained understand what they had been engaged to do? Hon. members are aware that on the 9th of July the vessel was boarded by officers from the "Swinger," a vessel of the British Navy. At first, after making an examination of the ship's papers and the recruits, they came to the conclusion that everything had been fairly and properly done, and Lieutenant Torlesse made an entry to that effect in this book from which I have been reading:—

"Wednesday, July 9, East Cape.

"I have this day boarded the schooner 'Forest King,' and have examined her, and found all papers in accordance with instructions in Pacific Islanders Act.

"HENRY H. TORLESSE, Lieut., R.N."

That is what Lieutenant Torlesse says on his first examination of the ship. I may say, Mr. Speaker, that there is subsequently an erasure in this entry, the only erasure—the only serious alteration, at any rate—to be found in this book, and it is a serious alteration. I remember

asking Mr. Thompson, in his evidence, if he had ever been guilty of making any alteration or erasure in this log. He is not an Englishman, and perhaps did not understand what the word "erasure" meant, and he said "No." Now, that is the only flaw I can find in the evidence Mr. Thompson gave, and that flaw in the man's evidence is an additional testimony to his veracity. There are erasures in the entries in this book, but they are only erasures which are evidence of the man's care and conscientiousness. It is easy to see what they were. He is a man who, not being an Englishman and not perhaps thoroughly well educated—

The HON. SIR T. McILWRAITH: What is he?

Mr. MIDGLEY: I do not know.

The PREMIER: A Dane.

Mr. MIDGLEY: They are alterations in which there has just simply been a misspelling of a word—the alteration, perhaps, of a letter. The only serious alteration to be found in this book is to be found in this erasure, when, subsequently, Lieutenant Torlesse, on board the ship, drew his pen through the word "everything," and substituted the words "all papers." Then the entry reads thus:—

"I have this day boarded the schooner 'Forest King,' and have examined her, and found all papers"—

He said "everything" before—

"in accordance with instructions in Pacific Islanders Act."

There was an examination on board the ship of the islanders already obtained—in fact, all the islanders that were obtained on the voyage—and the contention of Mr. Milman and of others who have given their evidence is that some of the islanders, at any rate, did not thoroughly understand the nature of the agreements into which they had entered—that they did not understand the length of those agreements or the nature of them. This is answered by the rejoinder of those who had to do with the ship and the recruiting—the objection founded on the statement that the interpreters could not interpret for some of the islanders on board is answered by the reply that the interpreters on board were not allowed to interpret—that they were put into the background, and kept in abeyance—they were not allowed to show what their powers were. And then there was the seizure. Mr. Milman contends that these men did not understand the nature of their agreements. I have got the number of the pages in which the replies on that point are to be found, but I will quote from memory from the proceedings in the Vice-Admiralty Court. Mr. Milman contends that the islanders did not understand their agreements and that the interpreters could not interpret—at any rate, for some of the recruits. Mr. Thompson says the same thing. Lieutenant Bruce states to the same effect; but Charlie, in Mr. Bruce's evidence, never appears on the scene at all. Captain Dickson, in his evidence, states that the ship's interpreters were not allowed to interpret. The boatswain, who was the recruiter, gives sworn testimony to the same effect. Mr. Thompson, the Government agent, declares also to the same effect. The very important question which this Committee has to consider is, could Charlie speak the Sud-Est language? It is stated that he could not. Have we any evidence that he could? Mr. Milman says he could not, in his report. His words in his report of 26th July, 1884, to the Colonial Secretary are—

"The natives from Sud-Est I was unable to communicate with at all, there being no interpreter for them on board, though I am informed that a paid interpreter had been on board when they were recruited, but had since gone away."

Jerry, the interpreter, employed to conduct the examinations by Mr. Milman and Mr. Macfarlane, was a missionary teacher at Teste Island. Jerry declares that Charlie could not speak Teste. Lieutenant Torlesse says the same thing. But there is this significant fact: that when Charlie had an opportunity of being put to the test he could speak the Teste language in a way that astonished Jerry. If hon. members will read the evidence taken at the Vice-Admiralty Court they will see that Jerry seemed to have been astonished at the manner in which Charlie could speak the Teste language; and he says that Charlie must have picked up the language subsequently to the seizure of the "Forest King." I can only ask the House this—is it not equally credible that Charlie could have picked up some of the Sud-Est language prior to the seizure of the vessel? There is evidence enough, to my mind, that Charlie could speak the Sud-Est language, and the scene in the Vice-Admiralty Court, when Jerry was being cross-examined by the counsel for the defendant, was the most grotesque and amusing that could be imagined in a court of justice. Charlie discomfited Jerry as to his capacity and knowledge with regard to the Sud-Est language. The Chief Justice—and I suppose hon. members will give credence to his judgment—in comparing Charlie and Jerry, says:—

"All the other persons present, including Mr. Milman, Mr. Macfarlane, Lieutenant Torlesse, and Bruce, on the one side, and Captain Dickson, the recruiter of the 'Forest King,' and the Government agent on the other, were ignorant of the tongues spoken by the natives on board. Charlie may, perhaps, be excepted. The case for the Crown would rest almost entirely on the credit to be given to Jerry's testimony—if the burden of proving the consent of the natives were not imposed by statute upon the defendant. Jerry's testimony is pure hearsay—simply what the natives told him—and even that statement made under circumstances which would compel me to receive it with hesitation and doubt. He admits that on asking the natives for what time they would go to Queensland he told them they would die in two months. I am inclined to believe that he told them that, in the first instance, with reference to the number of years, and not to the number of months; because, if he referred to their dying in two months, how was it that so many were willing to come for that time? If the natives were intimidated they might recede from their contract, and we must hesitate to rest our belief on Jerry. I attach no importance to the attempt of the natives to escape in the night, after the statement of Jerry. If a few of them jumped overboard, many others would follow like a flock of sheep. But the burden of proof of consent is on the defendants; it is not thrown on the Crown to prove non-consent. There were three interpreters on board employed by the 'Forest King'—Charlie, Harry, and Archie. I believe that Charlie and Harry are able to communicate with the islanders now. Jerry says they have learnt the languages, Quanaatai and Tawarra, since the seizure of the ship. The boys, Charlie and Harry, had been in the keeping of the Crown until within a week of the trial. Proof ought, therefore, to be forthcoming of any attempt to learn these languages. There is none. There is evidence, however, (Jerry's and Charlie's), that Charlie had been on board a man-of-war as guide and interpreter for five months, and Jerry's wife told the Government agent that Charlie knew all the languages of all the islands in that neighbourhood. I think the weight of evidence is rather in favour of Charlie and Harry having made the islanders understand the nature of their engagements in the first instance, in which case the defendants must have the benefit of it as a proof of consent. That some of the islanders did not reply to Charlie in Mr. Milman's presence, after Jerry had endeavoured to speak to them, may have arisen from the unusual circumstance of the arrival of the man-of-war, the frequent questioning, Jerry's description of the risks of coming to Queensland, and other incidents of the hour, which would make men, who are but 'children of a larger growth,' act like children and remain silent. Charlie gave Mr. Milman to understand (whether in words, or by 'hanging down his head,' does not appear—but somehow Mr. Milman understood)—that Charlie meant he could not

communicate with the before-mentioned five natives, which is of course true, if they had become unwilling to reply to him. I think that it is to be regretted"—

This is a point, Mr. Speaker, on which the Chief Justice appears to have been satisfied after taking the evidence brought before him—that is, that the ship's interpreters were not put to the test. At all events, that can be the only justification for the inference he draws. He continues:—

"I think it is to be regretted that the ship's interpreters were not tested before Jerry had been allowed to speak to the islanders."

Now, I rest a considerable amount of weight on such a summing up as that on the part of the Chief Justice. I will not entertain the opinion for a moment, which was entertained by a good many people just after the trial, that the Chief Justice was influenced by political bias or partiality. I am perfectly certain such things were said of him to me, but I think the action of the Chief Justice in subsequent cases has amply proved that when guilt can be sheeted home to those engaged in this traffic, he is not only disposed to deal with them severely, but with the utmost severity—a severity which almost made this community revolt, owing to the extent to which it went. But there is other evidence—and I want to be clear on this point—that Charlie could speak the Sud-Est language. I ask the House to turn its attention now to the report of the Royal Commission. The very first witness examined before the Royal Commission with reference to the "Forest King" case was a boy named Loo-Lucy, a native of Sud-Est Island. The first questions put to him were as follows:—

"What is the name of your place? Sawat.

"In what ship did you come? Secuna.

"Why did you come? Boat came ashore to beach. White man asked me to come on ship and go to white man's place. Teste Island boy (Charlie) asked me to work along white man, four moon finish, then come back."

I shall have to refer to that man's evidence again to show its utter unworthiness of evidence. If Charlie could not speak the Sud-Est language—was utterly ignorant of it—how could he act as interpreter for the Sud-Est natives, how could he possibly hold communication with the witness Loo-Lucy? The Royal Commission in its report said that Charlie could not speak the Sud-Est language, and there was the statement of the witness Loo-Lucy that he could. If he was competent to speak to Loo-Lucy and interpret for him, surely he was competent to speak to and interpret for the other recruits that came from that island. But it will be shown afterwards that this man's evidence was not worthy of credence. Another question asked of Loo-Lucy was—

"Did Charlie give anything to you?"

And the answer was—

"Tomahawk, knife, pipe and tobacco."

The Royal Commission, in their report on the evidence, state that Charlie spoke the Teste language, and that there were only one or two of the recruits who could speak the Teste language. The objection might be raised that Charlie spoke to those men in the Teste language; but those were not the men alluded to in the Royal Commission's report; Loo-Lucy was not referred to in that report as being one of the men who could speak the Teste language. I will now turn to the evidence of Gegilly, also a Sud-Est Island native. Beginning at question 3,230, this witness was asked:—

"On schooner did you mark paper? Yes; at my island.

"Did you touch pen? Yes.

Did Wari boy (Charlie) talk to you? Yes.

"What did he say? 'You and I go to white man's country; I go too.'

"Did he tell you how long? He no tell me three borima; he told me two moons, then I come back.

"At another island, did Jerry come on board? Yes; I see him missionary.

"How did he come? In steamer.

"Did he talk to you? Yes. We were all turned up on deck.

"What did he say? He asked me, 'How long white man tell you you work in Queensland?' I tell him 'Two moons, and come back.'

"What did he say then? 'All right.' All boys belong to me did not know Teste. We two, Tosi and I, understood him.

"How many boys from your island knew Teste? One other (Tosi), and myself."

It must be remembered that at this time Charlie was in communication with a Sud-Est Islander who could speak Teste, and Charlie may possibly have been speaking Teste to him. If the evidence of Gegilly is of any value as taken before the Royal Commission, it is of some value to this House, surely, to know that we have it on record that only he and Tosi could speak the Teste language. Supposing that Charlie could not speak the Sud-Est language, there was no evidence whatever that Cassoway could not, or that Moses could not, or that the others could not. What urgent necessity was there to seize the vessel when one of the regulations made under the Act provided that the vessel should have a competent interpreter either on board or at the port of debarkation? Even supposing she had not a competent interpreter on board—supposing that Cassoway and the others had died, and that at the time when the officers of the "Swinger" went on board there was no competent interpreter on board—that was not a sufficient justification for seizing the vessel when the very regulation under which they were acting, and had acted before, made it possible for the vessel to go even to her port of destination to get a competent interpreter; only if one was not obtained there the recruits would have to be sent back again. Supposing that Cassoway, and Moses, and Archie, and the others had deceived those in connection with the "Forest King"—and there was not the slightest evidence of that—but no one was proof against the possible deceit of interpreters, as the Royal Commission and the Vice-Admiralty Court found—there is the evidence, at any rate, that those natives, when Messrs. Torlesse, Bruce, and the others went on board, promptly answered to the names by which they were already known on board the vessel—names which had been put on the ship's records when they were recruited; and they responded equally as promptly to their names when they were called by Mr. Milman and Mr. Macfarlane, with Jerry as interpreter. There is this much evidence at any rate—that those who interpreted acted with *bona fides* in the matter. I would ask the House again to consider the very different statements which were made in regard to the result of that examination held on board the "Forest King." Mr. Milman says, at page 5 of the report of the Admiralty Court proceedings:—

"On further inquiry, with the natives that I was able to communicate with (through Jerry), I found that only five were willing to go for the full term of three years, and consider it very doubtful if they fully understood what they were agreeing to. The balance of them point blank declined to go for the term it was proposed they had agreed to serve. Under these circumstances I am of opinion that these natives have been recruited contrary to the regulations of the Pacific Island labour trade, and have the honour to draw your attention to the above-stated facts."

The Royal Commission in their report, at page 35, in concluding their summary upon this special case of the "Forest King," state:—

"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."

That is the conclusion of the Royal Commission, and if the evidence given before the Commission be taken, it will be found that not one of them states, so far as I remember, that he was engaged to serve for a period of three years; but Mr. Milman admits that there were five who, when he examined them, stated that they were engaged for three years. Where were these five? How is it they were not produced before the Commission? Is it not possible that amongst the men examined before the Commission there were some of these very men who admitted to Mr. Milman that they were engaged for three years? One recruit called Warowaggo, for instance, gave his evidence before the Royal Commission, and stated that he was only engaged for a short term of moons; but the Government agent—a man of whom I have expressed my opinion—declares that this man Warowaggo was one of the recruits, who, when on board the ship was examined by Mr. Milman and Mr. Macfarlane through the interpretation of Jerry, said he was engaged for three years. He had special reason for remembering this man as he stood out prominently among his fellow recruits as a remarkably jolly good-natured fellow, who was always laughing, and he remembered him also as a sort of nurse, who, when any of the boys were sick, brought water or medical comforts to them. The Government agent remembers this man specially, and he states that he was one of the five who on board the ship acknowledged that he was recruited for three years. I know that the committee, and especially myself perhaps, may be regarded as being in a very invidious position, midway between the proceedings of the Royal Commission; but it is perfectly just, that in attempting to make good the report which the committee brought into this House, they desired to show all the grounds, so far as I can point them out, on which the conclusion of the committee rests. If the two lots of evidence be put in contradistinction and comparison, we ask, what is the evidence for the unquestioning credence and importance which are attached to the evidence given by the recruits before the Royal Commission? Could it be shown that any of this evidence is substantially incorrect and unreliable—if it can be shown that it is incorrect and unreliable in the case of two or three witnesses, casually referred to, it is only fair and reasonable to draw the conclusion that others may be incorrect and unreliable also. I will again draw attention to the evidence of Loo-Lucy. In his evidence he says he could not speak the Teste language, yet he admits that Charlie, who it was declared could not speak the Sud-Est language, communicated with him. Loo-Lucy states in his evidence that when he was recruited Charlie was in the boat, and that Charlie recruited him; but, as a matter of fact, we are informed that Charlie was not on board the ship at all at this time. I am speaking now of what Loo-Lucy said before he got to Brisbane. I am not alluding to what he said of Charlie after he got to Brisbane. But this very man Charlie, whom he says was interpreter at the time he was recruited, was not then on board the ship at all; and was not on board until some time afterwards, after the ship got to Teste Island. The man who was on board the ship at the time as interpreter was Cassoway. All the witnesses allude to Cassoway as being the interpreter on board at that time, and it is unmistakably proved by the evidence taken before the Royal Commission, and unless all these men have been grievously misrepresented by the *Hansard* staff, we must take his evidence as unreliable. There

is another man called Bedanna, who was also examined by the Royal Commission. On page 78 of the Royal Commission report, it will be found that this man was examined as follows:—

"What is the name of your place? Gaaga.  
 "In what ship did you come? 'Forest King.'  
 "What happened when she came to your place? Boat came ashore.  
 "Who were in the boat? Captain, boatswain, Harry, Charlie, Tom, and Peter. Government agent stopped on board.  
 "Did anybody speak to you? Harry, Wari boy, said, 'You come in boat, you and I go schooner.'  
 "For what did he say? To see white man's country for two moons, then come back.  
 "What were you to do there? Nothing; sail about and come back.  
 "Did he give anything to you? Tomahawk, pipe, and tobacco.  
 "Why did you think he gave you these—just for sailing about with him? Yes; and when I came here I found work."

He "found work," and I have no doubt it was to him a bitter disappointment. He expected to be paid to go, and sail about, and then found he had got to work. That was a great contrast. However, this man, according to the evidence of the Government agent, came on board the "Forest King" and volunteered to come to Queensland as a recruit. It may be asked what evidence is there of that? It is narrated in the Government agent's log—although there is a very important omission, but that very omission is very strong substantial evidence of the truth of the record. I will point out what the omission was directly. The Government agent writes as follows:—

"Friday, July 4th, 6 a.m.—Light south-east breeze, cloudy and misty. 7.30 went ashore to Normanby Island; from there stood across to Ferguson Island. Returned to ship at 5.30 p.m. without any recruits. Natives on Ferguson Island numerous but shy; very few will come near us. One Normanby boy came on board during the day (in a canoe) and offered himself as a recruit. I questioned him through the interpreter, and when I felt satisfied that he came on board by himself with the intention of going to Queensland, I explained the terms required by law. When the interpreter informed me that he (the recruit) thoroughly understood the nature of his engagement, I signed him as a recruit."

In all that record there is no account of the name of this man, and it may be said that this very important omission is a very serious defect in the evidence. It may be said that other islanders from Normanby Island were recruited, and that there is no more evidence that this was the man than that it might have been some other man. This is the point I wish to mention, Mr. Speaker: His name is not mentioned in the Government agent's log; but if we turn to the tabulated record of the recruits obtained on this voyage of the "Forest King" when they came to Normanby Island, we will find that this man's name is the very first on the list. He, according to the report of the Government agent, was the first man obtained at Normanby Island, but that officer did not take the precaution to record his name; and I maintain that that omission from the log, which we find recorded in another document, is strong circumstantial evidence—proof—that Bedanna is the very man who came in his canoe and voluntarily offered to go to Queensland as a recruit. I am quite prepared to admit that, in this business, there has been a lamentable and considerable amount of lying—that the proceedings are utterly discreditable to somebody; but, while I am prepared to admit that there may be circumstances in which the word of a black man or a coloured man may be as good evidence as that of a white man, and while I am prepared to admit that there may be cases in which the evidence of a black man is better than that of a white man, as a Britisher I am not prepared to

go that length as to admit the possibility of a case in which it is possible for the evidence of a recruit, an islander, a savage, to be so valid, so reliable, and so unquestionably true as to utterly exclude the evidence of a white man. This is what was done by the Royal Commission in dealing with this matter. There may be circumstances in which the evidence of recruits may be taken with all credence as undoubtedly substantially true, but when we are asked to sanction proceedings in which the evidence of white men in rebuttal or cross-examination is utterly excluded, I say it is asking us to go too far. We must have the other side, and, if possible, get an inquiry that is thorough and complete. Mr. Rose, one of the members of the Royal Commission, gave evidence before the select committee appointed to inquire into this case; we asked him a number of questions; we referred to the manner in which the Commission obtained the evidence of the islanders, and he said in reply that he considered it the best possible evidence, or words to that effect. If that is Mr. Rose's view of the case, and if that is the view of the Commission appointed to inquire into it, it is not to be wondered at that the evidence not only of white men, but of white men implicated, white men blamed, white men condemned, in this matter—I say, it is not to be wondered that their evidence was altogether excluded from the proceedings. It may be retorted that the select committee took evidence only on one side; that is about the only reasonable objection to our proceedings, Mr. Speaker, that I have heard—that we only took the evidence of white men. Well, if it comes to a matter of choice, Mr. Speaker, or if we must take one to the exclusion of the other, I am Britisher enough to take the evidence of my own countrymen about matters of this kind. I do not know that I am saying anything unjust of men who are savages, who are addicted to all manner of deceit, who are not to be blamed nearly so much for that deceit as white men when they are guilty of it; nevertheless I am not prepared to take the evidence of those men in these matters in which there is every inducement to deceit, as I shall show—I say I am not prepared to take the evidence of those men as altogether overweighing, excluding, and destroying the evidence of my fellow-countrymen.

The Hon. Sir T. McILWRAITH: Hear, hear!

Mr. MIDGLEY: I do not intend to say a word as to the manner in which evidence was extorted from Mr. Rose by the select committee. I do not wish to say anything personal, or, at any rate, offensive; but I must say this—that there was a most marked contrast between the manner in which we obtained the evidence of Mr. Rose, and the manner in which it was given by all other witnesses. I maintain that truth is spontaneous; that it springs to the lips freely, promptly; that when a man knows the truth he has no hesitancy or difficulty in saying what it is—in speaking it—that there will be nothing laboured, thoughtful, and reflective about it. The committee had to extract from Mr. Rose answers to questions—to abstract questions thoroughly in regard to the subject we were inquiring into. Mr. Rose took time to reply to those questions, which was really sometimes most tantalising to the committee. I mention this because it has been stated as true that there was overbearing, browbeating on the part of the committee; but there was nothing of the kind. Each witness that came before the committee had the exercise of his own sweet will, and Mr.

Rose was the man who took advantage of it to the full. He reminded me very much of one of the characters in one of the operas. There were two characters in it—one who persisted in everlastingly alluding to "the royal father"—"the royal father" said this, that, or the other; and the other character, in his impatience and vexation, said, more than once, "Go hang your royal father."

An HONOURABLE MEMBER: "Smother your royal father."

Mr. MIDGLEY: Yes; "Smother your royal father." I knew it was something like that. With regard to Mr. Rose and his report, he really might have left that report behind him. With regard to some questions we asked him, the time he took to consult that report, and the reluctance and deliberation with which he gave his evidence, robbed it of a great deal of its value. However, Mr. Speaker, the evidence of Mr. Rose had great value. We extracted—got from him an admission that the inquiry was not a fair one; that it was not a full one; that it would have been better if the men implicated or condemned had been called to give their evidence, or that somebody had appeared for them—a very important admission. And we obtained from him the further admission that it was his wish that those men should have been called at that inquiry, but that he was overruled. Now, why should he have been overruled? I am no lover of law, Mr. Speaker—no lover of lawyers; I am sure the House knows that. Rather than go to law I would suffer great loss, because I know that in the end the lawyers would get the best of it, and I do not like any man to get the best of me. Now, when I contrast the manner in which the inquiry was conducted by the Vice-Admiralty Court—with that conducted by the Royal Commission—on the one hand both parties appearing with their witnesses, their evidence, their cross-examination, their documents—everything said and done that could be said and done—done in a way which cannot but excite the admiration of every British subject and increase our reverence and respect for those who administer the law in this colony—and on the other—but I cannot trust myself to say what I think of the other mode of proceedings. I maintain that the Government should have protected the Government agent at that inquiry. He was their officer, and he, at any rate, should not have been exposed to all this trouble without someone appearing on his behalf. It was in the interests of the Government—it was the duty of the Government to have had someone there to watch the proceedings on behalf of the Government agent—to protect him as far as possible. He was their servant—their agent.

The PREMIER: He had left their service a considerable time.

Mr. MIDGLEY: I am told that Mr. Thompson could not be procured.

The Hon. Sir T. McILWRAITH: That is not true.

Mr. MIDGLEY: Surely there might have been someone appointed to appear before the Commission for the Government agent in the same way that counsel appeared for the petitioner before the select committee. It would have been quite competent to have allowed someone to appear as counsel on behalf of those who were so deeply interested and implicated in the matter. They ought to have had inflicted upon them the heaviest penalty of Queensland law.

The PREMIER: The boys were kidnapped.

Mr. MIDGLEY: I am speaking with regard to subsequent proceedings that were taken against the vessel and with regard to the position of the Government in regard to the



owner of the ship. They evidently believed that all this was done and then that the cost and damages and expense of it should fall upon the head of the man who owned the ship. I say if that was the conclusion of the Royal Commission they should have given Mr. Hodgson and his servants some opportunity of defending themselves. Now, I shall not detain the House much longer, except to refer to a few other matters. I want to put this before the House. The Commission largely relied upon the evidence of a man called Cago. Ultimately they placed implicit reliance on what he told them, and yet this very man Cago is shown, in the report of the Royal Commission, to have been guilty of great deceit or very culpable cowardice. He was the interpreter for the schooner "Hopeful," and when he got to Townsville he told a tale which was a tissue of lies. That man was the chief interpreter relied upon by the Royal Commission, and they appear to have taken his evidence as reliable and implicitly true. Now, what reason has this House to believe on the face of it, seeing that this man Cago is already condemned out of his own mouth, and seeing that he is condemned by the Royal Commission—what reason has this House to accept the evidence of that man any more than the interpretation of Charlie on board the "Forest King"? Now, I anticipate what will be the ground of defence taken up by the Government. The statement will be made that they are not responsible for the action of Mr. Milman. Well, I think that that ground of defence has already been taken from under the feet of the Government. The Premier told us the other night, that had Mr. Milman not acted on the information he received he would have deserved and probably have received instant dismissal from the Government Service. That was an intimation that he was acting on the Government's behalf. I do not mind the Premier's laugh one bit. If the Government maintain that if Mr. Milman had not done a certain thing they would have dismissed him that is a recognition that he was in the service, and that is the logical conclusion of the Premier's speech, because if Mr. Milman was not in the service of the Government why should and how could the Government dismiss him?

The PREMIER: He was in their service.

Mr. MIDGLEY: Quite so; that is all the admission I want. If Mr. Milman was then in the Government employ and did what he did as a Government servant, and what he did was wrong, and inflicted damage and wrong and injury upon a member of the community, the Government must hold themselves responsible for the action of their servant. I did intend to quote the speech of the Premier, delivered when I gave notice of this motion for the appointment of a select committee. I will not do that; but I must and will say that that speech may well be read and taken now as my speech on behalf of Mr. Hodgson, the petitioner. If it can be shown, and the Premier has shown, that a man is responsible for the action of his servant, then the Government must take the responsibility in this case. Mr. Milman was their servant; he was discharging duties on behalf of the Government; and my English common sense enables me to draw that conclusion. The admission of the Premier last night just clinched the whole thing, and I was very glad to hear such a sentiment coming from him. I know that Mr. Milman is engaging in this affair was somewhat unfortunate. I know that the Premier was afraid of the man he had to deal with, and the result of Mr. Milman's importunity made the Premier keep him at arm's length. He made application to

inquire into the Polynesian trade, that he might go and report upon this matter, and ultimately his request was acceded to.

The PREMIER: That is not correct.

Mr. MIDGLEY: Then I must go into the matter more elaborately. What I have stated is substantially correct, and cannot be contradicted. Mr. Milman asked for a holiday, and for permission to go amongst the islands; that permission was granted. He then asked if he might inquire into the way in which recruiting was being carried on, and if he might report upon it; and ultimately the reply was that he might report only. He wanted to know if he could do anything more than that, and the answer of the Premier was "No"; therefore, he was a servant of the Government to that extent. I cannot understand Mr. Milman's reason for this request; I do not understand why he could not go and enjoy his holiday quietly—why he could not throw off all the cares and troubles and duties of his official position, and take his rest and enjoy himself. I do not know why, unless it be that there is a clause in the Act providing that the informant shall be entitled to half the proceeds of the seizure. That may possibly be the solution of Mr. Milman's importunity; I cannot think of any other reason. The Act provides that he shall be entitled to half the proceeds resulting from an information.

The PREMIER: What clause is that?

The HON. SIR T. McILWRAITH: Do not be interrupted, and go on with your speech.

Mr. MIDGLEY: I shall have an opportunity of replying, and if that is contradicted I can easily bring up the records.

The PREMIER: There is no such law.

Mr. MIDGLEY: Then I must detain the Committee until I find the clause.

The HON. SIR T. McILWRAITH: Go on with your speech.

Mr. MIDGLEY: I shall have an opportunity of pointing out where the clause is to be found; but it is in the Act, and if it does not apply to Mr. Milman I am wrong in my interpretation of the Act; but the clause is there.

The PREMIER: The clause is not there.

Mr. MIDGLEY: Well, it is there, and I will find it there.

The HON. SIR T. McILWRAITH: Do not let him interrupt you; it is a trick; go on with your speech.

Mr. MIDGLEY: I will not detain the House, but I know the clause is in the Act. I should be wasting the time of the House if I were to look for it; I am convinced it is there. Now, I ask the House to look at this absurdity: of course it is an absurdity if my interpretation of the law be correct, but if it is not correct, then of course the absurdity will not exist. The Act provides that the informant shall receive half the proceeds of any seizure that results in forfeiture.

The PREMIER: No.

The HON. SIR T. McILWRAITH: Go on; go on!

Mr. MIDGLEY: Well, I will go on, but I will not point out the absurdity I refer to until I know what the clause really is. There is another matter, Mr. Speaker. These men brought by the "Forest King" were all ultimately engaged on the various plantations to which they were sent. They were engaged through the medium of the same interpreter—Charlie—after the proceedings in the Vice-Admiralty Court. This man, when acting as

interpreter, appears to have been sufficient for the Government then. He was deemed sufficiently reliable to act then. Charlie was the interpreter acting when these men were ultimately engaged. If the Government were so thoroughly satisfied that he was utterly incompetent, why was he allowed to act again? Not only were those men engaged through the medium of the same interpreter; but, when Mr. Thompson left the service of the colony, there was handed to him a most honourable dismissal, a farewell; and he has a letter that, as a Government agent, he may be proud of, and in possession of which he may feel himself secure against any further proceedings. There are other matters. It may also be suggested that the damages are excessive. I am not going into that now, nor into the details of the claim, nor into the fact that the Government admitted the responsibility last night in those law costs which were passed. It is said that Mr. Hodgson was engaged in a nefarious and infamous traffic, and that if a man engaged in a dangerous, or wrong traffic or trade of this kind, he must take the consequences. Mr. Hodgson was engaged in a traffic which has been originated, and legalised, and sanctioned, and protected by the Queensland Government, and if he were engaged in this trade honestly that is not a thing that ought to be said against him. Any blame that attaches to the traffic attaches to the Government of Queensland and the colony of Queensland. It is a trade, it seems to me, which—if the evidence taken before the Royal Commission be true—if the recruiting on board the "Forest King" were not properly done, it never can be properly done, and it is a trade which ought to be immediately swept away and done with; but a trade which the Government of Queensland has recently deliberately proposed to establish and continue for another five years to come, if it was not properly conducted by the "Forest King"—if these recruits were wrongfully brought to the colony, I can see no justification for the Government deliberately proposing to continue that trade for five years, nor can I see what reasons they can have for supposing that the recruiting trade will be more honestly conducted than it was in this case. In conclusion, I will just draw the attention of the House to the position of the petitioner, Mr. Hodgson. He is an old citizen in this colony, and a man of whom I know very little. He was once a member of this Assembly, some years ago, and a man who has suffered in mind, body, and estate because of the seizure of his ship. A man with whom I have never had any business transactions—and I mention that, because it has been supposed by some that I have; but I have had no business connection with him to the extent of one penny. That is the only humiliating thing I have had to say to-day—to make a statement of that kind in self-defence. He is an old citizen in this colony; he has been in business for a great many years, and he has been a member of this House. Subsequent to the seizure of his ship there is a terrible outcry in this colony against the black labour traffic; certain men are arrested and tried; certain men are terribly punished, with the utmost rigour of the law—some of them nearly hanged. But I am not speaking on the merits of those cases. I am drawing attention to the fact that this man has been engaged in this trade. There have been two trials, as it were, before this committee. There was an inquiry before the Vice-Admiralty Court, in which the petitioner was honourably acquitted, and then there was the Royal Commission, which, in its verdict, really condemned the proceedings of that vessel. There is a popular clamour and outcry against this trade, and there is an unmistakable determination on the part

of the Government to repress abuses. It is its unmistakable determination to punish offenders; and yet this man, in the midst of all this outcry, is elevated in the midst of it and says, "Although the Royal Commission condemned me, I cry for and demand further inquiry." That is not the action of a guilty man. The action of a guilty man is to sneak away and be silent. The action of a guilty man is not to demand further inquiry into proceedings which are condemned by the powers that be, as of a questionable character. This man says "I demand further inquiry." That is the demand of a man who is engaged in a business honestly and fairly. A select committee was appointed, which resulted in the report, the adoption of which I move this afternoon. I shall have another opportunity of speaking on the subject, and going into the details of the claim, every item of which I believe to be just and fair, in my own mind. I leave the matter in the hands of the House to consider whether it shall be taken as the claim of a citizen who believes he has been wronged. I trust it will be fairly and honestly and generously dealt with by this Legislative Assembly.

The PREMIER said: Mr. Speaker,—The hon. member evidently takes a very warm interest in this matter, and has spoken very warmly on the subject. He has attacked the Government—I do not know why, or on what ground—he has attacked the Royal Commission, and has attacked persons who gave evidence before it. But all that, I am sure, he will see in his calmer moments is altogether beside the question. The question which he is asking the House, by his motion, to give its attention to is as to whether it should adopt the report of the select committee—that is to say, to affirm that the select committee have proved to its satisfaction that the statements in their report are correct. That is the motion. The hon. gentleman was far from addressing himself to the motion and showing that those allegations are correct. That the Government is responsible for the action of the "Swinger," is another proposition involved in his motion, and, instead of addressing himself to it, he has addressed himself to this point: That Mr. Hodgson is an injured man; that he is an honest man, and his captain was an honest man; and that, as a matter of fact, there was no kidnapping carried on on board the "Forest King." I will concede the whole of that, so far as Mr. Hodgson is concerned, there was no kidnapping carried on on board with his knowledge, or the knowledge of the captain, or of the Government agent; but in proving that, the hon. gentleman has not advanced one step towards what he asks the House to adopt. The question before us is not whether Mr. Hodgson's captain acted with perfect *bona fides*, or whether the Government agent acted with perfect *bona fides*, and they were misled by the interpreters that they obtained—whether Jerry misled them or Charlie, or somebody else. That is not the question. The question is whether the seizure by the "Swinger" was justified under the circumstances then existing. The captain of the "Swinger" was employed on police duty in the Pacific under the provisions of the Kidnapping Act just as much as a policeman is engaged when patrolling the streets of Brisbane, and his duty was to act upon the circumstances as they presented themselves to him. Sometimes an innocent man is arrested on a charge of crime, but you do not hold the Government responsible because the policeman has arrested him. Yet that is the case the hon. member is endeavouring to make out to the House. But it is not even that. He does not seek to hold the Government answerable in that sense, but to make the employer of the

man who gave the information responsible. That is the position. I will just illustrate it. The proposition is this—that if my servant is in the street, and is informed that a crime has been committed in a neighbouring street, and he goes and tells a policeman that he is so informed, and the policeman arrests the wrong man, I am to pay the damages. That is an exactly analogous case to this. But the hon. member has not addressed himself to that; he has contented himself with endeavouring to show that Mr. Hodgson is innocent. I do not wish to assert that Mr. Hodgson is guilty; nobody supposes for one moment that he would connive at any improper recruiting. Nor does anyone for a moment believe that the Government agent on board that ship connived at improper recruiting. He did his duty as well as he could; but because he was liable to be deceived, it was not thought fit that he should continue any longer in the Government service. I believe he acted honestly, but he was misled. It is not necessary, therefore, to go minutely into the question whether the evidence of the Polynesian witness Bedanna, or any other witness, is correct. For instance, what is the use of investigating the question whether the account he gave is primarily accurate, or whether it was interpreted with perfect accuracy by the interpreter? What light does that throw upon the matter? It throws none. Suppose that the interpreter in the "Forest King" case made a mistake in the Admiralty Court, or suppose the interpreters for the Royal Commission made a mistake—it is most likely that all the interpreters made a mistake—what is the use of investigating minutely a matter like that? I propose to deal with the matter on a broader basis. But before doing so, I wish to make a few remarks in reference to the attack made on Mr. Rose, one of the members of the Royal Commission. The hon. member attacked the Commission generally. We have nothing to do with the Royal Commission in considering this case. If any hon. member desires to bring forward a vote of censure on the Royal Commission, or a vote of censure on the Government for appointing the members of it, or a vote of censure on the Government for acting upon their report, let him do so. Let him do so at once, and we will meet the matter fairly. But the hon. member is not bringing forward a vote of censure of that kind, although I am perfectly aware that some hon. members intend taking advantage of the opportunity to vilify the Commissioners. Nevertheless the fact remains that the Commission has done a great deal of good for the colony, a good which cannot be undone by any abuse or vilification showered down upon the Commissioners by members of this House, whoever they are. The hon. member compared the manner in which Mr. Rose gave his evidence with the manner in which the other witnesses gave their evidence. But let any one read the questions put to Mr. Rose. Is there no difference in asking a man to give a narrative and asking a man what were his impressions or motives? Would the hon. member for Fassifern like to sit there and be cross-examined by me in the manner in which he cross-examined Mr. Rose before the committee? If he was asked what he would have thought if somebody had said so-and-so when he said something else, would he not hesitate before he answered? I ask anybody to read the evidence and see the questions put to Mr. Rose.

Mr. DONALDSON: Quote some of them.

The PREMIER: I am not going to quote the evidence all through. I have read it all through, and I can understand any hesitation

in answering some of the questions. It was quite impossible to answer them except in a speech of two or three minutes. A very great number of the questions asked of the other witnesses throughout the inquiry were questions to which simply an answer "Yes" or "No" was sufficient. Judging from my experience of the examination of witnesses it appears to me that a full narrative of the case had been prepared, and the questions were put in a form which only required the answer "Yes" or "No"—they were leading questions. I will now just say one word as to a matter which is perfectly irrelevant to the inquiry, and that is the suggestion that Mr. Milman was actuated, in giving information to the captain of the "Swinger," by the hope of obtaining half the penalty. That suggestion ought not to have been made. The hon. gentleman said he would have an opportunity of speaking on the subject again, and I would ask him to withdraw the insinuation. There is no provision in the Kidnapping Act allowing reward to any person giving such information. A vessel can only be seized by an officer of Customs, or a public officer in any British possession, a commissioned officer on full pay in the military service of the Crown, a commissioned officer on full pay in the naval service of the Crown, and a consul or consular agent appointed by Her Majesty to reside in any island not within the jurisdiction of any civilized power. These are the only persons who can seize a vessel, and in no case can they have any share in the forfeiture. Probably what the hon. member referred to was the provision in the Polynesian Act of 1884, which states that if a ship is forfeited for a breach of the provisions of that Act the informant may receive half the penalty.

Mr. MIDGLEY: That is right.

The PREMIER: Having now disposed of that matter, I will deal with the merits of the case. The report of the committee which the hon. member asks the House to affirm, says, firstly, that the allegations and statements of the petition of Mr. Hodgson have been substantiated; secondly, "that there is no evidence to show that the owner of the 'Forest King,' or anyone engaged on her during the voyage when she was seized by the 'Swinger,' was guilty of, or aware of, any breach of the laws or regulations affecting the recruiting of islanders in Polynesia." That is a somewhat startling and sweeping assertion. It involves the assertion that the interpreters, and everybody on that ship, many of whom the committee never saw, and of whose conduct and proceedings they could have no information, were not guilty of any breach of the laws and regulations with respect to the recruiting of islanders. We are asked to say that there is no evidence that anybody on the ship was guilty of any breach of the law. Now, there is ample evidence that many of the islanders recruited were deceived; some of them may not have been deceived, but if one was deceived that is sufficient. There is ample evidence—I will not say conclusive evidence, as that is a matter on which each may form his own conclusion—that some of the islanders were deceived. Whether the committee thought the evidence taken by them was more trustworthy than that is another thing; but to say that there is no evidence that those men were deceived is simply to say something contrary to fact.

Mr. DONALDSON: What evidence do you allude to?

The PREMIER: The evidence of the islanders themselves. I do not say it is conclusive; that is a matter on which each member may have his own opinion; but the committee state that there is

no evidence that they were deceived. The hon. member must see that there is evidence, though he may disbelieve it. He does not, however, say that he disbelieves that evidence, but asks this House to affirm that there is no evidence that anyone engaged in the "Forest King," when she was seized by the "Swinger," was guilty of any breach of the laws affecting the recruiting of islanders in Polynesia. Then he asks the House to affirm as the third proposition this most startling, most extraordinary proposition:—That, in consequence of the seizure of his vessel, the "Forest King," the petitioner has suffered loss, expense, and damage to the extent of £3,000. He asks the House to affirm that at once. Of course, that is a matter which should be considered in committee, where the question could be gone into fully; but to ask us to affirm this proposition is something surprising, to say the least. Surely he would have done more wisely if he had followed the ordinary course of proposing, not to adopt the report, which is a useless proceeding, but to affirm that Mr. Hodgson should be compensated, if the majority of the House are of opinion that he should be compensated. As to adopting the report of the committee, that is quite impossible. Before we could do that we should have to send it back to the committee to get all the evidence available; for I am sorry to say that they have not even taken the trouble to ascertain what damage Mr. Hodgson has really sustained. He puts in a claim, which I can only characterise as being preposterous. He claims the gross earnings of the ship, puts down the total amount it would have been possible for the ship to earn, and instead of deducting the expenses from the earnings he adds them on. I am not going to trouble the House much about the details of the losses. The committee had ample evidence available, if they had chosen to ask for it. Under the Act of last year every labour ship is bound on returning from a voyage to send in a sworn return of the expenses of the voyage; and on going to the Polynesian Office they could have obtained a statement showing the expenses of every ship since that Act was passed. I will give the House some information as to the sworn returns of expenses on the voyages. As a matter of fact, Mr. Hodgson has not sustained this loss. I know that he wanted to sell the "Forest King" to the Government some time ago, and it is well known that that vessel was not paying expenses.

AN HONOURABLE MEMBER: When did he want to sell it?

The PREMIER: Six months ago; but the vessel was not paying before that. Mr. Hodgson may have been specially unfortunate, but it is a fact appearing from his own returns that the average cost per head of all the islanders he has introduced since that Act was passed has been over £100. The passage money was, say, £21 per head, so that it is quite impossible that he could have made a profit of £3,000 in four months. I do not want to expose Mr. Hodgson's affairs more than is necessary, but I will mention particulars in regard to other ships. I have the particulars here, and they are public property. Taking thirteen vessels at random, sailing from various ports of the colony last year, I find that the lowest cost at which islanders were introduced was £15 5s. a head, and that was in the case of a vessel which had a very large complement of recruits and took back a large number to the South Seas. The average cost in regard to a large number of vessels, not one of which belong to Mr. Hodgson, was £22 12s. per head. That being the average cost per head in introducing islanders, and the passage money

being, say, £21, it is ridiculous to ask the House to affirm that Mr. Hodgson has sustained a loss of £3,000 in four months on one voyage. Now, I ask the House to consider the real question in this case, and that is, whether the seizure of the "Forest King" was justifiable under the circumstances, and, after that, supposing it was not, whether the Government are responsible for it? It has been stated that Mr. Milman was in the service of the Government. Of course he was; he was a police magistrate in the service of the Government, and that is the only ground on which the claim can be made—that the seizure was in effect made by Mr. Milman, and that the Government are responsible. Now the seizure was not made by Mr. Milman in any sense whatever. He was not more responsible for the seizure, nor are the Government any more responsible, than I am responsible for the actions of any of my servants to whom I give a holiday. The hon. gentleman, Mr. Midgley, said that after some hesitation I allowed Mr. Milman to go to sea. The correspondence was laid on the table of the House last year, and can be seen at page 983 of the second volume of "Votes and Proceedings." A letter came from Mr. Milman, addressed to Mr. Gray, on 13th June, as follows—

"Mr. Macfarlane, from New Guinea, is now in town, and has asked me to accompany him in the 'Ellangowan' to New Guinea. It will be an opportunity not likely to occur again for some time, as on this occasion she ('Ellangowan') is to go to East Cape and visit every settlement between that and the Fly River. He informs me I should be about three weeks away. I would have an opportunity also of seeing some of the fishing stations of men sailing from this port, including Nicholas—the man reported by labour agent of 'Ceara.' Will you kindly wire me, on receipt of this, if I can go, if I have been able to dispose of Lee's affair, and no other important business crops up?"

This reply was sent by telegram:—

"You may go to New Guinea if public business will permit."

Then on the 24th Mr. Milman telegraphed—

"Captain of 'Ellangowan' just arrived reports teacher told him wholesale kidnapping going on at Basilisk Moresby and other islands in vicinity by three (3) masted schooner 'Heath' also that 'Lizzie' recruited in like manner. If I go Mr. Macfarlane states I can visit these places and if instructed would inquire into truth of these reports 'Ellangowan' sails Wednesday."

I minuted on that—

"Mr. Milman to go and make inquiry."

Was that right or was it wrong? And where was the hesitation? The telegram was dated 24th June, and instructions were given by me on the 25th, as soon as I saw it. The hon. member endeavoured to suggest that the Government distrusted Mr. Milman, and did not want to let him go, but the dates show that the contrary was the case. What was the duty of the Government on being informed that kidnapping was going on in New Guinea? The papers were beginning to comment on it; and I had been informed in Townsville just before that irregularities were going on; and was it not the duty of the Government to investigate the matter when they had an opportunity? I say that if the position the Government take up is right, if we were bound to put down abuses, then, when a direct statement was made to the effect that abuses were going on, and an opportunity arose of inquiring into the truth of the statement, we were bound to accept it and let Mr. Milman go and make inquiries. The formal instructions given to Mr. Milman were—

"Colonial Secretary wishes you to visit if possible the places where islanders by 'Heath' and 'Lizzie' are alleged to have been kidnapped and to make full inquiry and report."

He replied the same day—

"Have I any power to do more than make inquiry and report if I find some vessel actually engaged in illegal recruiting off New Guinea?"

My minute on that was—

"Report only."

He asked afterwards whether the Government would send any presents to the chiefs; and I said—

"Take a supply of trade with you, and distribute at discretion. You have no power to do more than report, which you should do fully."

That is what the Government did. Now, to what extent are the Government answerable for what Mr. Milman did on that voyage? It is very hard to see where the responsibility comes in. But what did Mr. Milman do on that voyage? He did what any honest man was bound to do. Any man hearing the statements that were made to him, who did not act as Mr. Milman did, would have ceased to deserve the reputation of a gentleman. He would simply have been properly branded as a conniver at kidnapping. I say any man who has such a curious notion of morality as to say, in face of the facts to which I am about to call the attention of the House, that Mr. Milman did wrong in that respect, must have some strange perversion of his moral nature. This is what happened; it is not denied. Of course there are persons who say that Mr. Milman should have regarded Mr. Macfarlane, Mr. Chalmers, and Mr. Lawes as liars; but Mr. Milman, I believe, does not place them in that category. This is the only evidence given by Mr. Milman that the committee had before them. He was examined in the Vice-Admiralty Court; he was not examined before the committee. If the committee did not believe what he said they should have called him; if they did believe him we should take it as truth. They certainly might have called him if they thought it was not correct. I must read this to the House—it is on page 12 of the proceedings in the Vice-Admiralty Court—because these are the circumstances connected with the seizure by the "Swinger," not a statement of what happened at Moresby Island or Sud-Est, or some other place some days before. The question is whether the captain of the "Swinger" did right under the circumstances he found existing. He could not hold an inquiry to see what the truth was; he was on police duty, and certain facts were brought to his notice. What we have to see now is whether, these facts having been brought under his notice, he did his duty; because I apprehend that if the captain of the "Swinger" did his duty this House is not to compensate Mr. Hodgson because he did his duty; or if so it is simply a case of generosity:—

"By Mr. Chubb: Your name is Hugh Milman? It is.

"And you are the police magistrate at Cooktown? I am.

"On the 9th July last you were on board Her Majesty's ship 'Swinger,' commanded by Captain Marx? I was.

"You were, I believe, under instructions from the Queensland Government to make some inquiries as to the true state of the labour trade? As I was visiting New Guinea I received instructions from the Colonial Secretary to make all inquiries and give an account of how the traffic was being carried on in the waters which I should visit.

"I believe on this day the 'Forest King' was sighted? She was.

"You were on board of her? I went on board in the afternoon.

"With whom? With the Rev. Mr. Macfarlane and a native teacher from Teste Island, named Jerry.

"Did any of the officers of the 'Swinger' go with you? No; they had gone on board previously.

"When you got on board whom did you see? The Government agent.

"What is his name? He is a man named Thompson—and the captain.

"Captain Dickson? Captain Dickson I believe is his name.

"Did you proceed to do anything? I told the Government agent that I was going to examine the recruits on board, as I had a native interpreter with me who could understand their language, to ascertain that they thoroughly understood that they were coming to Queensland for terms of three years.

"Was Captain Dickson present when you said this? I cannot say whether he was there at the time. I think he was engaged with the officers of the man-of-war; I am not certain.

"Did you proceed to the examination of the natives? I did; I had the natives mustered; I ordered the recruits to be mustered on deck, forward.

"Were they mustered? They were mustered. I cannot remember, now, whether forward or aft by the deck-house. I think now it was aft by the deck-house. They were mustered, and each one was called up separately by name.

"When this was being done was Dickson there, or the Government agent? Yes, he was; and the two boarding-officers of the man-of-war, Lieutenant Forlesse and Sub-Lieutenant Bruce.

"And Mr. Macfarlane? Yes; and Jerry.

"Just tell us what was done. You say the recruits were called up by name? I got the names, first of all, from the Government agent's book, and then I called each boy by his name. That boy was brought up and the question was put to him.

"Brought up by whom? His name was called out and he came up himself—answered to his name himself.

"Was he called by name, or by number? By name.

"Well, he came up? Yes; he came up.

"Well, what was done then? The question was put to each of them, how long was he going to Queensland for.

"By Mr. Power: Did you put these questions yourself, or did you hear them put? I ordered them to be put.

"By the Court: You told somebody in English to put them? Yes; I ordered them to be put. I told Jerry to put the question to each boy, how long he was going to Queensland for. He put that question, apparently.

"He said something, anyhow? Something, anyhow.

"By Mr. Chubb: Not in English? No.

"In the native language? Yes.

"By the Court: Do you understand the native language? No.

"By Mr. Chubb: It was in a foreign tongue? Yes; in a foreign tongue.

"By the Court: You told him this in English? he put it to the boy in some language; then he said something to you again in English, which you will tell us? Yes; it was partly carried on—as Jerry, though he understands English, does not, well—through Mr. Macfarlane, in the first instance; then from Mr. Macfarlane to him in Lifu language. In some instances I asked Jerry direct what did he say in English, and he replied to me.

"Was that in all the cases? In some instances he could not communicate with the boys at all.

"In the instances when he appeared to communicate? The answer was similar in each case.

"In English to you? Not in English direct to me in every instance. In some instances I asked him direct, after the answer had been given to me by Mr. Macfarlane. Did the boy say so-and-so?

"What were the answers or answer that you got through Jerry, either from Jerry or Mr. Macfarlane, as the case might be? The answers were the same from all those boys; that they were going to Queensland for two months, to be returned the third month.

"Do you know—can you tell me—how many boys Jerry communicated with or appeared to get answers from? There were thirty-nine boys in all, and there were nineteen boys that he was unable to communicate with. That would leave twenty that gave him answers."

Twenty boys said they were going for two months, and the others could not be communicated with. There is no doubt that happened. Whether these boys told the truth is another question. This happened aboard the "Forest King"; that is the material point.

"Did you put any other questions through Jerry? I did, on a subsequent occasion.

"But not on that occasion? No; I think that was all.

"You told us that there were some you could not communicate with—that Jerry could not. Do you know what islands they were from? There were fourteen from Sud-Est Island, three from the mainland of New Guinea north of Cape Ducie, one from Normanby Island, and one from Ferguson Island in the D'Entrecasteaux group.

"Did Jerry appear to be able to communicate with the others? Yes.

"When he spoke to them did they speak in reply? They did.

"After you got as far as this what did you do then? I went on board the 'Swinger,' and stated to Captain Marx the information I had received."

Was he not bound to do that, Mr. Speaker? Was he not absolutely bound to go and tell the captain of the "Swinger" the information he had received?

"What did you state? That the majority of the boys were only recruited for two months, to be returned on the third month, and that for the majority of the boys there was no interpreter at all.

"When did you ascertain that? The first time, of course.

"Before you went on board to Captain Marx you did something else. You told us there were fourteen boys from Sud-Est Island that could not be communicated with by Jerry. Was anything done for them? The Government agent informed me that the interpreter for them had run away; but it was their intention to get another interpreter on board, for these boys, before returning to Queensland.

"Was no other interpreter produced, or anything said to you about another interpreter on board? They said they had an interpreter for five of the boys that Jerry was unable to communicate with. There were three, I think; one was the chief interpreter.

"For the five boys with whom Jerry could not communicate? Yes.

"What was the name of these interpreters? I can tell you the name of one—Charlie. I do not know the names of the others.

"What were the five natives? Three from the mainland of New Guinea near Cape Ducie, one from Normanby Island, and one from Ferguson Island.

"Which one was pointed out as the interpreter for the five? Charlie.

"Did they tell you who had been the interpreter when they were recruited? Yes; they gave me to understand that Charlie had.

"Did you try to communicate with these five through Charlie? I did. Charlie attempted to communicate with them, and I was told in the first instance by Jerry that 'that fellow no understand those boys at all.'

"By Mr. Power. You say in the first instance Jerry told you that? Yes.

"By Mr. Chubb. Was that before or after Charlie had commenced to speak to them? After Charlie had attempted to talk with them.

"What was the *modus operandi* of attempting to communicate with the boys through Charlie? Charlie apparently attempted to talk to them and got no answer.

"Did you give him a question to put? I told him to put the same question as I had Jerry—that is, to ask those boys how long they had been recruited to go to Queensland for.

"Then Charlie spoke to them, and got no answer? He got no answer.

"Did you observe the boys make any gesture? No.

"Did they appear to understand him? They did not appear to understand. Jerry then said that Charlie was attempting to talk to them in Teste language, and they did not understand his language.

"Did Charlie say anything to him? I then asked Charlie, cannot you make those boys understand? Charlie hung down his head and did not answer, giving me to suppose he did not.

"Did he say anything? No; I do not know if he said anything at the time or not. He gave me to understand he could not communicate with the boys.

"How about the fourteen boys from Sud-Est? There was no communication held with them at all.

"You noticed already that they intended to get an interpreter for them? The Government Agent told me that Captain Dickson had promised to get an interpreter before leaving those waters, otherwise the boys would have to be returned to their islands.

"Was the interpreter obtained for you for those boys? For the Sud-Est boys, no.

"Did the agent or the captain say anything? They stated that they had not one.

"Then it was that you returned to the 'Swinger'? I then returned to the 'Swinger.'

"What did you do on board the 'Swinger'? I told Captain Marx that I had ascertained from the boys that I was able to communicate with—twenty out of some thirty-nine—that they had only been recruited for two months, to be returned in three months; that there were fifteen boys with whom no communication could be effected, and when the interpreter who was provided attempted to communicate with them he failed to do so.

"Then what happened? He said, 'I wish you to return to the 'Forest King,' and ask each boy one question, namely—if they are willing to go to Queensland for the full term of three years?'

"Did you return on board the ship? I did.

"Who went with you? I was by myself then.

"What did you do then on board—whom did you see? The Government agent, the captain, Mr. Macfarlane, and Lieutenants Torlesse and Bruce were all on deck with the boys.

"And you went up to them? I went up to them.

"What did you ask? I called each boy by name.

"How did you do so? The boys were on deck. I told the Government agent I was going to call them again. I called each boy by name and he came forward. I then put the question through Jerry to them, 'Are you willing to go to Queensland for three years?'

"Did you use Mr. Macfarlane as an assistant between you and Jerry on that occasion? Yes; I think so. The examination was held in a similar manner, exactly as on the previous occasion.

"And you asked each boy, 'Are you willing to go to Queensland for three years? Yes; and I took down the answer of each boy in writing at the time.

"What answers did you get? Five boys out of those I was able to communicate with—I think it is five.—[Papers handed to witness.]

"What is that paper? That is the paper with the answers of each boy on it. [Exhibit No. 6.]

"Now, what are the answers? The information I took down was—The first four called there was no interpreter for.

"Where were they from? Three from New Guinea and one from Ferguson Island.

"Were those four out of the five? Four out of the five which Charlie was originally unable to communicate with.

"Did Charlie attempt to speak to them on the second occasion; did you use him at all on the second occasion? I cannot remember. I think so. He was there at the time. We were unable to communicate with him by any means on the ship.

"And the next boy? The next boy I have from Normanby Island. He declined to go for three years.

"What was his number? I could tell you his name, but I did not take the numbers down.

"What number of boys were willing to go for three years? Five.

"And the remainder? They declined—those we were able to communicate with.

"Did they say they were willing to go for any time at all? Some said they were willing to go for one year; and a few said they were willing to go for two years.

"Was that all you did then? I then returned to the 'Swinger,' and reported the result.

"What did you say? I said I had examined the boys, and, of those we were able to communicate with, all but five were unwilling to go to Queensland for three years. He then requested me to make a report in writing."

Now, sir, what could a good and honest man have done but that? Yet an attempt has been made to vilify Mr. Milman for this. He has been accused of giving false information. These statements were made to Mr. Milman, and he could not ascertain whether they were true or false. More than that, the statements having been made to him it was his simple duty, as much as it is the duty of any man to tell the truth or to keep his word, to report the matter to the captain of the "Swinger." Mr. Milman reported the matter to Captain Marx, in writing, as follows:—

"I have the honour to report to you, having been instructed by the Queensland Government to inquire into the manner the labour trade is carried on in these waters, that this day I boarded the recruiting schooner 'Forest King,' of Brisbane, at this place, and with the assistance of the native teacher Jerry, who acted as interpreter, and was kindly lent by Mr. Macfarlane for the purpose, I ascertained that, out of the thirty-nine natives on board, five natives from Cape Ducie (on the coast of New Guinea) and from the adjacent islands of Ferguson and Normanby did not comprehend the nature of their agreements, being unable to communicate with anyone on board and there having been no interpreter who could understand their language when they were recruited, the so-called interpreter who was shipped for the purpose at Teste Island, stating to me, in the presence of Lieutenant Torlesse, Sub-Lieutenant Bruce, and Mr. Macfarlane, that he could not talk to them or make them understand. Of the balance, all (with the exception of fourteen recruited from Sud-Est) stated

they were engaged for two months, and to be returned the third month. These recruits were all spoken to separately. The natives from Sud-Est I was unable to communicate with at all, there being no interpreter for them on board, though I am informed that a competent interpreter had been on board when they were recruited, but had since run away. On further inquiry with the natives that I was able to communicate with (through Jerry), I found that only five were willing to go for the full term of three years, and consider it very doubtful if they fully understood what they were agreeing to, the balance of them point blank declining to go for the term it was professed they had agreed to serve. Under these circumstances, I am of opinion that these natives have been recruited contrary to the regulations of the Pacific Island labour trade, and have the honour to draw your attention to the above-stated facts."

That was Mr. Milman's action. Nothing that happened afterwards has anything whatever to do with the matter. Let us now see what Captain Marx said.

The HON. SIR T. McILWRAITH: This is rather a mean thing—obstructing on a private members' night.

The PREMIER: The hon. member says it is a mean thing to obstruct on a private members' night! I intend that the House and country shall know the real nature of this transaction, and will sit here until to-morrow morning, if necessary, to discuss the subject. We are determined to settle the matter, and have it out. I will, however, make as short a speech as I can. As yet, I have only spoken half an hour, and two hours were occupied by the hon. member who moved the motion. I have not been guilty of any meanness in the sentiments I have uttered, or will, in anything I am to utter. I hope the leader of the Opposition will be able to say as much when he sits down.

The HON. SIR T. McILWRAITH: Do not get angry.

The PREMIER: The hon. member seems to be getting into a very uncomfortable frame of mind. I have a very plain story to tell, and the telling of it will not take very long. I simply want to put the matter fairly before the country. I do not mean that the hon. member for Fassifern put it unfairly; but the hon. member has missed the point altogether, as I will show directly. He asserts one thing, and I am talking about something else—something quite different. The hon. member's speech was really irrelevant to the question before the House. And, now, what did Captain Marx say?—

"At the time that the Lieutenant and sub-lieutenant went on board the 'Forest King,' the Rev. Mr. Macfarlane; Mr. Milman, police magistrate of Cooktown; and a mission teacher named 'Jerry,' were on board the 'Swinger,' also one other Pacific Islander; Mr. Macfarlane has his head-quarters of the mission at Port Moresby, New Guinea; his head station is at Dinner Island; 'Jerry' is a mission teacher of Teste Island, under Mr. Macfarlane's supervision; Jerry is a native of Lifu; Mr. Macfarlane has been stationed in those parts ten or twelve years I think; Mr. Macfarlane is able to speak some of the native dialects or languages; the languages of the islands are entirely distinct; Jerry can, I believe, speak more than one of the dialects; I believe so from observing him about a fortnight he was with me acting as interpreter; after receiving a reply that the papers were all right, I recalled the boat, and sent Messrs. Macfarlane, Milman, and Jerry on board."

Mr. Milman, you see, was acting at the request of Captain Marx—

"Torlesse and Bruce remained on board the 'Forest King'; after a time Mr. Milman returned, and stated to me that there were five natives with whom he could not communicate at all, the interpreter produced by the captain of the 'Forest King' being unable to communicate with them, and also that Jerry our interpreter was also unable to speak to them; that he had questioned all the other labourers except fourteen from Sud-Est, the interpreter for whom had run away, and that they all stated that they were engaged for two months, to be returned the third month; I then requested Mr. Milman to return on board the 'Forest King' and question each

individual labourer whether they were willing to go to Queensland for three years; Mr. Milman went to the 'Forest King'; after some time Mr. Milman returned with Mr. Torlesse and Mr. Macfarlane, and they stated to me that nearly the whole of the recruits declined to go for three years, that some were willing to go for two years, and others for various less periods; he stated on the second occasion that he was not able to communicate with the fourteen men from Sud-Est and the five men whom he had previously found that there was no interpreter for; I then considered the matter until about 7 o'clock; the communication I received in the first instance was verbal, and I requested it to be put in writing. I also saw the boarding-book of Mr. Torlesse and Mr. Macfarlane; Mr. Macfarlane said exactly the same as Mr. Milman, and Mr. Torlesse said exactly the same as Mr. Milman and Mr. Macfarlane."

Now, sir, that is the statement of Captain Marx. Mr. Milman, Mr. Macfarlane, and Mr. Torlesse, three gentlemen of unimpeachable honour and character, notwithstanding all the attacks made on them in this House and out of it, informed the captain of the "Swinger" that after using the best means in their power to obtain information they found recruits on board the "Forest King" who did not understand their agreements. What, then, was Captain Marx to do? He had only one duty under such circumstances—to take possession of the ship. He was simply acting on his instructions. I will venture to go farther, and say that if Mr. Milman had not given the information to Captain Marx he would have deserved dismissal and would probably have got it; and that if Captain Marx had not seized the "Forest King," if he had not been dismissed he would have been very severely reprimanded, and left unemployed for a considerable time. These are the circumstances of the seizure of the "Forest King," and whatever took place afterwards does not in the least degree increase or diminish the responsibility of the Government. These are the facts, and it is upon these facts that the question must be determined. The proceedings before the select committee had no relevancy whatever. What did they do? They did not inquire into the question as to whether upon the facts presented to him Captain Marx was justified in seizing the "Forest King," but whether Mr. Hodgson and his servants knew of any irregularity. They are two different questions. What the hon. member endeavoured elaborately to prove was that Mr. Hodgson and his servants were innocent. I do not dispute that for a moment. They thought the islanders understood the nature of their engagement, and Captain Marx did not. But the real facts have nothing to do with the merits of the seizure. Each set of persons acted on the information as it was presented to them. The captain of the "Forest King," when informed by the interpreters that the men understood the nature of their engagement, took them on board; and for that I do not blame him. But the men did not understand the nature of their engagement, and when that was pointed out to Captain Marx his duty was plain—it was to seize the ship. The hon. member endeavoured to show that there was a contradiction between the evidence of those witnesses and the evidence given before the Royal Commission; but there was no contradiction at all. The hon. member also commented rather severely on the answer given by Mr. Rose, that he thought the evidence of the islanders was the best possible evidence. I would correct that by saying that it was the only possible evidence. When it is stated that, according to the evidence, the men did not understand the nature of their engagements, the hon. member thought he had a very pertinent answer by saying, "Here is a number of persons who thought they did." It does not matter that those persons thought the men understood the nature of their engagement except so far as it saved the ship from forfeiture. Otherwise

it is perfectly irrelevant. The question the hon. member went into before the select committee was, not whether the men understood the nature of their engagement, but whether the officers of the "Forest King" thought they did. I admit that there is no evidence to show that they did not think so. But that is no answer to the charge of having improperly taken away men from their homes. That they honestly believed they were doing right is an answer to the forfeiture of the ship, and that is all. As to the probability of the men understanding the nature of their engagement—that they were going to Queensland for three years, and were to receive £6 a year, and work on sugar plantations, I would as soon believe—and I form my belief from my knowledge of human nature and of the world—I would as soon believe that they understood the 47th proposition of the first book of Euclid. I have no more doubt of that than I have of my own existence. The men were from a hitherto untried part of New Guinea; they knew nothing about time or money, and yet the hon. member would have the House believe that they understood all about it—where they were going, what were they to do, for how long, and how much they were to receive. On the facts I have not the slightest doubt that these men did not understand anything of the kind. I will call attention to one curious fact: the recruiting agent and the Government agent of the "Forest King" do not agree as to the manner in which the time was explained to those men. The Government agent says he used to put out thirty-six matches or other articles to indicate three years; and the recruiting agent said he did not do anything of the kind. I do not accuse, nor is it at all necessary to accuse, anyone on board the "Forest King" of bad faith; for that is not the question before us. The claim of Mr. Hodgson is that the vessel was wrongly seized, and that the Government are responsible for it. I have pointed out the circumstances under which she was seized, and I say that any man in the position of Mr. Milman would have done exactly what he did. For Mr. Hodgson I am sincerely sorry, but it does not follow that this Government is bound to compensate him for it. The Chief Justice pointed out that he could give no damages. He said:—

"Upon this point alone—the proved good faith of the defendants, without reference to the proof of actual consent—the case for the Crown has failed. There is fairly satisfactory evidence that the officers of the 'Forest King' acted in good faith, believing the natives fairly recruited and consenting parties to their removal to Queensland. Nevertheless, the circumstances presented to Captain Marx, on the report of Mr. Milman, were such as to raise a reasonable ground of suspicion, and to justify the seizure and detention. The Imperial officer being justified, it follows in this particular case, without laying down any absolute rule as to damages in future cases, that there can be no damages against the Crown in respect of his act."

The HON. SIR T. McILWRAITH: That is on the report of Mr. Milman.

The PREMIER: Mr. Milman told Captain Marx the exact truth.

The HON. SIR T. McILWRAITH: No; he did not.

The PREMIER: He did; he told him the exact truth. Is that the point the hon. member is going to take? Does he intend to say that because the information given to Mr. Milman to Captain Marx in good faith was not correct, therefore Mr. Milman is a liar? Mr. Milman only told Captain Marx what he saw and heard. There is no suggestion made by anyone but the hon. member opposite, that Mr. Milman told Captain Marx anything but what he actually saw and heard, and he was corroborated by Mr. Macfarlane. The hon. member has also charac-

terised him as a liar, I know, but his reputation stands higher throughout the civilised world than that of the hon. member. Mr. Macfarlane told Captain Marx exactly what Mr. Milman had told him.

The HON. SIR T. McILWRAITH: I say that what Mr. Milman told Captain Marx was false.

The PREMIER: I do not know in what sense the hon. member uses words; we shall have to get that new dictionary of his. Does he mean that Mr. Milman's information turned out to be incorrect? Because that is not the meaning of "false." The hon. member is playing with words. The information was given to Captain Marx, not only by Mr. Milman and Mr. Macfarlane, but also by Mr. Torlesse and Mr. Bruce, all independent honourable men; and because of that the Chief Justice held that the seizure and detention of the vessel were justified. That being so—if all those persons were acting lawfully and properly—where does the claim for compensation come in. I have, as briefly as I could, pointed out the real nature of the questions raised upon this matter.

Mr. BLACK: Mr. Speaker,—I beg to call your attention to the state of the House.

Quorum formed.

The PREMIER: I have, as briefly as I could, pointed out the real nature of the question raised upon this matter—that is, whether the seizure of the "Forest King" under the circumstances as they then existed, was justifiable. I have endeavoured to point out that nothing subsequently discovered can make any difference. Those were the facts as they were represented to the captain of the "Swinger," and upon them his action was right. Mr. Milman, in giving the information he had, only did his duty, and he was confirmed by Mr. Macfarlane. That being so, although Mr. Hodgson sustained a loss—for which I am very sorry—no claim can be made against this Government. If a claim should be made against the Admiralty it is a matter for them to consider; but the decision of the Supreme Court shows that, although the Kidnapping Act expressly provides for indemnification being made in a case of wrongful seizure, this seizure was not wrongful. Hon. members may very fairly differ in opinion upon the merits of the case. Some hon. members may think that these men did understand the nature of their agreements. For my own part, I am satisfied they did not, though, as I say, some men may very fairly hold a different opinion. But what I have endeavoured to point out is that all that is quite irrelevant to the question now before the House. The formal question is as to whether we shall adopt the findings of the committee. That the allegations and statements of the petition were not substantiated there can be no difference of opinion. It is stated in the petition that the seizure was made at the express instance and instigation of Mr. Milman; of that there is absolutely no evidence. The only evidence is that Mr. Milman reported to Captain Marx what he had discovered, and Mr. Macfarlane and Lieutenants Bruce and Torlesse corroborated what he said. It was not made at the instigation of Mr. Milman. The petition not only says that the seizure was made at the instigation of Mr. Milman, but that it was made whilst he was "engaged in the performance of duties on behalf of the Queensland Government, but without any lawful or just cause." I have pointed out on the facts of the case, which are uncontradicted, that he was not engaged in the performance of duties for the Government in the sense in which the words are used, and that there was a lawful and just cause, and that this



was found by the Vice-Admiralty Court; so that the statements contained in the petition are not true. Under these circumstances I submit that we cannot, as sensible men, adopt the findings and report of the select committee. I do not blame the select committee for their finding. They were possibly inexperienced in the duties of select committees. They did not get all the evidence they might have got, as I have pointed out, although there were means at their disposal to obtain further evidence. That this House should be asked to affirm that this seizure was made at the instigation of Mr. Milman, that the islanders engaged understood the nature of their agreements, and that Mr. Hodgson, in consequence of the seizure of his vessel, suffered a loss of £3,000, are three propositions which there is no evidence to support, and I therefore hope that the House will decline to affirm them.

Mr. LUMLEY HILL said: Mr. Speaker,—The House has listened this evening with very great attention to two very able and exhaustive speeches delivered from two diametrically opposite views—each ably expressed, and with an equal amount of interest and feeling. I myself do not take such an extreme view as either of the speakers I have listened to. I have carefully studied this case through all its stages. I looked into it long before coming into this House, and made up my mind as to what I was going to do, just as I suppose every member of the House has made up his mind one way or the other as to how he is going to vote upon this question. All the eloquence in the world will not shift any one of them any more than the able speeches I have heard this evening have moved me from the opinion I have formed after reading carefully through the evidence taken by the Royal Commission, by the select committee, and also the evidence taken in the case by the Supreme Court. I have read all the evidence carefully, and the conclusion I came to in my own mind was that the correct thing in this case to do is to adopt a middle course. I do not believe that this report is wholly right. I cannot bring myself to vote for it. I think, in making a report like this which the select committee have presented to the House, they have submitted a claim to be considered almost infallible. I think it is quite open to exception that some points in the report have not been clearly established. It reminds me of a time more than twenty years ago, when I was first admitted to the Commission of the Peace, a very old and wise friend of mine, a legal man, gave me this advice—"When you give your judgment do not give your reasons for your judgment. Your judgment will probably be right if you exercise an intelligent and common-sense view of the matter, but your reasons for that judgment may be utterly wrong." I believe that was sound advice, and it was advice I acted on; and I believe I should have erred if I had refrained from taking advantage of it. I believe that to a certain extent this committee have erred in that direction; they have given too much to the House. I do not think they were entirely right, nor do I think that the commissioners appointed to inquire into the Pacific Island trade were entirely right in all their conclusions, but there is a great deal of right in both of them, and I believe there is substantial good in both of them. I believe that legally, in this case—to which I intend to confine myself and to be as brief as possible—Mr. Hodgson has legally not a claim to a single farthing upon this House. There is no doubt whatever upon that point in my mind, but equitably I consider, after reviewing the position, that Mr. Hodgson has a claim; I consider, myself, that there can be no doubt in any intelligent man's mind who follows the

case through with care and thought, that Mr. Hodgson has suffered a loss at the instigation of a man who was not actually authorised to act in the position of a representative of the Queensland Government, but who, nevertheless, ostensibly and apparently did. He had no right to do it—his own instructions expressly forbade him to do it—but ostensibly he did appear as a representative of the Queensland Government. No man in this Committee, and I do not think that even the Premier, would tell me that Captain Marx would have seized that ship had it not been for the representations of Mr. Milman. The Premier gave us rather a strained illustration when he asked the question that supposing a servant of his gave information to the police, by which a man was illegally arrested in the street and lodged in gaol on a charge which turned out to be false, would the plaintiff have recourse against the Premier himself? Of course certainly not, but I say this: that if I give information to a policeman and instruct him to arrest a man on a charge that turns out to be false, that man has a very good action for damages against me, and might go for me at once, and no doubt would. That, I say, is the position here, because Mr. Milman, to a certain extent, though without authority, was ostensibly the representative of the Queensland Government. He did that without a doubt. I have no doubt he did it, but that he did it through any of the wicked causes alleged, or likely to be alleged by some hon. members, I do not believe. I think it was simply an act of indiscretion. He is not the most discreet of individuals. I myself can speak feelingly, because I have suffered by his indiscretion. It was through his indiscretion that 800 additional ballot-papers were furnished which enabled the fraud to be perpetrated at California Gully and Halpin's. I know that Mr. Milman did that inadvertently, because he told me some time before the polling, which enabled me to wire to my committee to look out for frauds, that the presiding officer at Herberton had got possession of 800 ballot-papers, and warned them to watch California Gully and Halpin's; but the committee were remiss and consequently the frauds were perpetrated. Therefore I know the sort of indiscretions Mr. Milman is likely to commit, but I acquit him wholly of any dishonesty in the matter. I am satisfied that he had no bad motive whatever, and that he was acting simply according to the best of his intelligence and the best of his lights. He deemed it incumbent upon him, from conscientious motives, to make the representations he did to Captain Marx, and upon those representations the vessel was seized. I am therefore decidedly of opinion that, equitably, Mr. Hodgson has a claim upon this House and upon the country. I consider it my bounden duty in my place in this House to guard with almost excessive vigilance the public purse, in the interests of the taxpayers of the colony; but I do think that in a case where it appears plainly that an individual citizen of the State has suffered loss and wrong through the action—unintentional, ill-advised though it may have been, officious or anything else that hon. members may choose to stigmatise it as being—I say I do think that the taxpayers of the colony, if they were polled to a man, would not object in such a case to that man being recouped the loss he has sustained. I do not believe that any man would hesitate for a moment in doing so; and it is therefore my intention to move, as an amendment to the report, that this House is of opinion that Mr. Samuel Hodgson ought to be compensated for the loss sustained by him in consequence of the seizure of the schooner "Forest King."

Question—That all the words after "that" in the original motion be omitted, with a view of

inserting "this House is of opinion that Mr. Samuel Hodgson ought to be compensated for the loss sustained by him in consequence of the seizure of the schooner 'Forest King,'"—put.

Mr. DONALDSON said: I am aware, Mr. Speaker, that in making reference to the remarks of the hon. the Premier this evening I shall be at a considerable disadvantage, because he has sheltered himself entirely behind legal points. But that will not prevent me, sir, in the interests of truth and justice, from defending the action and finding of our committee after full investigation. The Premier states that the action of the "Swinger" in taking possession of the "Forest King" was similar to a policeman who might arrest a person for doing a wrong. While I admit that the "Swinger" was acting very much in that capacity when she seized the "Forest King," we must not lose sight of the fact that certain information was furnished to the captain of that vessel upon which he acted. The facts are these—I wish to be as brief as possible, and shall not make any reference to the earlier part of the voyage. I shall commence from the time of the boarding of the "Forest King" by Lieutenants Torlesse and Bruce. These officers went on board and made an examination and certified that from the official log—the Government agent's as well as that of the captain's—everything was in order. Some time afterwards Mr. Milman and Mr. Macfarlane went on board and made an examination of the boys, and notwithstanding that the services of interpreters were offered to them they refused to take those interpreters, and acted entirely from the evidence of their own interpreters. Upon that they based a report, and upon that report the ship was seized. Anyone who reads the evidence that was given by Mr. Milman or by Captain Marx cannot help coming to the conclusion that they acted hastily in the matter and not after a proper investigation. It has also been stated that the committee did not go sufficiently into the case and try and get the evidence of all the parties. We were twitted with the fact that we did not summon Mr. Milman before the committee for the purpose of getting his evidence, but had we done that could we have received one little more evidence than he gave before the court, where he was thoroughly examined upon every point brought forward on both sides by most eminent counsel? I think we should only have been incurring extra expense which would have served no useful purpose whatever if we had brought him to Brisbane, seeing that all the evidence that he could give had been already given. We considered that at the time. We considered every word of the evidence he had given before framing our report, and came to the conclusion that it was entirely unnecessary to bring him here. But, sir, we acted in an entirely different way with regard to gentlemen within our reach. We took the opportunity of examining Mr. Rose, a gentleman who was connected with the Commission, and we wished to have the services of Mr. Buckland, but he took advantage of his privileges as a member of this House and refused to give evidence before us. Otherwise we should have had a little more information and—

Mr. BUCKLAND: I was never summoned.

Mr. DONALDSON: You refused, nevertheless. You sent word, and admitted it last night, to the effect that you would not come.

Mr. BUCKLAND: I sent no message.

Mr. DONALDSON: Last night, Mr. Speaker, in reply to an interjection from me in this House, the hon. member stated that even if he had been summoned it was not his intention to attend the committee.

Mr. BUCKLAND: I never said so. Refer to *Hansard*.

Mr. DONALDSON: It is omitted from *Hansard*, but I can appeal to hon. members who heard the hon. member.

Mr. BUCKLAND: I never said so.

HONOURABLE MEMBERS: Chair!

Mr. DONALDSON: The hon. the Premier also stated that the questions put were of a most objectionable nature and could not be replied to by Mr. Rose, and I asked him twice to state any one question to which he objected, but he did not take any notice of my remark. Now, the Premier has taken the trouble to read the evidence which has been given by Mr. Milman before the Vice-Admiralty Court. That may be information to many hon. members, but it was no information to the committee, because they had considered it before. I shall take the opportunity of reading the whole of the evidence given by Mr. Rose before the committee, and I will leave it to hon. members to say whether they consider one of the questions that were put to him were improperly put. I can say truthfully that the questions put to Mr. Rose were put with the full intention of eliciting the truth and nothing more. The examination of Mr. Rose is to this effect:—

"937. By the Chairman: You were one of the members, Mr. Rose, of the Royal Commission to inquire into the obtaining of these islanders? I was.

"938. In holding your inquiries, did you examine anyone but the islanders—the recruits? Yes; the inspectors at Mackay, Townsville, and Ingham.

"Mr. Power asked if the committee were going to travel outside the 'Forest King'?

"The Chairman said he thought not.

"939. By the Chairman: You had to examine the islanders through interpreters in every case, Mr. Rose? Yes; in almost every case. It is mentioned in the report when they were examined by means of interpreters and through what interpreters; and, if not, that also is mentioned.

"940. What were the names of the interpreters that you had when you were examining the recruits by the 'Forest King'? Cago, Toiamina, and Gatin.

"941. Had those men had any experience before as interpreters, Mr. Rose? Cago had; Toiamina also had—at any rate, I was informed he had been brought down here as an interpreter, and was examined in the court; Gatin we found at Hamleigh Plantation, Herbert River.

"942. Did they strike you as being men of fair intelligence as interpreters? Cago and Gatin did; Cago especially; he had been a pupil of and had been trained by either Mr. Macfarlane himself or one of his teachers.

"943. Could they speak English well? Cago spoke English pretty well. Toiamina could not do so, nor could Gatin. We used Toiamina and Gatin as second interpreters.

"944. You appear to have examined, I think, 480 of those islanders altogether? Yes.

"945. In thirty sittings? I dare say.

"946. I suppose it became almost a formal thing before you got through them—the same repetition of what had gone before—you just had to—? I do not understand.

"947. You had to rely upon what an interpreter said in each case, largely? Well; excuse me a moment. [Perusing the Report of the Royal Commission.] You will find on paragraph 12 of our Report, page 18:—

"As a matter of course we were mainly dependent in the fulfilment of our commission upon the services of interpreters. Sometimes the evidence had to be filtered, so to speak, through the medium of two interpreters.

"That was the case with several of the 'Forest King' boys. Questions were put to Cago, and translated by Cago to Gatin, and put by Gatin to the islanders—the Sud-Est islanders. Cago could not talk Sud-Est.

"But as we gained experience during the inquiry we also found many checks by which to test their reliability; such as familiarity with the manner of witnesses, the methods of the interpreters, and the private use of vocabularies compiled by the witnesses themselves of their different languages.

"And so on. As we went on I took, myself, and compiled little vocabularies to test the interpreters. As a matter of fact, on several occasions I did, by the use of

those vocabularies—I do not know whether it was the case of the 'Forest King' boys or not, but I was able to test thoroughly the reliability of the interpreters.

"948. You got at the truth through them? I am perfectly certain in my own mind that we got at the truth. I may say I looked over, this morning, the private notes that I took through the inquiry, with comments in the margin on the behaviour of the boys themselves and the manner in which the interpreters were doing their work; and, so far as the 'Forest King' boys were concerned, I had five or six different entries to the effect that I was perfectly satisfied as to the truthfulness of the statements being made.

"949. By the interpreters? And the boys.

"950. You state, Mr. Rose, in your report, page 19, clause 16, as follows:—

"(2.) Even under the most favourable circumstances the natives had very little conception of the real purpose for which they were invited on board or engaged to go in the ship to Queensland.

"That purpose ought to have been explained on three separate occasions—first, by the recruiting agent through his interpreter, and that in the presence of the Government agent who was bound to be in the covering boat—supposing the recruiting was being conducted from the beach; second, by the Government agent when on shipboard he was entering the names of the recruits in his log; third, by the Polynesian inspectors at the port of arrival in the colony.

"You are aware that it has appeared in evidence in court that this was constantly done on board the 'Forest King' when she was recruiting? I am not aware."

"951. You would consider that if this had been done—if all these precautions had been taken—the interpreters employed—the Government agent had done his duty? As a matter of fact, those precautions were not taken. At least, that is my impression.

"952. But, as a matter of evidence, they were. It is repeated in evidence, and in documents written at the time, that those precautions and instructions were carried out and taken? That is a statement I do not admit—I do not acknowledge.

"953. You do not acknowledge its truth? But you do not deny that it is on record? I do not know that it is on record.

"954. It is on record, repeatedly. It is on record, but you do not believe it. You do not believe they did carry out those instructions? I do not know that it is on record; but I do know that the evidence brought before us showed that those precautions were not taken.

"955. But you had no evidence, but the evidence of the islanders, Mr. Rose? The best of all evidence.

"956. But those men who were especially implicated, if there had been any irregularities in the mode of recruiting, were not there—were not examined by the Commission? The report shows they were not.

"957. In the sworn evidence before the Vice-Admiralty Court and in the logs of the captain, and the Government agent on board the ship, it is on record in those documents, and declared on oath in that evidence, that those instructions were invariably carried out—rigidly carried out. You are satisfied from what the islanders said that they were not? I am satisfied from what the islanders said that the purpose for which the islanders were being recruited was not fully explained to them, and that they did not understand they were coming to Queensland either for three years or to work on sugar plantations for that period.

"958. Well, you state further on, Mr. Rose:—

"At times, no interpreter was carried in the recruiting agent's boat:—

This is a general statement,—

'and then, no matter how desirous he might be of dealing fairly with the natives in his negotiations for their hire he had to depend on signs':—

And so on. Have you the impression or the recollection, Mr. Rose, that it was ever the case with the 'Forest King' that the boats carried no interpreters, or is it stated in your report? Turn to page 34 of the Report, voyage No. 7:—

"The 'Forest King' left Brisbane on the 17th May, and reached Rossel Island in the Louisiade Archipelago on the 27th, where an attempt was made to recruit without an interpreter. The Government agent, Mr. J. Thompson, however, wrote an official letter to the captain, prohibiting recruiting without interpreters. The ship then made for Sud-Est and Brierly Island, and at the latter place a native named Kasowai was engaged as interpreter. From 2nd June till 10th June Sud-Est was exploited for recruits, and sixteen secured. Kasowai, however, telling them that they were to go on the ship as bêche-de-mer fishers; (i) to go and see white man's place, not to work."

And so on. If I remember rightly, there were one or two boys who stated that the interpreters made signs to them.

"959. Well, Mr. Rose, it appears from your Report from which you have read, that they had various interpreters in the 'Forest King's' recruiting boats? Yes.

"960. They had various interpreters? Yes.

"961. To judge by what you say of the islanders when brought before the Commission, you considered that those interpreters deceived the islanders,—at any rate, they deceived the islanders, whether they deceived the officials on the 'Forest King' or not? Certainly they deceived the islanders. It came out in the examination of them, especially of the Sud-Est Island boys, that the interpreters on board the 'Forest King' could not speak Sud-Est. One or two of them—Tosi, I think, was a remarkably intelligent lad. He said that Charlie, that was one of the interpreters, learned Sud-Est on the voyage to Brisbane."

It is very tedious going through the whole of the evidence, Mr. Speaker, but I will still challenge the statement of the Premier that there is not a single question in the evidence I have read that could not be honestly and fairly and straightforwardly answered. I do not wish to make any accusations against Mr. Rose, but I believe he was doing the best he could to support the report of the Commission, which he partly compiled. To one or two of the questions put to Mr. Rose, he stated they were hardly fair; but the committee endeavoured to elucidate the whole truth, and find out on what evidence the Commission came to the conclusion that those boys had been improperly recruited. If we are taxed with having not fully investigated this case by getting evidence on both sides, what must the charge be against the Royal Commission? Did they, in any case whatever, try to secure the evidence of either the Government agent, the captain, or the recruiting agent, or any one of the crew? No; they did nothing of the kind. In every case they only examined the islanders, and those islanders were interested in getting their liberty. Hence there was a very great inducement to them to lie—they framed their answers in such a way as to get their liberty. Not content with this, the natives were cunning enough and intelligent enough to know that when they were giving their answers—probably being put up to it by the interpreter—they would get their liberty eventually. If the Government say they are not responsible for the acts of Mr. Milman, why did they make themselves responsible, by returning the islanders to their islands afterwards? Surely, if any wrong has been done in recruiting improperly, the Government should have taken notice of it. Mr. Milman had certainly gone a long way out of his sphere, and exceeded his duty, when he made the report he did, and caused the vessel to be seized. We have not a tittle of evidence before us to show that any boy on board the ship was improperly recruited. I contend that, after full examination, it cannot be proved in one solitary case that an islander was improperly recruited. If they had taken a little more care they would have found that Mr. Milman had reported that some islanders on board the "Forest King" fully understood the terms of their agreements. It was the opinion of Mr. Milman that five islanders understood the nature of their agreements. Where are those five now? Returned to their islands; not one of them, when giving his evidence, stated that he had engaged for more than two or three months, and yet the examination had taken place six months or eight months after they had been engaged. At the trial here, and when they had been rubbing against civilisation for some time, at the examination before Mr. Woodward, the Polynesian Immigration Agent, not one of them stated that he had not been engaged for a longer period. The proper interpreters were employed, and every precaution was taken in examining them.

Notwithstanding that, no complaint was made that any boys had been improperly recruited or did not understand the terms of the agreements. We had Mr. Woodward's evidence and Mr. Rose's, and would have been only too happy to have had that of the hon. member for Bulimba also, if he had graciously attended and given the information within his power. He acted ungraciously in not coming before the committee; he would have been treated honourably and honestly if he had come forward. The hon. Premier got very warm in his defence of Mr. Milman. I am sorry that I cannot agree with him upon this occasion, because I believe that if any official ever exceeded his duty Mr. Milman did. It was simply from his actions that this unfortunate procedure has taken place. It has been unfortunate in every way, because the only persons benefiting by it were the lawyers. I notice the hon. Attorney-General smiles; I do not wonder; he was named for a good sum the other day for fees. I would not be surprised if we see another seizure of the same kind. My contention is, that I think it is far better to be a subject of any country than that of Queensland. Only a few months ago—some time last year—a German resident at one of the islands happened to have a few goods destroyed. What was the result? A large sum of money was paid to that man. It was paid hastily because a statement had been made that a British subject—a subject of Queensland—had destroyed those goods.

The PREMIER: It was paid after a full inquiry.

Mr. DONALDSON: Inquiry has proved since that the damages were excessive.

The PREMIER: No.

Mr. DONALDSON: Some four or five times the amount of damage done was paid; that has been proved since.

The PREMIER: I have never heard of it.

Mr. DONALDSON: If I make any misstatement it is unintentional.

The PREMIER: It has only been asserted in this House; there has never been any evidence.

Mr. DONALDSON: I do not wish to make any mistake; but I heard it upon what I thought was good authority. The statement has been made that that man was reimbursed by a much larger sum than he actually lost. It is admitted by every member of the committee who has honestly inquired into the question that Mr. Hodgson suffered a great loss indeed. Surely to goodness we can go outside legal difficulties in this case, and can fairly take it into our consideration; and if he has suffered a wrong, and that wrong has been brought about in a large measure by one of our officers, we will only be doing a fair and honourable act in reimbursing a portion of that loss. I shall not take up the time of the House, because I have been informed that several hon. members wish to address themselves to this subject to-night, and while I have, as briefly as I possibly could, referred to the main facts of the case, and some of the facts that caused us to come to the conclusion we did, I must state that with regard to myself I very reluctantly accepted a seat upon that committee. I certainly went into the committee with a feeling that Mr. Hodgson was bringing forward a claim on this House that he was hardly justified in bringing. I had not fully inquired into the matter or read up the proceedings of the Admiralty Court at that time, and I really thought he was seeking to get reimbursed by this House for a loss that he had sustained but

was not fully entitled to, because he had escaped through a legal technicality. That was the impression I went on that committee with: but after a full investigation my opinions greatly changed, and I am happy to say that we were unanimous in arriving at the conclusion we did. Every member of the committee came to the conclusion that Mr. Hodgson had suffered a wrong, and that that wrong had been chiefly brought about through the over-officiousness of Mr. Milman. Had it not been for him the seizure would not have taken place, and, having no remedy against the British Government for having seized the ship, it was fairly within our province to consider the claim and to award Mr. Hodgson a fair and reasonable amount for the loss he had sustained.

Mr. FOOTE said: Mr. Speaker,—I feel called upon to make some remarks in reference to this matter, having been a member of the committee. I must take exception to the remarks that fell from the hon. gentleman who just sat down—that every member of the committee was in accord with the report brought up by it. I was not present at the time the report was brought up—no doubt I ought to have been, but when I went on to that committee it was my intention to do the best I could—in my own mind, and so far as my lights went—to arrive at a satisfactory conclusion. I may say that I was somewhat disappointed. I was disappointed at the manner in which the inquiry was conducted. I have no desire to take exception to the manner in which the proceedings were carried on, as the committee had a right to conduct the inquiry on their own principles; but in my opinion the onus of proof should have lain on the petitioner. Therefore, when I saw the chairman place himself in the position of counsel, and observed that he was furnished with several sheets of foolscap containing a number of questions in writing, the circumstance appeared to me very suggestive and my mind became prejudiced. I thought the inquiry was not a fair one, and the hon. member for Fassifern will do me the justice to say that, after the first morning I was present, I mentioned to him my belief that he was hardly pursuing the right course. I suggested that he was taking up a wrong position in the matter. He, however, made no reply. I attended again once or twice, but I could not dispel the prejudice from my mind with regard to the position the chairman had assumed, which, as far as he knew, was perfectly right. The hon. member has his opinion and I have mine. However, my mind was very much prejudiced, and I may say that I am not in accord with the report brought up by the committee; but I have tried to do my duty in the matter.

Mr. DONALDSON: How many meetings did you attend?

Mr. FOOTE: I think about three.

Mr. DONALDSON: You only attended two, and there was nothing done at one of those meetings.

Mr. MIDGLEY: The hon. member was asleep all the time.

Mr. FOOTE: I was not asleep on any occasion; but when I saw the leading manner in which the questions were put I looked upon the inquiry as a mere farce. That is the conclusion I have come to, and anyone who reads the evidence given before the committee will see that the questions were leading questions, and that oftentimes the answer was put into the mouth of the witness. The hon. member for Fassifern says I was asleep. I was not, asleep on that occasion or any other; and if hon. gentlemen will look at the evidence and see the questions I

asked, they will find that they were quite in accord with the business that was before the committee. At least, I think so. I should not have referred to my departure from the committee had the matter not been mentioned by hon. members. Both the mover of the motion and the hon. member for Warrego said that all the members of the committee were in accord. Well, it devolves upon me to state that it is not the case. I am the exception. I am not going through the evidence, as hon. gentlemen who have preceded me have done that to a very considerable extent, and because I believe that every member of this House has read the evidence for himself, and that it is by no means necessary for me to read it to the House. I wish, however, to make a few remarks on one or two points. The first point is as to what took place after the seizure of the vessel. The events up to that time have been discussed by hon. members who have already spoken. It is very suggestive that after the vessel had been seized Captain Dickson arranged to navigate her to the port of Brisbane when he was so directed. But the ship seems to have become very much in disorder. I presume that is not to be wondered at under the circumstances. But it appears that the boys, instead of being kept down below, as usual, were allowed to come on deck, and it was in evidence that a strenuous effort had been made to show that Jerry incited them to jump overboard.

Mr. DONALDSON: I rise to a point of order. The hon. member is not stating the facts according to the evidence. No evidence came before the committee that the boys were not previously allowed on deck.

The SPEAKER: What is the point of order the hon. member raises?

Mr. DONALDSON: The point of order is that the hon. member for Bundanba is not quoting the evidence correctly. I am quite satisfied in having raised the point.

Mr. FOOTE: I have read the evidence, and what I have stated is the inference I have drawn from the evidence. Prior to the occasion of which I am speaking the boys were kept below deck, and I say that it has been tried hard to put the blame for those boys jumping overboard, on Jerry. An effort has been made to show that they did it at his instigation. Well, even if that should be the case—which I doubt, although it is in evidence that Jerry did tell some boys that if they went to Queensland they would not live—if he did do that he certainly had good grounds for doing so, because the statistics of the colony show that the mortality amongst kanakas here is very great. But I am rather inclined to think that it is more likely that the boys were incited to jump overboard by some of the other interpreters and not by Jerry. If Jerry did or did not do it he certainly had the influence or power to get the trade-box open so that the natives could help themselves. It is found in the reports that they did help themselves, because some of those who were captured and brought back had knives in their possession. If the Government agent and the captain had done no wrong, and had nothing to fear from an investigation, there was no reason why those boys should have been allowed to jump overboard; but it seems to me that there was a fear, a very great fear, and the boys were incited to jump overboard not by Jerry but by some other person who wished to get rid of them in order that they should not be present to give evidence in the proceedings before the court. There is one other point to which I shall advert, as I shall be glad for this discussion to come to a close. We have heard so much

during the past few years about kanakas that I am sure anything we can say now will not be new. The point I refer to is, that the seizure of the "Forest King" was an act performed by an officer of the Imperial Government, and I cannot see how the taxpayers of this colony can in any way be held responsible for an act of an officer of the Imperial Government. That officer is responsible to the Imperial Government. No doubt the judgment of the court was against him, and I am told that the costs of the proceedings have been paid by the Imperial Government. I have therefore come to the conclusion that Mr. Hodgson suffered loss, as the hon. member for Fassfern said, in mind, body, and estate, for I can hardly understand how anyone can be engaged in a lawsuit without suffering in all those ways; but I cannot see why the taxpayers of the colony should be saddled with any expense in reference to this matter, and it is my intention to vote against the motion.

Mr. FERGUSON said: Mr. Speaker,—As one of the members of the committee who inquired into the petition of Samuel Hodgson, I think it is my duty to say a few words. I should not have spoken, however, but for the remarks just made by the hon. member for Bundanba with reference to the chairman of the committee, and I do not think those remarks will be endorsed by any other member of the committee. Eleven meetings were held, and the hon. member for Bundanba is down as having attended three. I believe he stayed a few minutes at two of the meetings. He has acknowledged that he was prejudiced, and that is quite true. There is no doubt that he is the only member of the committee who had a prejudiced mind. The hon. member for Fassfern conducted the inquiry in a most straightforward, unbiased manner, and did all he could to enlist evidence on both sides fairly and honestly. He did not show any partiality whatever. I think the hon. member for Bundanba should be the last to accuse anyone of partiality. I have had a little experience of that hon. member on committees. I have been a member of a few committees when he has been chairman, and I must say that I never saw any chairman act in such a biased manner as the hon. member for Bundanba; so that he should be the last to accuse the hon. member for Fassfern as he has done to-night. The committee were unanimous, for I do not think the hon. member for Bundanba should be reckoned, seeing that he was prejudiced and did not attend the meetings of the committee.

Mr. FOOTE: In explanation, I may say that I did not consider myself a member of the committee. As I explained to the House, my mind was prejudiced, and I retired in consequence.

Mr. FERGUSON: Then I think the speech of the hon. member should have very little weight in this House after that confession. We can say now that the committee were unanimous, and I believe that the verdict was just so far as my judgment goes. I went to the meetings of the committee to see fairplay and justice done, and whichever side had sustained a wrong I was prepared to see that the wrong should be put right. I do not take any notice whatever of lawyer's speeches such as we have heard to-night. The Premier takes a legal view of the case; but that was not the view taken by the committee. They took an equitable view of the case; and, looking at it from that point of view, not a member of the House can say that Mr. Hodgson has not received an injury at the hands of the Queensland Government. The seizure was an arbitrary act, committed by an

officer of the "Swinger," at the request of Mr. Milman, or through Mr. Milman. No one can doubt that. I do not know whether he acted maliciously; but there is no doubt that he was anxious to do something to please the Government of the day. He commenced with a mistake; but having begun, the thing had to be carried through; and the evidence taken before the Royal Commission shows that he tried to carry out the blunder to the best advantage. The seizure was made without observing any justice whatever, because the examination was all on one side, as anyone can see on reading the evidence of the examinations by Mr. Macfarlane through the interpreter Jerry. The evidence on the other side was not taken at all. I do not think that any body of Britishers, such as we are, will allow such an arbitrary act as this—the seizure of a man's property, in consequence of which he has suffered great loss—without doing him justice. It is all very well to say that the taxpayers of the colony should not be asked to pay the money; but I do not think there is one taxpayer who would for a moment begrudge the payment of this sum if it came to a vote—except a few who may be prejudiced. As far as the evidence taken before the Royal Commission with regard to the "Forest King" is concerned, it is proved beyond doubt that the evidence of the boys at the time of the seizure was false, and that no evidence was obtained from the officers of the vessel. I hope the House will see that this is a just case. There is no doubt whatever that the Royal Commission was a one-sided affair. We only had one of the members of that Commission before us, Mr. Rose, and I shall read a few of the questions I put to that gentleman.

"On the suggestion of Mr. Donaldson, that Mr. Milman's statement should be found,

"Mr. Power read from page 5 of the Vice-Admiralty Court proceedings, an extract from Mr. Milman's letter to Captain Marx, as follows:—

"On further inquiry with the natives that I was able to communicate with (through Jerry), I found that only five were willing to go for the full term of three years, and consider it very doubtful if they fully understood what they were agreeing to."

Why should this be considered doubtful? Those five admitted nothing else but that they were engaged for three years.

"In cross-examination he said Captain Marx admitted that five boys were willing to come to Queensland for three years.

"By the Chairman: Had you any acquaintance or much intercourse with Polynesians before this, Mr. Rose? No.

"How long had you been in the colony at this time—when appointed on the Commission? Three months.

"You are a barrister, are you not, Mr. Rose? Yes.

"By Mr. Ferguson: As an English barrister, did you consider that the inquiry—that is, only taking the evidence of the recruited boys alone—was a fair one?—not taking any evidence on the other side of the question, evidence of the officers, the captain, and the Government agent of the ship?—Do you, as an English barrister, consider that it was a fair inquiry into the case? I will answer by asking you another question?—Is it fair to ask me a question the tendency of which is to discredit my own report?"

That is the answer. I think that is quite enough to show that the Royal Commission could not even answer questions put to them when they came to be cross-examined. They felt so guilty that they could not reply to the questions put to them—could not say yes or no, although that was all that was required. I said:—

"It is a plain question—Would you yourself, as an English barrister—put it as a matter of common honesty—consider it a fair inquiry into a case of that kind?"

He said:—

"I have already said that I think it would have been better if we had had before us the recruiting agents, the Government agents, and the captains."

He admitted at last that it would have been a better course. There is no doubt that this House will agree that this was a wholly one-sided inquiry.

Mr. BROOKES: The committee?

Mr. FERGUSON: No; the Commission.

"You do not believe it is a fair inquiry, then? I think we obtained sufficient evidence to enable us to present a fair report."

There is no doubt they presented a fair report; but what is that report? Anyone who has read it can judge what it is.

"That is not answering the question. I ask you to say whether you consider that a fair inquiry, as an Englishman, as an English barrister, with a case of that kind—Taking only one-sided evidence, the evidence of the boys recruited, and not the evidence of the Government agent, the captain, or any other officers of the ship?—Is it fair or not: was it a fair inquiry or not?—It is only 'Yes' or 'No'? I think you must be content with the answer I have given."

That is all we could get out of Mr. Rose as far as that is concerned. I am not going to read any more; it is similar all through. I need not say much more, as I know there are other hon. members who are better able to speak on this question than I am. I can only say this—that the Government of Queensland, if they want to act honestly and for the credit of the colony, should pay this money without the slightest hesitation. I do not think it is to the credit of the colony to deprive any man of what he is entitled to, or to seize any man's property by the action of an officer of the Queensland Government.

Mr. BUCKLAND: Of the Imperial Government.

Mr. FERGUSON: To stand up and defend such a thing as that in the House I think is a discredit to the colony, and if for nothing else than the credit of the colony the Government should at once admit the matter, square up, and pay the money.

Mr. CHUBB said: Mr. Speaker,—I would like to say a few words on this question, and in doing so I will say at once I do not intend to regard the question from a legal point of view at all. Looking at it in a legal light the petitioner has not a leg to stand upon. That is to say he could not maintain the claim in any court of law against anybody. But, sir, I do not forget that this session we passed an Act of Parliament under which we proposed to give compensation to planters in respect of losses sustained by them through the return of certain islanders who were improperly brought to this colony. They had sustained a loss by reason of an action to which they were no parties, and we recognised the principle that their case should be taken into consideration and heard before a district court judge, and that they should receive compensation on certain lines laid down in that statute. I look upon this petition as the application of a similar principle. It cannot be denied for a moment that the petitioner has suffered a loss, though it cannot be said he has sustained an injury, because if he had sustained an injury in a legal sense he would have had a right of action or claim to redress against someone. He has sustained a loss.

Mr. BROOKES: £3,000?

Mr. CHUBB: I do not say that. I am not prepared and do not intend to vote that the petitioner should receive £3,000. I do not say to what extent I think he should be compensated. He has sustained a loss, and that loss was brought about by the lawful action of an Imperial officer, who, acting under the authority of an Act which gave him power, on reasonable grounds of suspicion, to seize the

vessel, did so seize the vessel. That officer was held by the chief authority in the colony, the Vice-Admiralty Court, to have acted legally—to have had sufficient ground for the action he took. That being so, the petitioner could have no right of complaint from a legal point of view; but the court went further, and found it had not been proved that the provisions of the Kidnapping Act had been infringed, therefore the vessel was restored to the petitioner and he was allowed costs. Damages were not given; because the court held that inasmuch as the Crown, represented by its officer, had acted legally, it was not a case in which damages could be given. Now, sir, the petitioner comes to this court—not a court of law, though it is contended that the House of Commons is the highest court of the realm—he comes to this Legislative Assembly, a court of conscience, if I may use the term; and he asks this Assembly to take his case into consideration and to award him compensation. I do not accept the report of the select committee that there is no evidence, and that the damages are as they say. It is quite plain that there is a conflict of evidence. It was stated by Mr. Milman, and also by Lieutenant Torlesse, that when they went on board the vessel and proceeded to examine the natives, they were told distinctly that the interpreters for some of the islanders had run away, and the Government agent was the person who gave that information to Mr. Milman. That was denied by Mr. Thompson, Captain Dickson, and Charlie. On that point, therefore, there was a conflict of evidence, but it was shown clearly that, so far as Captain Marx was concerned he had reasonable grounds for believing that the Act had been infringed. Assuming that the petitioner has a right to ask for compensation, the question then is, to whom should he go? Should he go to the Imperial Government, by whom the loss was caused, or should he ask to be compensated by this colony? There is something to be said in defence of his action in coming here. It may be said that his vessel was a Queensland vessel—a vessel empowered to carry on business by virtue of a license granted by this colony, and that the seizure of his vessel was the result of certain action taken by an officer of this colony. I think the real key to the whole proceedings will be found in the proceedings of the Vice-Admiralty Court, page 14, question 112. In cross-examination, Mr. Milman was asked, "In what capacity did you go on board?"—and he replied, "To ascertain if I could find out any malpractices in the way the labour traffic was being carried out in those waters, taking advantage of a proper and reliable interpreter." Now that, I think, is the key to the whole proceedings. Mr. Milman being on board the "Swinger," and in those waters went on board the "Forest King" to ascertain if there were any malpractices in the way the Act was being carried out, and he had the assistance of a reliable interpreter. Mr. Milman thus initiated the whole matter. It is no doubt a fact that Lieutenant Torlesse signed the log of the Government agent certifying that he had found everything correct, and that he afterwards altered the record by substituting the words "all papers." That was in accordance with the fact, for he did not find everything correct. He simply went on board, and examined the ship's papers, had a look round; but never attempted to examine any of the boys to see what they knew. Afterwards, when the examination took place, it was found by Mr. Milman that everything was not correct; and then Lieutenant Torlesse made an entry in the book in accordance with the facts. If Mr. Milman had not gone on board, Lieutenant Torlesse

having reported to Commander Marx that there was nothing wrong, there would have been an end of the matter, and the vessel would not have been seized. But Mr. Milman, possibly anxious to satisfy himself that everything was right, went on board, and, according to him, everything was all wrong. He reported to Captain Marx, and by the inquiry that followed, his suspicions were confirmed, and the vessel was seized. As I say, the initiatory steps were taken by Mr. Milman, and that is the only ground on which the committee could ask the colony to deal with the matter. I am not prepared to say we ought to do so, but I would not throw the motion out. I am prepared, in fact, to allow the motion to go into committee, or to accept the amendment proposed by the hon. member for Cook that Mr. Hodgson is entitled to be compensated, leaving the amount to be fixed afterwards. Looking at the case in all its bearings, it is one of those the House might fairly take into consideration, and do what is generous.

Mr. BLACK called attention to the state of the House.

Quorum formed.

Mr. BLACK said: Mr. Speaker,—I expected that a question of this sort would have been considered of sufficient interest to keep the House together; but it appears to me that hon. members on the Government side, who will entirely outnumber this side, have come to some understanding among themselves that the least said the soonest mended on this very awkward position which the Government find themselves placed in.

The PREMIER: It is not awkward at all.

Mr. BLACK: If the hon. gentleman will not interrupt we shall get on with the business of the evening much more speedily. The hon. member for Bundamba, who, I imagine, has gone home after his lengthy speech, certainly surprised me in the exception he took to the constitution of the select committee. Having occupied a position on a select committee with that hon. member, I can well understand that when he found he was not to have entirely his own way on that select committee—where he found there were other members of it who were able and determined to exercise their own judgment—and when he found that he could not "boss" that committee, as I have known him anxious to do on previous occasions—he gracefully retired. But, as the hon. member for Rockhampton has remarked, his having withdrawn from that committee left the report which has been brought up unanimous on the point that Mr. Samuel Hodgson has undoubtedly sustained injury. That is the conclusion they have come to after a most careful examination into all the facts connected with the case, and that he is entitled to certain pecuniary consideration in consequence, as they consider, of the seizure of the "Forest King" by H.M.S. "Swinger" owing to the injudicious action of an officer of the Government. I refer to the police magistrate at Cooktown, Mr. Milman. We have had no fewer than three inquiries into this case of the "Forest King." First of all, there was the action tried before the Chief Justice presiding over the Vice-Admiralty Court, when the judge had every opportunity of weighing the evidence adduced both for and against in the case. Evidence was heard on both sides; the islanders were examined, the Government agent, the captain, the recruiting agent and others, were carefully examined, and cross-examined by the learned counsel who took part in the inquiry. I think that any hon. gentleman who can weigh evidence in an impartial manner will be of opinion that the

conclusion that the Chief Justice arrived at in the very able verdict which he gave is entitled to the consideration of every person in the colony. And what was that verdict? It was, that everything that had taken place on board the "Forest King" had been conducted in a legal and proper manner. That was the first inquiry, and it resulted in the vessel being released with costs against the Admiralty. I was at first led to infer from the Chief Justice's remarks that had it been in his power to award damages against the Admiralty, and in Mr. Hodgson's favour, he would have done so.

The PREMIER: He did not say anything of the sort.

Mr. BLACK: I accept the Premier's explanation that that is a misunderstanding. At all events, I know that that was the impression in the public mind at the time. He decided that all the proceedings in connection with that particular voyage had been in accordance with the law.

The PREMIER: No; he only said the people on board believed it to be so.

Mr. BLACK: I am not going to split straws with the hon. gentleman. He has had every opportunity of acting as an advocate in the case this afternoon, but I must say I prefer the very plain and lucid exposition of the case which we have had from the hon. member for Fassifern.

Mr. BROOKES: No doubt.

Mr. BLACK: The speech of the hon. member for Fassifern enlisted my sympathy; it appealed to my feelings; every word of it was carefully weighed, and I believe he spoke honestly and conscientiously. The impression he made on my mind was that he had most carefully studied every sentence which was given in evidence before the select committee. I cannot say the same for the speech of the Premier. It was the speech of a very able lawyer—a speech which I certainly cannot from a legal point of view controvert, but it gives me the impression that, if the hon. gentleman had held a brief on the other side, he would have made an equally telling speech. It was the speech of an able advocate, but it did not appeal to my feelings at all. The second inquiry into the case was made by the Royal Commission. To that Royal Commission it is absolutely necessary that I should briefly refer, as several points in connection with its inquiry into the case of the "Forest King" have not yet been referred to by any hon. member who has spoken yet. The first point I would specially refer to is the very extraordinary fact that Mr. Milman, by whose action the "Forest King" was seized, was never present at all during the inquiry into the alleged kidnapping by her. Can the Premier give me any reason for that?

The PREMIER: Because it was feared he might be thought prejudiced.

Mr. BLACK: Then the hon. gentleman made a very great mistake in appointing him one of the Royal Commissioners if he feared he might be prejudiced. But, notwithstanding the fact that Mr. Milman took no part in that inquiry, he signed the report of the Royal Commission, which says:—

"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."

Although Mr. Milman was not present on this inquiry into the case of the "Forest King," he signed this report, and I have just read the opinion he endorses as a commissioner. But this is what Mr. Milman himself says in connec-

tion with the seizure of the "Forest King": In a letter dated 26th July, 1884, conveying certain information to the Colonial Secretary upon the seizure of this vessel, he says, referring to the recruits who were on board:—

"These recruits were all spoken to separately. The natives from Sud-Est I was unable to communicate with at all, there being no interpreter for them on board, though I am informed that a competent interpreter had been on board when they were recruited, but had since run away. On further inquiry with the natives that I was able to communicate with through Jerry."

Mind, "through Jerry"! That is the interpreter specially entitled to credence. He is the interpreter who accompanied Mr. Milman and the Rev. Mr. Macfarlane when they went on board the "Forest King"; and this is what Jerry tells him:—

"I found that only five were willing to go for the full term of three years."

That is Mr. Milman's own statement on the subject. After he had satisfied himself through Jerry that five boys, at least, thoroughly understood the nature of their agreements in signing the report of the Royal Commission he changes his mind and is of opinion—

"That all the recruits brought by the 'Forest King' were decoyed on board under false pretences; and 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."

When I see this unreliable evidence commented on by a member of the Royal Commission in this extraordinary way, it invalidates the value which this report of the Royal Commission would otherwise have to my mind. Another significant fact connected with this report, and one which concerns the hon. member for Bulimba, who also signed this report, and who was also of opinion that the whole of the islanders, some 500, examined by the commission were decoyed on board the different vessels under false pretences is this: I find that Mr. Buckland, the hon. member for Bulimba, was absolutely absent during eleven out of the thirty sittings held by the Royal Commission, and yet he signs the report as being personally of opinion that every one of the 500 boys examined had been misled as to the nature of their agreements. It is absolutely necessary to refer in some manner to the report of the Royal Commission. The position of the Government is this at the present moment:—If it can be shown that in the case of the "Forest King"—with the exception of the "Hopeful" case, which was also tried before the Supreme Court and on which a verdict was given—I say if it can be shown that in the case of the "Forest King" the Royal Commission came to an erroneous conclusion, the whole of the deductions drawn in the report of the Royal Commission are not worth the paper they are written on; and that is the opinion I hold of their report upon the "Forest King" case. After the Royal Commission brought up a report in which they declared that all the islanders on board the "Forest King" had been misled and enticed on board under false pretences, Mr. Hodgson, who believed he was used unjustly by the Royal Commission, after the verdict given him by the learned Chief Justice, believed he was entitled to some recompense for the loss he sustained, and he did what was open to any other man in the country to do—asked an hon. member to move for a select committee to be appointed to consider the case. His petition was entrusted to an hon. member on the Government side of the House and a select committee was formed, consisting of four hon. members on the Government side and three members on the Opposition side of the House. The whole case was submitted again to them—



I attended two of the sittings of that committee to see in what way the evidence was being taken, and I believe that every consideration was given by the committee to all evidence considered of importance bearing on the case. What was the result? The select committee virtually confirmed—if any confirmation was necessary—in fact entirely endorsed the view held by the Chief Justice on the matter after having examined both sides in the case—they affirmed that the whole transactions which took place on board of the "Forest King" were in accordance with law, and their report has to my mind entirely upset the value of the report brought up by the Royal Commission.

AN HONOURABLE MEMBER: Who were the other witnesses?

MR. BLACK: In connection with the examination by the Royal Commission, there is this significant fact to be considered: not a single white man who was connected with those recruiting vessels was ever examined by that Commission. Not a single witness was examined who knew anything at all about it except the Polynesians. I attended some of the sittings held by that Royal Commission, and nothing astonished me more than to find one boy say that he had engaged for two months; another boy by the same ship, engaged by the same recruiting agent, with the same Government agent, with the same captain on board—said he came for "three-fellow moon"; another for five moons; another seven moons; another two moons; another one year; another two years; and another three years—and those boys came by the one ship with the same officers and the same Government agent on board. Hearing that, I came to the conclusion at once that these boys had not got the most remote idea of time.

HONOURABLE MEMBERS on the Government benches: Hear, hear!

THE PREMIER: That is the whole thing.

MR. BLACK: I believe that they do not know the value of time. I believe those boys had no idea of time, but I say had there been any connivance between the officers of that ship and those men, they would have concocted a similar story; but that they had not done. It is not necessary to enter into the details of this case. Hon. members have had the evidence before them for some time, and the mere fact of reading questions and answers will not lead any member of the House to come to any different conclusion upon what he has probably already made up his mind he is going to do. I wish, however, to point out one thing to the House, and that is the great importance which attaches to the reliability, or otherwise, of the evidence taken in the inquiries which we have had in the case of the "Forest King." We have had two inquiries held by intelligent people of this community; the first one by the Chief Justice, than whom I do not suppose there is a more able and learned gentleman in the colony, if in the world. We know what his verdict was in the case. Then we had the inquiry by the select committee the other day—gentlemen who I am proud to say are worthy of every credence in the matter. We have seen the verdict that they have brought up. There are, therefore, two inquiries which commend themselves to the good sense and judgment of every one in the country, and what have we got on the other side? We have a one-sided committee, composed of three gentlemen supposed to hold peculiar views on the subject. At all events, with regard to two of them, I should say that. With respect to the hon. member for Bulimba, I know what his views are. He is not an extreme man, I am happy to say; but I know that he has certain views on

the labour question, as I have. I should have been unfit to act on that Commission—I say that plainly, Mr. Speaker. It would not have been a fitting thing had I been appointed on that Commission, holding the strong views I do on the subject, nor was it fit that the hon. member for Bulimba should be one of that Commission; still less that Mr. Milman, who has been at the bottom of all this trouble—who has really been the cause of bringing a great deal of discredit on this colony—it was certainly not fit that he should be on that Commission. With regard to the third gentleman, I believe that had he had a few more years' experience in the colony, he might have been better fitted for the position to which he was appointed—a gentleman of undoubted legal training, so I am told by the Premier, who was appointed owing to his special ability to criticise and dissect evidence—and what did that gentleman say? I heard him, when questioned before the select committee as to whether the evidence of blackfellows was too outweighed—was of special value—say that it was the best of all evidence. Well, sir, I do not consider that it is the best of all evidence—the evidence of these islanders who were especially interested, who I know had been adduced to give false evidence by that missionary boy, Jerry; I knew that their evidence would be false before ever the Commission visited the northern portions of the colony, for I was travelling about there at the same time, and it had gone the rounds of the plantations "big fellow master come up; boy go home." That was before any inquiry was held. Against that evidence, sir, we have this rather significant fact: Assuming that all these boys had been misled, that they were all so anxious to go home—why, we have read of the tears that were shed when the "Victoria" landed some of these boys—I do not believe a word of it; but it is a significant fact that something like 100 boys declined to go home. Notwithstanding that before the Commission they said they were only engaged for two or three moons to go fishing, or to do nothing, directly the Commission were gone what did they say—"We engaged for three years, we will stop three years;" and there they are now. There are two sides to every question, Mr. Speaker, but I know it would never do to allow it to go forth to the world that the report of that Royal Commission was not worth the paper it was written on. In my opinion—and it is immaterial to me whether I get anyone to endorse it or not—the report of that Royal Commission is absolutely worthless, except in one case, that of the "Hopeful." It is of value there because the report is sustained by the verdict of the courts here, where both sides of the case were inquired into, and their verdict has been well supported; but, with regard to the seven other cases, to my mind the report is equally valueless as the report in this "Forest King" case is, where we have two judgments given by tribunals that we can believe, as against one that we cannot believe. I stated that it would hardly suit the Government to have the report of this select committee sustained by the verdict of this House, and with their numerical strength I do not suppose it will be sustained; but, notwithstanding that, I believe that the verdict of the minority in this case will carry a great deal more weight than the verdict of the majority which the Premier can command in this House. I will tell you, Mr. Speaker, and this House, why it would not suit the Government that the report of this select committee should be sustained. The report of this Royal Commission has been made use of at home for political purposes. We have seen the fair fame of this colony dragged through the dirt in consequence of the report of that commission.

THE PREMIER: No; cleared.

Mr. BLACK: And what will be the result when the report of this select committee—which is equally, in fact of far more value than that of the Royal Commission—goes home to England? I hold in my hand the *London Times*, of June 18, in which there is a letter from the Brisbane correspondent, dated April 25th. It is not very hard, in my opinion, to identify the writer of this letter. I shall not mention the name because I might be wrong, but I do not think we have very far to go outside the Royal Commission to find out. The letter says:—

"Great excitement has been caused throughout Queensland by the publication of the Report of the Royal Commission appointed to inquire into the conduct of the labour trade in New Guinea and the adjacent islands. Public attention was drawn towards the close of last year in a more than usual degree to the enormities of the traffic in Pacific Islanders by what are known as the 'Hopeful' trials. The present Government, under the leadership of the Hon. S. W. Griffith, Q.C., maintain that they represent a party which has been evidently opposed to the system of working plantations by black labour of any kind—whether coolie, Chinese, Malay, or kanaka—and indeed one of the planks of the platform on which they stepped into power was 'Queensland for the white man, and no black labour.' Among their first enactments was a measure amending the Pacific Island Labourers Act of 1880, and the framing of more stringent regulations for the conduct of the South Sea labour trade. These are the regulations which the sugar-planters of Northern Queensland have designated the 'cast-iron rules,' by which they say the sugar industry of the colony has been ruined, and on account of which a cry has recently gone forth from the sugar-planting capitalists for separation."

The PREMIER: Hear, hear!

Mr. BLACK: I think the hon. gentleman who says "Hear, hear" knows something about this. I think he could easily put his finger on the writer of this article.

Mr. BROOKES: What does it matter about the writer? Is it true?

Mr. BLACK: No; it is not true.

The PREMIER: Of course it is.

Mr. BLACK: If the hon. gentleman wants to know my opinion, I say it is not true; that it is unmistakably false. The letter goes on:—

"That the 'cast-iron' regulations however, availed not to put an end to the most atrocious iniquities in the trade, was demonstrated by the 'Hopeful' trials; and, accordingly, the Government issued the Royal Commission to inquire into the methods pursued by the crews of the labour ships in recruiting the natives of New Guinea, the Louisiade Archipelago, and the D'Entrecasteaux group of islands. The Commissioners were Mr. John F. Buckland, M.P., Mr. W. Kinnaird Rose, barrister-at-law, and Mr. Hugh Miles Milman, police magistrate. The result of their investigations, which were continuously pursued over a period of three months, during which they examined nearly 500 witnesses"—

Mark, sir, it does not say anything about the colour of the witnesses; not a single word about that, or the value of the evidence they gave—

"Nearly 500 witnesses, has been the disclosure of a system which rivals in wickedness and cold-blooded treachery the worst features of the old African slave-trade."

Now, Mr. Speaker, with the exception of the "Hopeful" case I maintain that that is absolutely false, and my reason for saying so is that the one case in which we have had an opportunity of thorough and searching investigation has proved that it was false; and that being false it invalidates the truth of every other case except that of the "Hopeful." That the other cases were proved on the same sound ground that the "Hopeful" was proved I cannot agree with the hon. gentleman; but if they were proved on the ground that the "Forest King" was proved on, then I say the report was not a true report and not entitled to an atom of credence. Well, then

the article goes on to describe the way recruiting was done with the same bias that pervades the report of the Royal Commission.

Mr. BROOKES: You had better read it.

Mr. BLACK: This is how it finishes up:—

"Such are the results of a system of labour traffic which the sugar-planters say is necessary to the welfare and existence of Northern Queensland."

That is utterly untrue. The planters do not say that that sort of labour trade is necessary for the success of the sugar industry, and they never said so. But the friend of the Premier's who wrote that letter has endeavoured to perpetuate the slander cast on the planters in persisting that they have been participants in any illegality that took place in the islands.

"And it is on the strength of the efforts of the present Queensland Government to regulate the traffic and cure its evils that the demand has been made both here and in London for the separation of Northern Queensland into a separate colony."

Why, a greater libel on the separation movement was never uttered. The separation movement has had its existence for several years, and it originated outside the labour question—though I admit that the planters would be very glad to see separation, because they would be more likely to get justice done to their cause than they can hope for under the present system of government.

"Attempts have been made to disguise the fact that the separation movement is really and truly a pure black labour question, but these attempts hoodwink no intelligent man in the colony. The separation movement was conceived, is carried on almost solely, and supported wholly, by the money of the sugar-planters; and, except in two sugar estate centres, it has fallen dead."

I do not think that the writer of that article can say that now. Let him take a trip up north. Let him go to Charters Towers and inquire among the miners, and see what they say on the subject now. Let him go and ask those men what they think of the separation movement now. The hon. gentleman smiles. He knows that a change has come over the spirit of the dream at Charters Towers, and that the miners will now only too gladly accept the position which they see will lead to the rapid advancement of the North. The "Coolie bogie"—the coloured labour cry—is dead, and the hon. gentleman will not be able to make a stalking-horse of the planters any more. The thing is played out.

The PREMIER: I hope it is. I wish I could believe it.

Mr. BLACK: Let the hon. gentleman try and run an anti-separation candidate for any of the Northern constituencies, and see where he will be. I daresay he knows as well I can tell him.

"It is to be hoped that before ever giving ear to any representations on the subject from any quarter, the Imperial Government will make searching inquiry into the facts disclosed by the report of the Royal Commission, and the motives which underlie all demands for a free land in the north-eastern portion of the Australian continent. The present Government of Queensland deserve some credit for the courage with which they have endeavoured to lay bare the methods of the labour traffic."

Well, I think, Mr. Speaker, anyone now, after reading the decision of the Chief Justice and the report of the select committee will come to the conclusion—they will be able to arrive at a correct opinion of the method that the Royal Commission have adopted in dealing with the majority of those cases:—

"And should they, as rumour declares they will, shortly send back to their islands the whole of the natives so cruelly deceived and kidnapped, they will command the admiration of the civilised world for an act at once of justice to the islanders, and of high moral courage in redeeming, in some measure, the fair fame of Queensland from a foul and blood-stained blot."

Well, that is a very nice sentimental paragraph, and it has had this effect, as the Premier evidently thought it would—it had the effect, at the time, of dragging the fair fame of this colony through the mire. But what was the Agent-General doing at the time? Did he attempt to state public opinion? Did that gentleman, knowing as well as he must have known the condition of the sugar industry at the time, attempt in anyway to stave off the righteous indignation of the English people had the reports been true? Not he. He made capital out of it, knowing, as I fearlessly assert, that this was a most gross exaggeration of the real facts of the case. But coming back to the report of the select committee on the "Forest King" case—I have given my opinion on the subject, holding, as I do, that a gross injustice was done to the owners of the "Forest King," brought about by the action of an officer of the Government, who went down to the islands, I firmly believe, with the intention of raising trouble if he possibly could, and taking advantage of the unsuspecting innocence of one of the officers of Her Majesty's fleet. He would not be guided by clear evidence, which he could have got on board the ship, but he and Mr. Macfarlane, against whom I have not a word to say, did the job together. Mr. Macfarlane had his missionary boy as interpreter, but I would point out to the House that Charlie—the much qualified Charlie, was also a missionary boy—a boy specially recommended to the ship as a missionary boy. That boy had been brought up amongst the missionaries, and was recommended by the wife of one of the missionaries as a boy who could be relied upon as an interpreter, and who, as the sequel proved, was able thoroughly to interpret everything necessary. But that boy was discredited and the other boy is proved in examination before the Chief Justice to be not so good as he was thought. He told the other boys that if they went to Queensland they would die in two months, and, naturally enough, when they got the opportunity, attempted to escape. When they came here they found the work a little different to what they were led to expect, and they would say anything the Royal Commission chose to ask them. I do not attach very much credence to the evidence of the islanders; they would say anything. I am prepared to admit that they might have been misled, but the idea of the Royal Commission—a Commission which, by the way, is going to cost the country £20,000 or £30,000 before we have done with it; a Commission composed of three men supposed to be beyond the average individual in the matter of intelligence, and presided over by a gentleman of high legal training, whose specialty is dissecting and analysing evidence—the idea of those men being hoodwinked or misled does seem a little ridiculous. The idea of that Royal Commission being misled, and coming down and writing that report, and that report being sent home to England and being acted upon as if it were the common practice of the colony to recruit labour in that way, reflected very little credit upon the Royal Commission, and still less upon the Government. One of the ablest lawyers we have had in the colony took advantage of a popular prejudice to allow the fair fame of the colony to be dragged in the mire. I shall vote for the amendment—that Mr. Hodgson receive such a sum as the House may decide that he is entitled to legally. I cannot refute what the Premier has said, and he is again supported by the hon. member for Bowen. Legally, Mr. Hodgson is supposed to have no leg to stand upon; but morally he has. I have heard the Premier state in this House, on more than one occasion, that if any man can show that he has been injured by any act of the

Government, whether he has a legal claim or not, if he has a moral one, it is the duty of the Government to give him consideration, and on those grounds I will vote for the amendment.

Mr. STEVENS said: Mr. Speaker,—I do not intend to go into the evidence—either that obtained by the Royal Commission, or the evidence taken by the select committee. Not because I do not think it a matter of very great importance, but because the hon. gentleman who brought the matter before the House dealt with it in the most exhaustive manner; and there is very little doubt in my mind that any hon. member who is not convinced by his speech, and by the sifting that he gave of the evidence, will be much assisted in his judgment by anything I or any other hon. member can say. I have gone into the case fully; I was unable to attend all the sittings of the select committee, but I was there sufficiently often to listen to a great deal of the evidence that was taken. Since then I have carefully sifted it, and have also read the report of the proceedings of the Supreme Court, and the report of the Royal Commission. The history of the case briefly is, that Mr. Milman, empowered by the Government to report upon any cases that he might think fit during a visit to New Guinea, visited the "Forest King," and after a brief and very one-sided examination, induced one of Her Majesty's ships to take possession of her, and she was brought down in charge of Captain Marx, Mr. Hodgson, her owner, thereby suffering a severe loss. It has been sought to be proved that the evidence given by Mr. Milman's boy, Jerry, was conclusive, that the ship had engaged in an unlawful trade and the boys had been unlawfully recruited. The evidence brought forward by the select committee, and also the evidence elicited from some Polynesians examined by the Royal Commission, goes to prove that the boy Jerry was thoroughly unreliable. There is no doubt that he was brought by Mr. Milman and the Rev. Mr. Macfarlane to prove that the boys had been obtained unlawfully. That went without saying, from the action taken by them, when Jerry was taken on board the ship. The boys were examined by Jerry, who declared that they knew nothing about their agreements whatever. After they had been talked to by Jerry for a short time the ship's interpreter was asked a question or two and was quite dumbfounded; and no wonder that he was. The presence of the naval authorities, and, no doubt, having the fear before his eyes that he would be punished in one way or another would make him so. He was at a loss what to say; but, after a moment, he said they were unlawfully recruited. Afterwards he admitted that they had been engaged for three years. None of those boys, or comparatively few, were questioned by the Royal Commission; only one or two were, the majority were not. To my mind it appears very clear that these men, who told one tale on board the ship and another to the Royal Commission, had some very good reason for contradicting what they said in the first instance. There is no doubt that, when the word was passed through the plantations that a commission was coming up to inquire into the manner in which they had been recruited, the Polynesians agreed among themselves that they should tell the one tale. No large number of men can come before a court of inquiry, and give a stereotyped answer as those men had done, unless they had been well tutored. Boy after boy came and told the same tale, a thing which would convince any ordinary jurymen that their report was cooked, and they had been put up to it. The Premier, in addressing the House this evening, kept as far as

he could from rebutting the evidence elicited by the select committee. He started his speech by saying that Mr. Hodgson has no legal claim to the money. It has been admitted by several hon. gentlemen that he has not a legal claim, perhaps; but at the same time he has a fair claim. The Premier said that the action of Mr. Milman in persuading Captain Marx to seize the "Forest King," was the same as if a man went to a policeman and told him that something had been done wrong, and the policeman had taken that man in charge, consequently the employer of that man was liable for all he had done. The case was the same as if Mr. Milman had got a warrant, and got Captain Marx to execute it. I am not very well up in legal matters, but I imagine that if a man obtains a warrant, and gets a policeman to execute it, he is liable for what may follow afterwards, and that in my opinion is an exactly parallel case to the one we are now discussing. Some short time ago a telegram was received from the old country stating that the fair fame, or good name, of Queensland had been completely cleared before the world, and I do not hesitate to say that that telegram produced a feeling of gladness throughout the State. But if it was known at home, as it is generally known in the colony, that our fair fame was cleared by crushing honest colonists it would not have had the effect it did have. There is not the slightest doubt that Mr. Hodgson has a fair claim on the Government, that he has been very hardly and very badly treated by a servant of the Government. I do not wish to say much with regard to the Royal Commission. I will only point out that whatever decision they arrived at, it was likely to be a biased one from the fact that Mr. Milman was one of its members; and he was the cause of all this trouble. He was asked by Mr. Kinnaird Rose, one of the members of the Commission, if it would be possible to bring forward the captain and mate of the "Forest King" and examine them, and he replied that it was not possible. The only fault I have to find with the Commission is that they did not insist upon the production of those men, as their evidence, because of the straightforward way in which it was given, is such as carries conviction with it. I do not think it comes with very good grace from those members who have always been crying down black labour to say that the evidence of the natives is of equal value with the evidence of white men. It was with considerable reluctance that I took a part in this matter. I am not in favour of the employment of black labour, and would not support it in any way if it was not for the position in which the planters have been placed by the country; and I did not enter into this matter with any feeling in favour of Mr. Hodgson. But the more I heard of the evidence elicited by the chairman and the counsel for the petitioner the more I became convinced that he had been badly used. I appeal to hon. members to dismiss from their minds the question of black labour. This is not a question of white or black labour, but of the claim of a fellow-citizen, and I think if hon. members will dismiss that matter from their minds and consider the case on its merits they will agree with me that Mr. Hodgson has been seriously injured and is entitled to compensation.

Mr. ISAMBERT said: Mr. Speaker,—I shall not detain the House very long. I think that from all we can gather from the debate this evening, and from what we hear about the employment of black labour, we can plainly see that the civilised Christian man, in this latter part of the nineteenth century, cannot be entrusted with the management and disposal of inferior black race. It is astonishing, with the

amount of special and restrictive legislation that we have, how many villainies have crept into this trade.

Mr. BLACK: Mr. Speaker,—I beg to call attention to the state of the House. No hon. member listens more attentively to others speaking than the hon. member for Rosewood, and I think he deserves a better audience than this.

Quorum formed.

Mr. ISAMBERT said: Mr. Speaker,—It has been admitted that this trade has objectionable features. The islanders do not understand their agreements. Even when ships proceed in a legal manner there is always a covering boat with the recruiting boat. What does a covering boat mean? It is a boat with men armed with rifles, to protect those engaged in recruiting. Was such a thing ever heard of in engaging civilised men for any work? I think the Premier has put the whole affair in the proper light when he said that this colony is not responsible for what the British Government has done. If the colony is responsible in this case, it is just as much responsible for the loss sustained by Mr. Ransome, or for the loss sustained by Mr. Peter Hansen through the reversal of a judgment arrived at by a judge and jury, or for the wrongs suffered by Leonidas Koledas through some action of the Mines Department. Parliament rejected those claims. I know that the present Ministry recognised that Leonidas Koledas had been wronged, but even if they were inclined to correct that wrong they could not do so, as the Act by which he could be compensated or reinstated in his claim has been abolished. I believe that Mr. Hodgson has suffered a loss, but since Parliament would not recognise the claims I have mentioned, I do not see how it can recognise the claim now made.

Mr. MIDGLEY said: Mr. Speaker,—The House does not appear to be in any particular hurry to deal with this question, and I have no doubt that the delay has resulted in disadvantage. I am in no hurry to come to a division, whatever may be the result. Since moving the adoption of the report the proceedings have taken another direction. I may say at once that I have not the slightest sympathy with the amendment, nor have I the least reason to alter my belief that the decision to which the select committee came should not be altered. The committee, after careful deliberation, after taking evidence and examining documents, came to the following conclusions:—

"I. That the allegations and statements of the petitioner have been substantiated.

"II. That there is no evidence to show that the owner of the 'Forest King,' or anyone engaged on her during the voyage when she was seized by the 'Swinger,' was guilty of, or aware of, any breach of the laws and regulations affecting the recruiting of islanders in Polynesia.

"III. That in consequence of the seizure of his vessel, the 'Forest King,' the petitioner suffered such loss, expense, and damage as are stated in detail in his claim, less the item of £600 for 'estimated net-earnings,' &c.

"IV. That the committee, after careful examination and due consideration, recommend the payment to the petitioner by the Queensland Government of the sum of £3,011 7s. 6d."

If we had come to this House and made the last of these recommendations, without any of those preceding them, no doubt the Premier would have been able to say it was a strange thing to ask this House to award a sum of money to the petitioner and to state no reasons. If a man is disposed to quibble, he has never any need of material, and however carefully and conscientiously the report might have been drawn up, it would have been exposed to attacks of this kind. Fault, no doubt, can be found by legal gentlemen

with the work done by the 'prentice hand of a mere layman in drawing up the report. I notice it is quite a habit with lawyers to treat with the utmost contempt any opinions of laymen in regard to law. There are different kinds of lawyers as there are different kinds of planters; some of them are of the baser sort, and others are of the higher grade. The way in which lawyers turn up their noses, turn out their lips, and show their teeth, when laymen say anything about law is almost enough to dismay and intimidate any ordinary man from discussing legal subjects at all. They must have the impression that the laws we frame from time to time for the government of the colony are laws which cannot be understood by the people, and should not be understood by the people. I am quite satisfied that the contention which I held this afternoon has not been very materially altered, even by the speech of the Premier. It is simply to my mind an attempt—I had almost used the word "mean"—to escape from responsibility, and to avoid the payment of what is fairly and rightly due. It is an attempt to evade the question by the old plea of no responsibility. The Premier admitted that Mr. Hodgson suffered actual and serious loss; he admitted that neither Mr. Hodgson nor any of the Europeans on his ship, at the time she was seized, could be proved to have been guilty of any breach of the law. And is this man, who has suffered wrong, to be sent from pillar to post; from one court to another; and redress denied him, simply because it is impossible to sheet the responsibility home to anyone? Surely someone is responsible. The action of the Government in this matter does not commend itself to my admiration. He was undoubtedly engaged in a service which has never been disowned by the Government since. The succeeding stages of this unhappy affair have never been disowned by the Government. It is too late now to take up the cry and the refuge of no responsibility. I think it is undeniable, Mr. Speaker, that had it not been for the action of Mr. Milman, the officers of the "Swinger" would never have seized the "Forest King." Did they who instigated the inquiry that resulted in the seizure of that ship, use all the means they might have used and ought to have used to ascertain the *bona fides* of those who had been engaged on board of her? I maintain they did not. Mr. Milman appears to have thought it becoming of him, and seems to have regarded it as his duty to set himself in immediate and direct antagonism with another man equally a Government servant with himself. The Government agent on board the "Forest King" should have had every opportunity given to him to show that these men who had been obtained as recruits, had been fairly and properly obtained. He declares that an opportunity was not given: he declares the interpreters he had were not submitted to the test, and I can quite believe it. I believe Mr. Milman came into the whole business with a strongly prejudiced mind. We find that, speaking of the cause which actuated the boys in jumping overboard, he gives two entirely different versions of that affair. In his report to the Premier, page 5, he gives this version:—

"The night previous to the 'Forest King's' departure, and previous to Captain Marx putting his prize crew on board, an attempt was made by the natives on board (with the exception of the Sud-Est men), who were near their homes, to escape, and sixteen succeeded in doing so, six being picked up by the 'Swinger's' boats. The circumstances under which these men escaped would lead me to suppose that their escape, if not actually ordered, was connived at by the authorities on board, who had everything to gain (in the event of the charges being proved) by these men escaping."

That is one version that Mr. Milman gives, but as a member of the Royal Commission he gives a materially different version. I admit that Mr.

Milman did not sit on the case of the "Forest King"—he ought never to have had anything to do with it—but although he did not sit on this case, yet he signed the report jointly with the other members of the Commission. His signature is attached to the end of the document which concludes the report of the Commission. Now this is what he says as a member of the Commission. If he does not believe it he should have dissented from it:—

"The 'Forest King' was at Anchor Island on 9th July, and here H.M.S. 'Swinger' appeared on the scene. The boarding officers of the 'Swinger,' Rev. Mr. Macfarlane, Mr. H. M. Milman, and the Interpreter Jerry, went on board the 'Forest King.' Charlie and Jerry both spoke to the Sud-Est boys, but neither could make themselves understood. Two Sud-Est recruits who spoke a little Teste said that Charlie spoke Teste, but that they 'no hear him good.' With the other recruits from the other islands both Charlie and Jerry could converse, and they all said that they told both that they had been engaged for two moons. Upon that Jerry informed some of them that they would have to 'work, work, work,' in white man's country, that they did not understand how to work, and that they would get sick and die. This frightened many, and that night twenty-two of them slipped overboard and attempted to escape, which some of them did."

Now, I want to draw the attention of the House to this fact. In this report of the Royal Commission, Mr. Milman—he attached his signature to it—states that the reason these islanders jumped overboard was that Jerry had told them that in Queensland they would have to "work, work, work, and would get sick and die." That is one version he gives. In the report he sends to the Colonial Secretary, prior to this, he says that this was a concocted scheme on the part of the officers of the ship—that they connived at the men getting away. Which is the true version? As far as Mr. Milman is concerned we have no help; we can take whichever we choose. I say there are evidences that Mr. Milman entered into this matter with prejudice—that he wanted to find something out, and that in trying to find something out—as some hon. member said he got the wrong pig by the ear. No wonder the pig squeaked. It is in the nature of a pig to squeak. It is in the nature of the right pig to squeak, and it is very much in the nature of the wrong pig to squeak. Mr. Hodgson, feeling confident he had a good cause, has squeaked, and it is not to be wondered at. Now, Mr. Speaker, I have a word or two to say with regard to what fell from the hon. member for Bundamba. I was unfortunately not in the House at the time, but I know what the hon. member said. He stated that from the very first he was convinced that the committee—at any rate the chairman of the committee, that is myself—did not intend to go into the thing fairly—that I was either incompetent for the position I occupied, or that I was corrupt.

Mr. FOOTE: That is not true, Mr. Speaker.

Mr. MIDGLEY: That is the fair inference I can draw from it. It was a position I did not seek to occupy. If I had known that asking for the committee—the very fact of being the mover in the matter—really meant that I should be the chairman of the committee, I might have hesitated. The member for Bundamba states that he was led to the conclusion from the way I asked questions, that I was biased, that I was there as the advocate of the petitioner.

Mr. FOOTE: I must contradict the hon. member. I did not say anything of the sort.

Mr. MIDGLEY: Well, I must take the hon. member's denial. I can only say he used words to that effect.

Mr. FOOTE: No. I said I became prejudiced; I did not say anything about you.

Mr. MIDGLEY: I quite admit that the hon. member was prejudiced; I believe he was the only prejudiced man of the committee, and as he has not spared me in this matter I shall not spare him, because the matter is one now for the public to judge. The hon. member stated that the questions I asked were questions that showed my bias in the matter. I am going to read to the House the questions I did ask, and I shall show where the interjections of the hon. member came in. The first question I asked Mr. Hodgson was—"You are the owner of the "Forest King?" Answer—"I am." Then the examination went on as follows:—

"You were the owner of this schooner at the time she was seized? I was.

"Had you been long engaged in the business of labour recruiting? About three years.

"Had this vessel been on a labour voyage before? It was her third trip.

"With the same captain? No.

"With the same Government agent? No.

"Both new to her? Both new. I may mention that Captain Dickson was for many years before in my employ in other vessels.

"Was he employed in the labour trade before—in labour vessels? He was.

"In any labour vessels of yours? Yes.

"And while so employed had there been any reports or complaints against him? No, indeed.

"Nor had he been 'logged' by the Government agent? No; there was never any complaint against him."

It was at this juncture that the hon. member for Bundamba interposed, and said—"Well, I do not know whether the hon. member is retained as counsel for the petitioner, but these are leading questions." He has said that I made no answer. I treated the interjection with the contempt it deserved. The only answer I was disposed to give was to vacate the chair, and throw up the whole business, but I thought it was not wise to attach too much importance to the interjection of the hon. member. Was there anything in these questions to justify the hon. member in asking if I was retained as counsel for the petitioner? Moreover, the hon. member said he saw a list of questions written out. There was a list, but it was of questions written out by myself. Not a single question was suggested to me by anybody. The list was not put into my hand by anybody else. They were my own questions, and I should have been very glad to have had the position occupied by someone else. But there are now other hon. members here who wish to debate the question, and I am very willing to give way for them.

The Hon. Sir T. McILWRAITH said: Mr. Speaker,—I have not been present during the whole of the debate, and am not aware of all that has been said. I had, however, the opportunity of hearing the speech made by the Premier, in reply to the hon. member for Fassifern. I objected to the style in which that hon. member was interrupted by the Premier when he was stating the case in favour of his motion. I thought myself that, had the Premier done right, he would rather have complimented that hon. member on having so clearly stated the case. I think it took away from the position of the Premier when he interrupted one who is comparatively a young member, and interrupted him too on one particular point that I noticed, with the effect of destroying that part of the hon. member's argument. I think that was quite unworthy of the position of the Premier, and he ought at all events to have depended on the merits of the case, and I was no less astonished to find the Premier resting behind legal technicalities in place of facing the question straight. The Premier commenced by saying he was not going into detail, but the last part of his speech was nothing else but details—a taking up of

the time of the House by reading a lot of unmeaning evidence, that of Mr. Milman; and he never showed the House how the argument applied at all. When the hon. gentleman comes forward and tells us that we should discharge from our minds altogether the proceedings of the Royal Commission, and that the only case we have to consider is simply whether we ought to adopt the report of the committee, he is telling us thorough nonsense. How is it that we can separate the work of the Royal Commission from the report of the committee? Why, the whole of the evidence of the Royal Commission was adopted by the committee. It forms a part of their report, quite as much as the evidence taken by themselves. We have also the additional advantage of the cross-examination of the Commissioners themselves, which in itself is a valuable addition to the evidence. Hon. members should read it, and if they do I have not the slightest doubt they will come to the same conclusion as the committee. The Premier says that the whole question is: Was the seizure of the "Forest King" justifiable at the time that it took place?—and he said that if it was justifiable, if Mr. Milman had reasonable grounds for taking the action he did, it did not matter at all what action took place afterwards; the Government are responsible for nothing. The answer to that was put very clearly before us by the hon. member for Cook, shortly after dinner. I agree myself that if we, by the injudicious action of any of our officers, have brought any loss on any of the citizens of the colony, we are responsible; and I believe it can be easily shown that Mr. Milman brought the loss upon the owners of the "Forest King." The case is very clear. Mr. Milman, who was viewed with evident suspicion by the Government, sought in the broadest terms for some authority to act. Up to the last moment the Government declined to give that authority, or any authority whatever, except that when in the South Seas he might report. They evidently viewed him with suspicion, and no authority was given to him, except that he was to keep his eyes about him and write to the Government. Yet he saw fit to take action in a very peculiar case. The "Forest King" was boarded by the officers of a man-of-war. They examined the officers of the ship, and the Government agent, and came to the conclusion that all was correct, and they signed to that effect. Afterwards Mr. Milman communicated information to them, which information subsequently turned out to be completely wrong, but which when given was, in the opinion of the Chief Justice, at all events, a sufficient justification for the captain of the "Swinger" to examine into the matter himself. Well he went on board or sent his officers on board again, and they made a further examination. That examination was of a very peculiar kind, and ought to have excited the suspicion of the Government. The information given to the captain of the "Swinger" was that the boys on board the "Forest King" had been kidnapped, or at all events that they had been got on board and were being taken to Queensland not knowing the terms of their engagement. That was proved to the satisfaction of the captain and officers of the "Swinger" by this process: islanders from the different islands were brought up to be examined on that point; in the case of a Teste Island boy the questions were put through a missionary boy who understood English, as was proved a month or two afterwards when he was brought down to Brisbane and proved himself to be a very efficient interpreter. One would have supposed that the communication would have been made direct between the interpreter who knew the Teste language, as well as English,

and the Teste Island boy; but it was not done in that way. The questions were first put by Mr. Milman to an English missionary, who understood Lifu, and he translated the question to the missionary boy, who, in his turn, put it into the Teste language. Then the missionary boy got back the answer in the Teste language, which he translated in Lifu to the missionary, who translated it into English to Mr. Milman and the captain. Does that not look suspicious in the face of it. Here we have a boy capable of speaking both the English and the Teste languages, and where was the necessity for an additional interpreter in the shape of an English missionary who intercepted with an additional language? It was quite impossible that Mr. Milman or the officers of the ship could know what was taking place. The interpreter knew the language at each end of the chain, and there was no necessity for an additional language being introduced. No one could know what was really going on, except the missionary himself, who had sole control over all that passed. Going a step further, let us look at the examination of Mr. Milman, and see how he tried to evade the point, how he equivocated and prevaricated when brought to the point as to whether that was actually the means of communication between the islanders and himself. He would not say it positively, but he at least admitted that that was the way in which the evidence was taken. No one who thinks can help coming to the conclusion that the missionary wanted to have the entire communication between the islanders and the captain of the "Swinger" in his own hands, without the slightest check from Mr. Milman or anyone else. The result was that on account of the action of Mr. Milman, who was not authorised by the Queensland Government, and whose action was quite *ultra vires*, and whose only authority for acting at all, according to the Premier, was that he was an honest man, induced the captain of the "Swinger" to take the ship in charge, and it remained in charge until the case was tried before the Brisbane court, with the result which we all know. The Government had unlimited means, as far as money was concerned, to do justice to their case, and to exonerate the officers of the "Swinger"; and they did their best because they felt themselves responsible to a certain extent, owing to Mr. Milman's action. The court decided that the Government had failed to prove that those boys were kidnapped, or that any of them were there without having been properly recruited according to the law and the regulations under that law of the Queensland Government. The owners of the ship proved that in each individual case every boy on board had been properly recruited. Now let us carry the matter a step further. After that decision was come to the boys had to go through another ordeal. The Government had kept back, and properly kept back, the passing of those boys by the Polynesian inspector in Brisbane; but after the matter was decided a strict inquiry was made as to whether all those boys had been properly recruited. Mr. Woodward, the head of the staff, who under ordinary circumstances would have entrusted the work to one of his subordinate officers, took the examination upon himself, and he certified weeks after the trial that every one of them had been properly recruited according to the laws of Queensland. Now comes the next stage in the proceedings, which the Government are very anxious to separate from the case of the "Forest King." The Government appointed a Royal Commission to examine into the way in which the labourers from certain ships had been recruited, and among them the recruits that had come by the "Forest King." One member of

this Commission was a member of Parliament, who has never yet been known to have a different idea from the Premier on any subject, who is one of the most subservient supporters of the Government, and whose qualification, as stated by the Premier, was that from his knowledge of his character he was a good man to make a jurymen; that he had a good evenly balanced mind. In choosing jurors, however, there are always two parties. There is one party that can challenge at once, without giving any reason at all. Mr. Buckland in that case would have been thrown out at once, without any reason being asked at all. If the right of challenge had been yielded at all, Mr. Buckland, being so strong a partizan of the Government, would have been thrown out, because it would have been shown why he should never have been a man chosen to try such a case. Who was the next one? Mr. Milman, the culprit, upon whom we are sitting now—who is being tried. He was the originator of the mystery. He tried to get into this coolie and black labour racket, and had got the Government into all these difficulties, and got the captain of the "Swinger" to seize this ship, which seizure the Supreme Court of this colony declared to be illegal. The man who, if there is anyone in this colony, is on his trial in this case. He was appointed the second member of the Royal Commission. Who was the next man appointed to be a juror? The next man appointed to be a juror was a man who was utterly ignorant of the condition of the colony—a perfect "new chum." He has earned his spurs here as well as in other countries as a journalist, otherwise he had no qualification whatever. Anyone who has read that report written by him—because there is no question about who has written it—so far as it may be considered a literary composition, Mr. Rose has the whole merit of that report, for every word of it is his own. In fact, one can see that it is not the report of a lawyer who had digested all the evidence given, and had reported according to that evidence. It is just what a first-class correspondent would have written to a paper knowing the kind of cue he was expected to give. It is not, I say, a digest of the evidence, but a first-class report of a man taking up a certain line. It has been said that Mr. Rose has been hardly treated by the committee. I should like to know how? There is no doubt he was in a position peculiarly pitiable. I have read the evidence and I can see it all. Mr. Rose goes up to the different places and takes only one class of evidence. He knows perfectly well that other evidence should have been taken—for instance, the men whose character and interests in life in the colony are so much at stake—the captain, owner, and inspector on board of that ship. That evidence, of course, ought to have been taken. Mr. Rose admits it at once. Why was that evidence not taken? Because Mr. Milman had put objections in the way. I say it is actually pitiable to see—I can fancy at all events the way in which Mr. Rose tried to get out of answering that question plainly—that either Mr. Buckland or Mr. Milman had put objections in the way. Just consider how this thing has been managed. With any respect for decency could Mr. Milman have sat while the "Forest King" case was under consideration? No; and he was judiciously absent. Mr. Buckland again was absent during a great part of the time, and I believe during a portion of the time the "Forest King" case was going on. While they claim the credit of not having interfered with the case in which they were directly and personally interested—I am referring now more particularly to Mr. Milman—they claim credit for having the good



taste not to be present in a case of that kind, but they carefully left their proxies with Mr. Rose, that only certain particular witnesses should be called, thereby ensuring that the result of the case would be in their favour. Talk about that being justice in a country of this sort! It is ridiculous to consider it in that form. Look at the almost ridiculous conclusions they came to! They might have had sufficient respect for the Chief Justice of the Supreme Court to have read, at all events, the evidence that was taken when the "Forest King" case was tried in Brisbane. I will put it in another shape: Mr. Milman acknowledged that night, when the recruits were examined by Her Majesty's officers, that five out of those on board the "Forest King" understood that they were engaged for three years, and meant to go. It was proved afterwards, in the evidence, that among the twenty-one men returned to the islands, there were certain boys of that five. But, sir, in the face of that, this is what, on the evidence of the boys, those commissioners thought they were entitled to report with reference to the "Forest King." They say:—

"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; that none of them understood that they were to work on sugar plantations for any period, much less for three years."

This is a more severe verdict than was given in any of the other cases, and is opposed to the whole evidence given on their own side of the case, and the admission that a large number of those men—"five" is the number stated, but it was afterwards admitted that there were more—five at all events of these men perfectly understood the arrangement, and were quite willing to abide by it, and actually did abide by it. I have got down now to the Royal Commission. We have here a Royal Commission which has reported that the whole of these "boys" were kidnapped. The Supreme Court tried the case under quite different conditions altogether. The Commission had the whole of the Government influence and the Government money to get the best evidence they possibly could to establish, if possible, that one single "boy" out of the lot had been kidnapped. The judge laid it down as law, that if they could prove one single case where a "boy" was brought on board without understanding his agreement—where the regulations were violated—that would have been a sufficient justification for the captain of the "Swinger" to seize the ship. The result was quite different; not only did the Government fail to prove one single case, but the other side proved most distinctly every case, on the part of the defendants, to have been a legitimate case of recruiting.

The PREMIER: No!

The Hon. Sir T. McILWRAITH: Every case was proved to be a legitimate case of recruiting.

The PREMIER: No!

The Hon. Sir T. McILWRAITH: "No." If that is the way in which the hon. member always tries to get out of it, I have the documents here and I will read the judgment of the Chief Justice. It has been read before but I will read it again. It is contained in the last paragraph of the judge's summing up. I thought I might have been able to give it in a few words, so as to save the time of hon. members, but I will read it all:—

"I think the weight of evidence is rather in favour of Charlie and Harry"—

Two of the witnesses who were examined for Mr. Hodgson—

"I think the weight of evidence is rather in favour of Charlie and Harry having made the islanders understand the nature of their engagements in the first instance, in which case the defendants must have the benefit of it as a proof of consent. That some of the islanders did not reply to Charlie in Mr. Milman's presence after Jerry had endeavoured to speak to them may have arisen from the unusual circumstances of the arrival of the man-of-war, the frequent questioning, Jerry's description of the risks of coming to Queensland, and other incidents of the hour which would make men, who are but 'children of a larger growth,' act like children and remain silent. Charlie gave Mr. Milman to understand (whether in words or by 'hanging down his head' does not appear)—but somehow Mr. Milman understood that Charlie meant he could not communicate with the before-mentioned five natives, which is, of course, true if they had become unwilling to reply to him. I think that it is to be regretted that the ship's interpreters were not tested before Jerry had been allowed to speak to the islanders. It seems clear that from some person's information they had been discredited in Mr. Milman's mind. But assuming that Charlie and Harry did not truly or correctly state to the natives the terms of the proposed agreements, is there any evidence that the recruiter, captain, or Government agent were parties to the fraud or mistake? I think there is none. They were ignorant of the languages in which Charlie and Harry spoke, or pretended to speak. Is there not, on the contrary, then, evidence that the agent, captain, and recruiter, fulfilled all the requirements of the law, and *bond fide* believed that the natives had consented to come with them, understanding substantially the terms of their contract? On behalf of the Crown it is said that there was bad faith on the part of the Government agent, the captain, and the recruiter—that they were all engaged in the commission of these felonies. There is no evidence, other than that I have already described in support of this sweeping accusation. To believe them guilty I must not only have full confidence in the truthfulness of the natives, in Jerry's accuracy and truth as to their statements to him, in Mr. Milman's perfect comprehension of Charlie's acts, and of the motives and conduct of the natives when questioned; but I must disregard the sworn testimony of the persons accused, and I must conclude that the Government agent deliberately falsified the official log from the beginning of the voyage to the time of the seizure, on purpose to aid and abet the ship's officers in the commission of these offences. The Government agent is an officer who has been accredited by the Queensland Government on six successive occasions. No questions were asked tending to discredit the character of the agent, the captain, or the recruiter. The Government agent complied with all the regulations and instructions of the Government, and the captain deferred to his directions and control in all matters relating to the employment of interpreters and recruiting and landing natives who did not appear to understand the terms of agreement. The agent regularly records the circumstance where the natives appeared fully to understand their agreements. To some of them the terms were thrice explained by three different interpreters. Captain Marx told the agent his log was 'well written,' which I understood at first as conveying an imputation on the conduct of the agent. Captain Marx, however, explained that he meant, not that the Government agent was 'a fraud,' but that he had endeavoured to do his duty. If he did so, and was satisfied, unless it can be shown that the captain and recruiter knew that the natives had been deceived, or that they did not, in fact, understand the terms of the agreement they were about to enter into, or that they were not willing to come with them, the case for the Crown must fail. Upon this point alone—the proved good faith of the defendants, without reference to the proof of actual consent—the case for the Crown has failed. There is fairly satisfactory evidence that the officers of the 'Forest King' acted in good faith, believing the natives fairly recruited and consenting parties to their removal to Queensland. Nevertheless, the circumstances presented to Captain Marx, on the report of Mr. Milman, were such as to raise a reasonable ground of suspicion, and to justify the seizure and detention. The Imperial officer being justified, it follows in this particular case, without laying down any absolute rule as to damages in future cases, that there can be no damage against the Crown in respect of his act; but when the Crown authorities proceed for condemnation and do not succeed they must, like other unsuccessful suitors, pay their opponent's costs. I therefore pronounce that it has not been proved that the ship had been, during her said



voyage, or at the time of her seizure, employed in the commission of any of the offences charged; and order that the said vessel be restored, together with the goods and effects on board thereof, and with costs."

That I take to be as plain an admission as it is possible to conceive on the part of the Chief Justice, that not only did the Government fail to sheet home to the owners of the vessel the charge that they had recruited illegally, but that it had been actually proved, on the other hand, that every islander who was on board that ship had been recruited according to the laws and regulations of the colony of Queensland.

The PREMIER: No.

The HON. SIR T. MCILWRAITH: I say that is the effect of the judgment of the court. I know quite well that the hon. gentleman has said the opposite, but that is my interpretation of what the judge said, and which is borne out by the statements I have just read. With regard to the last point, the judge said that there was justification for the captain of the "Swinger" in the action he took—that he was justified in that action by the information which he had received, and that got him out of paying damages. Why? Simply by throwing the responsibility on Mr. Milman, and thereby on to the Queensland Government; because the argument used by the Chief Justice says this: that Mr. Milman being in so responsible a position as an officer of the Queensland Government surely he could be taken as an accredited authority for a statement such as he made to the captain of the "Swinger," and therefore the captain of the "Swinger" was justified in the action he took. It is clear that the judge did not agree with the evidence taken that resulted in the seizure; and in stating those facts he threw the whole responsibility on to the Queensland Government. We have now got as far as the Commission. The Commission, I hold, ought to have taken very different evidence to what they did, and having declined to take that evidence and having written that report, I think a man may be accused of being very thin-skinned if he complains of having been asked to justify what he has done as a commissioner before a committee of this House. Mr. Rose was asked to justify that, and he admits that he did not take the evidence that he ought to have taken; that, had he been left to his own judgment as a barrister—or as an honest man, as I would put it—not using the two terms synonymously—that had he acted according to his own judgment he would have called other evidence; in fact, he virtually admits that he could not answer certain questions without invalidating his report, and he asks the committee piteously whether he should say anything to invalidate that report. That does not at all justify the impassioned terms in which the Premier complained of the treatment Mr. Rose had received from the committee. He seemed to forget that Mr. Rose had put himself in that position, and that had he called proper evidence the result would have been that probably he would not have been called upon to give evidence before the select committee. I am perfectly satisfied that had he done so he would not have brought up such a report as he did with regard to the case of the "Forest King." Well, sir, that is not the only result of it. The result goes further. We have got this member of Parliament, who is essentially a party man, without a hair-breadth of opinion on any point in the world. We have got Milman, who is one of the parties implicated as the originator of this mischief; and we have got Mr. Rose. Now, what is his position. No sooner does he send in his report than he writes another report to the English people in the shape of a letter to the

*Times*. I will ask anyone who has read that letter, if they consider it a fair account of what has been going on in Queensland. I have read it, and the comments on it, and I believe it to be a gross libel upon the colony of Queensland, and that it has done it an immense amount of discredit. The same morning on which that letter appeared in the *Times* an article appeared in that paper reflecting on the way in which the slave trade was carried on in Queensland. But the *Times* article was mild in comparison with an article on the same subject that appeared at the same time in the *St. James's Gazette*, which accused us of being a nation of slaveholders, and hinted that the South Sea Islanders that were left in Queensland had actually been kidnapped. Now, I have stated it before, and I repeat it now, that on the same evidence taken by Mr. Rose the colony can well be convicted of having in its possession at the present time 10,000 or 12,000 kidnapped islanders. The same evidence that was taken by the Commission can be got to convict every ship's load of islanders now being brought to the colony. Take the case on the matter of probability alone. The Government who have been on the lookout for abuses in the South Sea island trade were, I presume, not likely to have cases of this kind in greater number than those which occurred during the *régime* of the late Government. If kidnapping has taken place during the reign of the present Government how much worse must the evil have been under the late Government? At the time the Commission was appointed, 10,000 or 12,000 islanders had come into the country under the previous Government, but those men's cases had never been inquired into, and it was the duty of the Government, merely if there was a chance of one single slave living on any plantation in Queensland, to investigate that case and decide whether he should not be sent back to his home. Are we to come to the conclusion that the whole of the kidnapping has been confined to these six ships, or are we to conclude that kidnapping took place under the previous Government, and that not one of those cases has been inquired into? What conclusion are we to come to? Either that the present Government have connived at a system of slavery and have, at the same time, had the cunning to put it down, or that they have submitted to a system of slavery which is now existing in the colony. The Government cannot avoid either one or other of those conclusions. I say, sir, that the whole case discloses the fact that the Premier and the Government gave the clue to the Commission as to what they were to do. From the constitution of the Commission there is not the slightest doubt about what they were meant to do. They took their cue and they performed their business well, but that Mr. Rose is thoroughly ashamed of his part of the work I have not the slightest doubt. I have no doubt whatever that, so far as his credit as a barrister is concerned, he regrets the day when he sat on this Commission. The work has given him, perhaps, some *kudos* as a journalist, but has destroyed his fair fame as a barrister and his reputation as a judge of facts. Before leaving this subject I will draw your attention to another point in the evidence which the committee have brought out as far as possible, and which one cannot but see was right after reading the evidence taken before the Vice-Admiralty Court. I refer to the way in which the evidence of this boy Charlie was ignored by the Royal Commission. They got hold of a boy named Cago, who figured prominently in the "Hopeful" case. He acted as one of the interpreters when the "Forest King" was taken charge of. That

the boy's interpretation was credible I do not think anyone can believe. Was it not extraordinary that a boy of that sort, young, and so untruthful, should be brought down here, should not be considered able to take care of himself, and should be confined in the house of one of the commissioners until an opportunity was given to take him away? I do not think that it was fair to discredit this boy Charlie in the way in which he has been discredited. Here is a boy who was on board when the "Forest King" was seized, and he appeared in the Vice-Admiralty Court as one of the best English-speaking witnesses of the whole lot. Now, the reason why the examination of the boys was put specially in the hands of Mr. Milman on that night of the seizure was, that it was alleged that there was no one on board who was able to speak the Sud-Est language. But what are the facts of the case? This boy Charlie, who was on board the "Forest King," and who said he could speak the language, was not only rejected, but his services were not called into requisition; but when he came to Brisbane and was examined before the court, what was the result? It is a difficult thing for people who do not know the Sud-Est to judge as to whether an islander is or is not speaking the language, but an intelligent man who knows languages can put a test which will satisfy all intelligent men as to whether the language is actually being spoken by the interpreter. Now, this boy, whose services were not availed of on board the "Forest King," was brought into court by the counsel for the defendant, and the opposing side was challenged to examine him to see whether he could talk the language or not. The test was actually submitted, and some Sud-Est boys were brought into court, with the result that the Chief Justice in his notes said that the interpreter freely communicated with the Sud-Est boys. Now, can it be believed that the boy had acquired that language during the short time he was in town here? The fact of the matter is that he knew the language all along, and we know also that he was the best English scholar of the lot. I will not, however, go into details and point out how the witnesses of the Government have been since discredited. There is no doubt in the mind of anyone who reads what I consider to be impartial reports—there is no doubt in the mind of anyone who reads the *Brisbane Courier's* report of the expedition to return these islanders—that that expedition had been arranged, and was known of amongst themselves; and there is no doubt that that boy Cago had told them that if they said they had only been engaged for three months they would be returned to their country, and have plenty of trade to take back with them. Do not we know perfectly well that to homesick boys that would be quite sufficient to justify them in telling the lies they did? That they did tell lies, there is not the slightest doubt on the part of anyone who reads the evidence. As a matter of fact the boys admitted it to the *Courier* reporter, and to the reporter of the *Sydney Morning Herald*. The Premier says that we should not give so much money for damages if the report of the committee be affirmed, and gives as a reason, that Mr. Hodgson has offered the ship to him for employment within the last few months, at a low price, and therefore she could not be very profitable. There is no wonder that he did; if it were only within the last few months that he made the offer, we could not be surprised if he had offered her upon any terms. But that does not prove that a great loss has not been sustained. The committee were not at all called upon to prove the amount of damages that Mr. Hodgson has sustained, for the reason that in the cross-

action which was tried in the Admiralty Court the damages were not questioned by the Government; in fact they were admitted, and if damages had gone against the Government they would have had to pay them. Therefore, the committee had every reason to suppose that, the Government having admitted the damages, they were not called upon to go into the details. I do not want to go into the details that I intended to, and which I should have been perfectly justified in going into. I will simply give a *résumé* of the case. Mr. Milman, acting on behalf of the Queensland Government—and his deeds have been since adopted by the Queensland Government—took certain action in the seizure of the "Forest King," that resulted in a great loss to the owner. The case came on in the court in Brisbane, held before the Chief Justice, and the facts were thoroughly gone into—where the Government had every power, and they exercised it, of bringing the best witnesses they could on their side; the result being that the court decided that all the islanders had been lawfully recruited.

The PREMIER : No.

The HON. SIR T. McILWRAITH : In addition to that, or included in that, was the result that the Government did not prove one single case in which the law had been violated—to put it in the mildest way. That was the result after a most thorough investigation. The judge then stated, as plainly as possible, that legally he could not give damages against the Crown, but if his judgment meant anything it meant that, equitably, the Queensland Government were responsible, because it was the bad judgment of Mr. Milman that led Captain Marx so far astray from his duty. The case then went on a further stage. The Government themselves took up the examination, and, as in duty bound, examined the boys. It was no ordinary examination; it was a close investigation by the chief inspector, in Brisbane. He examined those boys, and actually certified that they were properly recruited, and gave them out to the different employers, and they went to their work. Then came the next case. The Government, for their own political reasons, appointed the commission, which was clearly a one-sided commission. In the first place it had the merit of securing a decision in one way, and in the next place it had the merit of rewarding their own supporters for what they did. Therefore it was a suborned commission from the start, and no report could have been expected except one, and that one actually came. Then, of course, as that reversed the decision of the Supreme Court, where evidence was taken from both parties, I hold that it was a very proper thing on the part of this House that they should ask for a committee. That committee sat, and it has been competent for the Government to give any evidence they liked. I think the most damaging evidence against the Government is the evidence given by Mr. Rose, in which he admits that the evidence he took was not the evidence upon which an honest man ought to have come to a conclusion. He admits that in his evidence; and, so far from considering that he has been in any way bullied by the committee, I think he has been treated wonderfully leniently. I am told that he was rather pitted for the humiliating position into which he was forced, not through the way in which the questions were asked, but from the very fact that he had made a report without taking proper evidence. We have therefore the Supreme Court evidence, and the evidence of the committee of this House—upon which committee I believe the majority were actually Government supporters. But apart from that altogether, it was

a committee that was approved by this House, although the House might have had the certain control over it by making it elective by ballot. We have the verdict of the Supreme Court, and of this committee, and that of the Commission which was organised by the Government for the purpose of bringing before the country a foregone conclusion.

Mr. KELLETT said: Mr. Speaker,—I should not like to allow this matter to go to a vote without saying a few words upon it. Previous to the matter coming before the House I carefully went through the evidence, so that I should have my opinion upon it before it was debated here. I cannot see where the exception can be taken to the terms of the report. There is only one very little matter in it—in the 2nd clause—that might possibly be altered. That is where it says, "There is no evidence to show that the owner of the 'Forest King,' or anyone engaged upon her during the voyage", etc. I think it should have said "any white man." It would then have been perfectly correct, although no doubt some islanders might know something about it. I think that has been pretty well proved by the evidence, and I think the mover of the report is to be congratulated upon the trouble he took over it. I thoroughly believe in a man when he takes anything in hand, going right through with it, and sparing no pains or trouble in bringing about the conclusion he thinks a proper one. I think the hon. member and other hon. members of the committee got the best evidence they could to lead them to come to a fair decision. I think a better or more reliable agent than Mr. Thompson could not have been on board the ship so far as we can gather; and I must say I am very pleased to read this evidence and see this report, and I am sure that a great number of people in Queensland will be very proud to know that they are able to change some opinions that they have held and be able to think that all the ships which come here with South Sea Islanders are not the same as the "Hopeful." I was myself led further away than I think I would be now in this black labour business, for the reason that I thought nearly all the cases were like the "Hopeful" case, as only the worst cases have been brought before us, the better ones not coming under our eyes at all. I am sure that the people of Queensland will be glad to find from the report of these six unprejudiced gentlemen that they are not all "Hopeful" cases. It is well known that I have a strong feeling against black labour, and that I have spoken against it, both inside and outside this House. If there is any kidnapping connected with it the sooner it is done away with the better. But to come to this case, we find that the Government agent, Mr. Thompson, was, as has been admitted by the Premier, a reliable man. The first island the vessel went to he would not allow the captain to recruit; he would not allow any recruiting to take place before a suitable interpreter was obtained, which was not done until they got to the fourth island at which they called. He did not permit any islanders to be recruited until they obtained an interpreter who could make the islanders understand their agreement. I do not think any man could have gone further than he did. It is said that all the evidence taken by the committee was on one side. I deny that. Mr. Hodgson and the captain may be said to be on one side, but Mr. Woodward and the Government agent could not be said to be on the same side; and Mr. Woodward, who knew that it would be a dangerous thing for a Government officer to be caught tripping, stated in his evidence that he was

satisfied the islanders knew the nature of their agreement, that he certified to that effect, and that he allowed them to be sent away to plantations. I believe that the conclusion he came to was a proper one. Now, I will refer to Mr. Rose, one of the members of the Royal Commission. I think the way in which he gave his evidence has been pretty well put before the House by the leader of the Opposition. Evidently Mr. Rose was in a very ugly position; indeed, a man could scarcely be in a more invidious position than he was placed in. He tried all he could to give little information. We know what a turn lawyers have for that. In conversing with an eminent lawyer the other evening I told him that Mr. Rose did not give a straight answer, and he replied, "Lawyers never do." There is, however, evidence that Mr. Rose states that the Royal Commission did not get all the evidence they should have obtained. I think I have read all his evidence through, and that is the conclusion at which I have arrived. There is no doubt that Mr. Rose has erred in such a way that it must be remembered during his career in Queensland. He is a new comer to Queensland, and not being biased or mixed up in party politics he should not have allowed any man to overrule him; he should have brought out whatever evidence he considered was fairly just. As to Mr. Milman, I have no doubt in my mind that he was the man who brought about all this trouble, and I cannot help thinking that the Government, although they will not acknowledge it, must be satisfied now that they made a mistake in appointing him on the Commission. He was the last man in the colony who should have been appointed. The lawyers now tell us that if there has been any loss sustained by the owner of the ship we are not the parties responsible. I hold that we are responsible—that the captain of the "Swinger" would never have seized the "Forest King" except for Mr. Milman. The officers of the "Swinger" went on board and examined the papers, and certified that all was correct, and left the vessel. Mr. Milman then came and told another story, and said that the ship had done so-and-so. Evidence was then taken, and, as stated by the leader of the Opposition, it was filtered through an interpreter and the missionary, Mr. Macfarlane. I do not want to impute motives to any man, but I say that on account of his action on that occasion Mr. Milman should have been the last man to be appointed on that Commission. He was bound to defend the case as any other man placed in the same position would be, and make out the best case he possibly could. I am perfectly satisfied that a correct conclusion has been arrived at by the select committee. There is one other matter to which I will allude. The Premier remarked that the amount of money recommended by the committee is absurd, and that the owner has claimed the gross amount of takings and then added on expenses. It is very evident to my mind that the hon. gentleman—who is one of the best barristers in the colony at figures and mathematics—has not looked very carefully into the matter, or he would not have come to that conclusion. The expenses of the voyage have been really paid by the owner.

The PREMIER: The voyage was not finished.

Mr. KELLETT: The voyage was finished when the vessel arrived here. I do not call that a part of the voyage when the vessel was coming up the river flying the Admiralty's flag, but the captain and crew had to be paid their wages during that time. All the expenses charged in the claim were expenses paid by the owner

of the vessel while she was lying in the river. All the other expenses of the trip had been already paid, and amounted to £1,500. I am satisfied that the Premier would not have made that statement if he had looked into the figures. I had a hope, but it is getting less every day, that when any matter was brought before this Assembly, and it was shown that a man had suffered an injustice, the members of this Assembly would see that injustice remedied. I am satisfied that injustice has been done to Mr. Hodgson, and that he has sustained great loss—greater than the actual money loss, because it has upset him so much during the last six months that it is likely to bring him to his grave. Anybody who looks at him now must be of that opinion. I had a hope that this question would be considered fairly, and that no party matters would be introduced; but the question has been considered by some to be a condemnation of the Government. I do not look upon it as a condemnation of the Government beyond what everybody in the colony must condemn—the appointment of Mr. Milman. That has been done, however, and cannot be got over. There is no doubt in my mind that Mr. Hodgson is entitled to compensation.

Mr. ANNEAR said: Mr. Speaker,—I am not going to give a silent vote. I believe, with the hon. gentleman who has just sat down, that we should approach this question without any bias whatever; but, after reading the evidence, I cannot help thinking that a great deal of bias was exhibited when the inquiry was held. I find that a great many of the questions were evidently concocted, and put in a very leading manner. I will not go so far as to say that the chairman of the committee has any interest in the decision arrived at by the committee or that he has any interest in the decision to which the House may arrive. I fully believe that the hon. member is sincere and considers he is doing his duty, no more and no less; but I think a mistake was made by Mr. Milman in going down to the ship and taking upon himself the duties he did take upon himself, and which he almost forced the Government to give him to do. We are told that he had leave of absence. He should have gone to New Guinea the same as any other gentleman would have done. He should have taken his holiday to himself, instead of interfering with the business of other people. It seems to me that Mr. Milman is a very officious gentleman. He wanted to make himself very prominent in doing a duty he was not asked to do, and I think the Government were to blame when they went so far as to say to him—"Report only." I think that the Premier should have said to him—"Mind your own business. Go and take your holiday trip."

Mr. MOREHEAD: "And never come back."

Mr. ANNEAR: That is the answer that should have been given. Perhaps, after hearing the able speeches made by the Premier and the leader of the Opposition, a simple mind like mine becomes somewhat unhinged as to knowing what to do; but I have no doubt that Mr. Hodgson has suffered a great injury. I cannot vote for the adoption of the report, however, because the evidence is very one-sided, but I intend to vote for the amendment moved by the hon. member for Cook, Mr. Lumley Hill. The gentlemen who sat on the select committee are well known to the House and to the country, and I believe they went into the question thoroughly unbiassed and with a determination to do their duty. I have seen Mr. Milman once, and I think I should know him again if I were to see him. I think he is a very officious person, and that he was the cause of all this trouble. If it had not been for

his pleasure trip, and for the weakness of the Government in saying "Report only," this case would never have been brought forward. Mr. Hodgson was engaged in a legalised trade, his vessel was under Government control, but if we adopt the report it will be as much as saying that the whole of the trade—some of which has been carried on in a shameful manner—has been carried on in a proper manner, that none of the abuses known to exist, and that none of the crimes for which men are now suffering, were committed. We know, however, that abuses have taken place, that crimes have been committed, and that sentences—not too heavy—have been passed on the men who have committed those crimes. It would be against law and order and against the ruling of the judges, especially the Chief Justice, a gentleman whose sincerity, honour, and integrity no one doubts, who is not only a credit to Queensland but to the whole of Australia, to adopt this report and thereby to reverse his decision.

Mr. BLACK: Confirm his decision.

Mr. ANNEAR: I do not think so. I hope substantial justice will be done—I do not wish to put off the evil day—to a gentleman who has suffered at the hands of Mr. Milman, and Mr. Milman only, for I firmly believe that had it not been for the advice given by Mr. Milman to Captain Marx, the "Forest King" would not have been seized. I have that faith in the Government that I believe, should this House decide that Mr. Hodgson has suffered a wrong and that we should redress it, they will see that redress faithfully carried out.

Mr. MOREHEAD said: Mr. Speaker,—I think myself that this question—and my mind is quite unbiassed in the matter—may be resolved into a nutshell. There was a certain decision arrived at by the Supreme Court with regard to this "Forest King," and after that the matter was relegated to a committee of this House. I think it can hardly be said that that committee had any undue bias in the direction which some hon. gentlemen on the other side of the House have shown in this matter. I think myself that there could not have been selected from this side of the House any three members whose politics were more uncoloured than the three members who were selected—that is to say, they could not be called strong partisans. There could not have been a more colourless tribunal; I do not mean colourless in the way of indicating that there was not capacity, but that there was a want of strong political bias. That, I think, will be admitted by everybody, and anyone who has read an account of the way in which the evidence was taken, will admit that it was taken in a perfectly fair manner. A report has been brought up by this committee, which should receive acceptance at the hands of this House, backed up as it is by the decision of the Supreme Court. Now, with regard to the composition of the Commission, which is a material matter to be considered in discussing this question, I think that every member of this House will agree with me that the tribunal which was appointed by this House was more competent to decide the matter than the tribunal appointed by the Government. Now, however, we will deal with this Mr. Milman. Mr. Milman is very chameleon-like. From my knowledge of that gentleman I have every reason to believe that when the late Government was in power he was very glad to serve them; perhaps he was too eager to serve them. He perhaps went beyond his duties as a police magistrate. When he found that the late Government were put out of power, and that there was likely to be trouble with regard to an election petition submitted to this House, he changed his colour again, and then thought he

would make friends with the mammon of unrighteousness, which he did, as is shown by his action on this Commission. The statement I have made can, I think, be borne out by facts. I could say more about that gentleman. I could point out that he was the first man in this colony, I believe, to employ kanakas and not pay them. He left them unpaid, and they had to be returned to their islands at the expense of the State. That is one fact I could record against that gentleman. I could also put this on record—that there is hardly a tradesman in Rockhampton who does not remember that gentleman very well, the record being that he has not paid his debts. He therefore was not an exceptionally good man to be put on this Commission. He was determined to right himself in the eyes of the powers that existed, and he did it, I believe, by bearing false witness. I think the report we have before us vindicates that statement on my part as regards Mr. Milman. Now, with regard to Mr. Buckland, the hon. member for Bulimba, whom I am sorry not to see in his place. What were his qualifications to be a judge in this matter? What did he know about it? He knew he had a very good thing on; he knew he was to get £450 to act on this Commission. A man who gets £450 paid by the Government side of the House is not at all likely to bring up a report adverse to what the Government expect. Now, sir, with regard to Mr. Rose. I do not know what his peculiar qualifications were that he should have been selected to be a member of that Commission. He was a man who was utterly ignorant of the question which he was appointed to inquire into. He certainly is a gentleman who, I believe, has been connected with Bulgarian outrages, or had to deal with Bulgarian outrages. He was sent out there, I believe, by some newspaper, and apparently finding the thing paid so well he came out here to discover Polynesian outrages. That appears to me to be the only logical reason that Mr. Rose was put on that Commission. He certainly was a man who rose very suddenly; I do not think any one would ever have known about Mr. Rose unless he had written advertisements about himself which appeared in the newspapers, and by which he succeeded in getting put on the Commission. I have very friendly feelings towards Mr. Rose, who, I believe, sits in the gallery and makes notes on us—except yourself, Mr. Speaker, you are exempted by your position—and I suppose we have a rod in pickle if we make any notes on him.

Mr. LUMLEY HILL : A rosebud.

Mr. MOREHEAD : I suppose that is a witty remark, but I must say my obtuse mind does not grasp the witticism intended by the hon. member for Cook, except that I believe he owns a station called "Rosebrook." That is the only possible connection I can see between "rosebud" and the statement I have made. But, sir, to come back to the subject-matter under discussion. I do not see, and never have seen, why Mr. Rose should have been appointed on this Commission, unless, indeed, the Government were afraid he would be such a literary power that he would scathe them with his literary flail if they did not give him something to do—that is to say, he was to be another 450-pounder. What other reason there was for putting this gentleman on the Commission I think this House has yet to learn. However, the Commission contained one individual, a member of this House, who was utterly ignorant on the subject he was to deal with; a second member of that Commission was a Civil servant who was upon his trial, and who was made judge of his own conduct, good or bad; and the third was an untried Scotch advocate, who had been

recently admitted to the bar, and who has, I believe, some literary pretensions, whether good or bad I do not know and I do not care. That was the composition of this extraordinary commission, which brought in a most extraordinary report. Well, the history of this case is as extraordinary as the constitution of the Commission, because, when the matter came to be dealt with by the highest court in the colony, there was an utter failure as regards the report of that Commission. Then when the matter is relegated to a committee of this House—certainly an unbiased committee, certainly a fair committee, I might almost call it an unfairly fair committee so far as dealing with the question relegated to them was concerned—they bring up a very strong report indicating that an enormous injustice has been done to an individual, and recommending that he should be recouped for the loss he had sustained. Now, with regard to the amendment of the hon. member for Cook, I do not know if it commends itself to other members of the House, but it does not commend itself to me, for, although recognising, as it does, the injustice under which Mr. Hodgson is suffering, it does not go so far as the recommendation of the committee very properly goes. I know that some hon. members may be in favour of the hon. member for Cook's resolution and will probably not vote for the recommendation of the committee, but I would ask them to consider the question in all its bearings. Here we have a recommendation brought up by a body of men whose capability no one would doubt, who have gone into an investigation in which they had no personal interest, and, after sifting the evidence, have come to a certain definite conclusion—namely, that Mr. Hodgson is entitled to compensation. Up to that point the amendment of the hon. member for Cook goes. But the committee go farther for a very good and sufficient reason, for if you admit their premises or the first part of their conclusions you must admit the second. Having found that Mr. Hodgson had suffered a loss and injustice they go on to assess that loss, a work which I think they were most competent to perform. I think it would be not only casting a slur on that committee to not pass their recommendation, but it would be prolonging the settlement of the question. We should accept the finding of the committee to which the matter was referred by this House as the verdict of a jury. The committee have stated that an injustice has been done, and have assessed the damages, and no good can be done by simply affirming the fact that Mr. Hodgson has been injured and at the same time depriving him of compensation.

Mr. HAMILTON said : Mr. Speaker,—At this late hour of the night I do not intend to go into the case in detail, but I do not care to give a silent vote on it. But first I must say that charges should not be made in this Chamber against any gentleman without any foundation. I refer to the statement made by my colleague, Mr. Hill, when he attacked Mr. Milman on a matter quite foreign to the case under discussion. I allude to his charge that Mr. Milman, when returning officer for Cook when the hon. member was rejected, had made him suffer by sending 500 ballot-papers to Herberton. Mr. Milman did that, as was subsequently proved before the Election Committee, at the request of the presiding officer there, who understood that he had from that centre to supply with ballot-papers the numerous polling-places which were in the vicinity of Herberton. At any rate, no one but a first-class ass could detect any impropriety in such conduct, as it is always desirable to have a spare supply of ballot-papers at places far removed from where they are printed, and they are useless unless the signature of the presiding

officer is upon them. The hon. member on several occasions informed the House that the so-called frauds at California Gully caused his rejection. That is untrue—and I will now so plainly prove this to the Committee that I think after this the hon. member will not repeat it. The grounds of the petition which the hon. member lodged against my election were, that at two places—California Gully and Halpin's—there were only 39 voters, yet 228 voted for me and 39 for Mr. Hill. His statement, that there were only 39 voters, had no foundation whatever, but even admitting it to be true, and wiping out the whole of the votes that were given for each at those two places—namely, Mr. Hill's 39 and my 228—even after doing this Mr. Hill had no chance whatever, as the number of votes I had was 835 to Mr. Hill's 579. The hon. member must also recollect that the committee unanimously agreed that, after hearing the whole of his evidence, it was not necessary for me to even contradict it, and that, even if it were true, it did not affect my return in any way. The Premier has stated that the real question is: Was the seizure of the "Forest King" unjustifiable, and if so who was to blame? If it was unjustifiable, Mr. Milman was to blame, because the action was taken on his report and he was the responsible officer of the Government. Upon his report the captain forfeited the vessel, and, in my opinion, he did not get all the evidence that was obtainable. There was evidence to show that he refused to accept any interpreters except his own man, who has subsequently confessed to Mr. Thompson he did not truthfully interpret what the boys said. Moreover, if it can be shown that every responsible individual on board had taken every possible precaution in getting these natives, that the provisions of the Act were complied with, then the seizure of the vessel would not be justified. It is only justifiable according to the Act if it is shown that these persons knowingly deceived the islanders. It has since been conclusively shown that every precaution was exercised by the Government agent, and that even if the boys did not understand their agreement, there was no intention on his part to deceive them. What was the evidence on which the seizure was made? It was the evidence of a blackfellow who has since admitted, on the testimony of the Government agent, that the evidence he gave was not true. The Premier attempted to mislead the House by stating that the captain of the "Swinger" seized the vessel on the evidence of Mr. Milman corroborated by Mr. Macfarlane and others. The evidence the vessel was seized on was Mr. Milman's statement to the captain of the "Swinger," that he was informed by Mr. Macfarlane that a blackfellow told him that some other blackfellows said that they did not understand their agreements. It appears that Mr. Milman sometimes asked Jerry questions and on other occasions asked Mr. Macfarlane to put them to Jerry. Mr. Macfarlane put them to Jerry in the Lifu tongue, then Jerry put them to the blackfellows in the Teste language; then the blackfellows replied to Jerry in the Teste language, who replied to Mr. Macfarlane in the Lifu tongue, and then Mr. Macfarlane interpreted the answers to Mr. Milman in English. Only two conclusions can be arrived at. Jerry was not a sufficient master of English to reply in that language to Mr. Macfarlane, and if so, it is only natural to suppose that, when he replied to Mr. Milman in English, he could not correctly give him the proper purport of the answers he got from the blackfellows. Also, when he received the questions from Mr. Milman, he could not be depended on to under-

stand the purport of them. If, on the other hand, he understood both what Mr. Milman said and was able to reply in English, then there is something sinister in the fact that he gave the purport of the answers to Mr. Macfarlane for that gentleman to put into English. But that is not all; the boy has since admitted that his evidence was untrue. The Premier also points to the Royal Commission as having justified Mr. Milman's report with regard to this vessel. Who was that Royal Commission composed of? I think it is a most indecent composition. Mr. Milman is actually there put in a position to report on his own action in connection with the "Forest King." Mr. Buckland was, no doubt, put in with a view to his receiving the gratuity of £450. On a previous occasion that gentleman handed over £600 to Mr. Griffith—a subscription which we recollect all about. There is such a thing as gratitude, and it is very easy to be grateful at the expense of the State. With regard to Mr. Rose, he was the only man on that Commission who was willing to give fair play. He desired to examine the Government agent and the various white men on that vessel, but that desire of his was overruled by the other members of the Commission. But the evidence taken by that Royal Commission has now been considerably shaken. For instance, one witness stated that Charlie was the interpreter when he was recruited, and it now turns out that Charlie did not join the vessel until some days subsequently to that man being recruited. In another case a man stated the whole details as to how he had been captured and put on board the vessel: it has since been proved by overwhelming evidence that he came in his own canoe. Mr. Thompson, a reliable witness, has also upset a good deal of the evidence that was given before the Royal Commission. But we have also the decision of the Vice-Admiralty Court, which occupied about as many days as Mr. Milman spent hours in examining the boys, and its decision should commend itself to any impartial man. The more this matter is inquired into the more flagrant it will appear, and I for one shall vote for the adoption of the report.

Mr. ALAND said: Mr. Speaker,—I have made one or two attempts to address the House on this question, and now that the opportunity to do so has arisen I will not detain hon. members very long. As a member of the select committee I should like to say that I thoroughly endorse the report as drawn up by the chairman. The committee had anything but a pleasant task assigned to it, for we felt that our report on the evidence must be more or less condemnatory of the Government. However, that consideration had no weight with the committee. We were appointed to do certain work, and I believe we did it faithfully and well. I was astonished at the assertion of the hon. member for Bundamba that the chairman of that committee held a brief for Mr. Hodgson, and I did not wonder at the indignation which that hon. member felt, nor that he was half disposed to throw up his commission. However, I am glad to say of our chairman that he stuck to his work manfully, and fulfilled his duties towards the committee in a way that was highly creditable to him. It has been occasionally said that the evidence we bring up is of an *ex parte* nature. Possibly it is, but so is the report of the Royal Commission. But we have the report of that Commission to go to; we have our own witnesses, and we have the report of the Vice-Admiralty Court. And seeing that our report is based, and, I maintain, fairly based, upon a full consideration of those three reports, our report cannot by any means be called an *ex parte* one. At this late hour I will not detain the House, for we are all anxious to get the matter closed.

Before sitting down I will say, to prevent any misconception similar to that which occurred on a previous occasion, that I have agreed to pair in the division on this question with Mr. Mellor.

Mr. SALKELD said : Mr. Speaker,—I have listened with great interest to the speeches that have been delivered on this subject, particularly those of the hon. member for Fassifern, the Premier, the member for Warrego, and the leader of the Opposition. I have also previously carefully gone through the reports of the Royal Commission and of the select committee, and they have both struck me as being to a certain extent one-sided inquiries. They are not what we understand by a trial in a court of law. Along with other members, I was struck with the number of leading questions which appear to have been asked by the chairman of this select committee. With fullest belief in the sincerity of that hon. member, I cannot help thinking that his manner of conducting the inquiry has minimised the value of the committee's report. Without unduly detaining the House, I would like to say that while the hon. member for Fassifern has shown himself extremely sensitive to the loss sustained by the petitioner in this case, and waxed eloquent in advocating that justice should be done, yet he never had a word to spare for those poor islanders who were taken on board the "Forest King," to say the least, unfairly, whether through the fault of the Government agent or the interpreter he would not undertake to say. It ought to have occurred to the hon. member for Fassifern that those men have rights. It was not their property merely, but their bodies, their liberty, their lives, that were at stake; and the hon. member had not a word to say on their behalf. I say a man's life and his health are of more importance than his pocket. That has been lost sight of to-night by the hon. member for Fassifern, who would have appeared to greater advantage to my mind and to the minds of the mass of the people of the colony if he had shown some consideration for the rights of those poor islanders, as well as for the rights of the petitioner in this case. The second finding of the committee is as follows :—

"That there is no evidence to show that the owner of the 'Forest King,' or anyone engaged on her during the voyage when she was seized by the 'Swinger,' was guilty of, or aware of, any breach of the laws and regulations affecting the recruiting of islanders in Polynesia."

We may believe that and yet believe that these islanders have been wrongfully recruited. There is no evidence to prove that the interpreters did not know they were doing wrong even though they might be satisfied that the white men on the vessel might not be aware of it. The evidence taken by the Royal Commission showed that these islanders did not understand their agreements. The only contention the select committee could set up is that if they did not understand their agreements it was not through any fault of the owner and white men on board the "Forest King," but that will not take them out of the difficulty as they cannot prove it was not the fault of the interpreters. If that was the case the same shield that would shield the owner and white men on the "Forest King" would equally shield Mr. Milman. He had certain information in his possession, and he went to verify it, and so far as he (Mr. Salkeld) could see it was correct. What did he do then? He gave the information to the Imperial officer whose duty it was to put a stop to kidnapping. If Mr. Milman had done what some hon. members say he should have done—minded his own business—what would have been the result? It reminds me of a notorious criminal at home who was hanged for murdering a

man, and his justification was that he was interfering with him, and did not mind his own business. Suppose Mr. Milman had done what some hon. members said he should have done, and minded his own business, even though he had that information in his possession—had he withheld that information, and had the vessel come into port, and the information given to Mr. Milman been proved correct—what would have been said of that gentleman? The hon. member for Fassifern would have been one of the first to condemn him. All right-minded men in this colony and in the civilised world would condemn him, and the Government would have had no option but to have dismissed him. Hon. members are losing sight of the fact that the great question, in considering what is the truth of the matter, is the trustworthiness of the interpreters. The greater weight of evidence supports the supposition that those men were brought away without understanding what they were coming for, or for how long they were coming. The hon. member for Fassifern said he did not place much value on the evidence of kanakas or semi-savages when compared with the evidence of white men; but there are white men and white men.

Mr. MIDGLEY : I did not say that I put no confidence in the evidence of black men as contrasted with that of white men. What I said was, that under no possible circumstances that I could imagine would it be right to take the evidence of black men or semi-savages to the exclusion of the evidence of white men; and I said that there might be cases in which the evidence of a black man might be better than the evidence of a white man, but that in no case could I accept their evidence to the exclusion of the evidence of white men. That is just the very opposite of what the hon. member has said that I said.

Mr. SALKELD : I do not wish to misrepresent the hon. gentleman, but if his words mean anything, they mean that he would not take the evidence of semi-savages.

Mr. MIDGLEY : To the exclusion of the evidence of white men.

Mr. MOREHEAD : The term "semi-savage" would apply to the hon. member for Ipswich.

Mr. SALKELD : I take no notice of the remarks of the hon. member for Balonne. He is sometimes witty and at other times very silly and offensive. I understood the hon. member for Fassifern to say that he would prefer to take the evidence of white men if he could get it; and I say there are white men and white men, and we all know that the evidence of men who are interested in the result of an inquiry cannot be considered as valuable as the evidence of persons who are not so interested.

Mr. MIDGLEY : That applies to black men as well as to white men.

Mr. SALKELD : Of course it does; but there were a great many more islanders examined than white men. Mr. Hodgson undertook to tell the committee that those men understood their agreements, and yet he had never been on the "Forest King" at all. We should not want interpreters at all if we could have had a man living in town here who could give us all the information. The Government agent, owner, captain, and boatswain of the "Forest King" were examined by the committee; and, if the evidence taken by the Royal Commission was accepted, all these men would have been very seriously compromised, so that they are certainly interested in upsetting the report of the Commission. I shall not vote for the adoption of the committee's report, on the ground I have before

stated—that it is a very one-sided inquiry—quite as one-sided as the report of the Royal Commission. That is also one-sided; but I believe that the balance of evidence is in favour of the report of the Royal Commission.

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

The House divided :—

AYES, 15.

Sir T. McIlwraith, Messrs. Norton, Hamilton, Black, Stevenson, Lissner, Kellett, Midgley, Donaldson, Kates, Ferguson, Palmer, Stevens, Lumley Hill, and Morehead.

NOES, 23.

Messrs. Dickson, Rutledge, Miles, Moreton, Dutton, Higson, Sheridan, Foxton, Griffith, Fraser, McMaster, Bulcock, Smyth, Bailey, Campbell, Brookes, Grimes, Buckland, Jordan, Isambert, Annear, Salkeld, and Macfarlane.

Pairs: Mr. Aland for the "Ayes," Mr. Mellor for the "Noes"; Mr. Chubb for the "Ayes," Mr. Beattie for the "Noes"; Mr. Macrossan for the "Ayes," Mr. Foote for the "Noes."

Question resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put.

The House divided :—

AYES, 16.

Sir T. McIlwraith, Messrs. Norton, Hamilton, Lissner, Midgley, Stevenson, Kellett, Black, Kates, Lumley Hill, Donaldson, Palmer, Annear, Morehead, Stevens, and Ferguson.

NOES, 22.

Messrs. Dickson, Griffith, Rutledge, Miles, Moreton, Sheridan, Dutton, Higson, Foxton, McMaster, Fraser, Bulcock, Campbell, Bailey, Grimes, Jordan, Isambert, Buckland, Brookes, Salkeld, Macfarlane, and Smyth.

Pairs: Mr. Aland for the "Ayes," Mr. Mellor for the "Noes"; Mr. Chubb for the "Ayes," Mr. Beattie for the "Noes"; Mr. Macrossan for the "Ayes," Mr. Foote for the "Noes."

Question resolved in the negative.

#### ADJOURNMENT.

The PREMIER said: I move that this House do now adjourn.

The HON. SIR T. McILWRAITH said: I suppose there is no business on the paper but the Estimates?

The PREMIER: As we are likely to be sitting some days next week, we may make some progress with other business.

Mr. MOREHEAD: I do not quite understand the Premier's reference to other business. What measures do the Government propose to bring forward? It will be well to know definitely what the Premier intends to do.

The PREMIER said: I shall be glad to dispose of the Justices Bill if there should be time, although I do not propose to ask the House to sit for that purpose. If we are sitting for other purposes we may as well go on with other business than the Estimates.

Mr. BLACK: What is the position in which the "Forest King" is left? The report, I assume, is not adopted. I am astonished that the Premier should not have had sufficient courage to press the real question to a division, but I assume that he wishes the matter to be shunted for the session. Although the question has been well ventilated, I assume that no decision has been arrived at.

The HON. SIR T. McILWRAITH said: The Premier makes a suggestion as to how we should spend our time next week when the other

Chamber is deliberating. The Government have not kept their promise in providing a day for a discussion of the case which has been on to-night, for it has been taken on private members' day.

The PREMIER: That was not our fault.

The HON. SIR T. McILWRAITH: No; it is not the fault of the Government, but it is their manipulation. I do not think the case we have had before us to-night has been thoroughly ventilated, and before any other business is brought forward it would be advisable that we should have a further discussion upon it. It is perfectly evident that the whole strength of the Government has been brought forward to defeat this motion, and that if the report had been adopted it would have been a censure upon the Government. There is no doubt that the Premier has rounded up his followers and held a caucus meeting, at which it was decided to vote in a body. It requires the whole of the prestige of the Government to defeat their motion. The Premier has drawn the attention of the House to a great deal of evidence, and I would like to do the same; and if we have a spare night we might as well have another discussion upon that case.

Mr. STEVENSON said: Some time ago when the Elections Bill was before the House, I understood that an understanding had been come to between the leader of the Opposition about a Bill being introduced to provide for the creation of some tribunal for the purpose of trying election petitions. I should like to ask the Premier whether he intends to bring that Bill forward this session?

The PREMIER: No.

Mr. STEVENSON: The hon. gentleman made that promise, and he should carry it out.

The PREMIER: I made no such promise.

Mr. STEVENSON: Anyhow, I should like to hear what the hon. gentleman has got to say on the question.

Mr. ANNEAR said: Mr. Speaker,—There is a Bill that affects this colony greatly, and one in which every person is deeply interested, and which has been well considered in another place. I wish to ask the Premier if the Justices Bill will go through next week? It has passed through the Upper House and has been carefully scrutinised by able men there. I hope the session will not close until that Bill is passed.

Mr. HAMILTON said: Mr. Speaker,—I must say that the hon. Minister for Works has mistaken his vocation. If he were as good a buffoon as he is a bad Minister for Works, he would make his fortune. If the Premier did not distinctly state that he would deal with the matter of the Elections and Qualifications Tribunal this session, he conveyed that impression. I have been positively assured that the seat of one hon. gentleman opposite is to be challenged on the same ground as that of the late hon. member for Aubigny—that of Mr. Bulcock. It is exceedingly childish of the Premier to walk out of the House when any member asks him a question. He should stay and answer it.

Mr. ALAND said: Mr. Speaker,—I have been in the House for several sessions; but I have never seen, until this session, the leader of the Government cross-questioned by every hon. member of the Opposition as to the conduct of business. They may have a right to do so, but it has not been done before. The leader of the Opposition and the leader of the Government have always arranged the matter between themselves. In reference to the promise which it has been alleged the Premier made concerning a Bill to provide a substitute for the



Elections and Qualifications Committee, I can distinctly state that there was no promise given on the subject. He promised that the matter should receive the future consideration of the Government as to what that tribunal should be before which disputed elections should be tried.

Mr. MOREHEAD said: Mr. Speaker,—I rise to a point of order. I assert that the hon. gentleman has stated what is not true.

Mr. ALAND: Is that a proper expression?

Mr. MOREHEAD: I maintain that the Premier did state to this House—

The SPEAKER: I hardly think that is a point of order.

Question put, and the House divided.

There being no tellers for the "Noes," the question was resolved in the affirmative.

The House adjourned at seventeen minutes past 12 o'clock.