many years past without the assistance of camels. I may say that there is no wool coming to Cunnamulla by camels that could not be equally well brought by teams. It is a mere matter of business. I trust the Home Secretary will see his way to introduce some legislation—say the hon. member for Barcoo said—as speedily as possible to protect the carriers who have done so much for the district in past times.

[7.30 p.m.] I beg, with the consent of the House, to withdraw my motion.

HONORABLE MEMBERS: Hear, hear!

Motion, by leave, withdrawn.

CRIMINAL CODE BILL.

Resumption of Committee.

Clauses 360 to 369 put and passed.

On clause 394—"Frauds, etc., received by agents for sale", Mr. GIVENS moved the omission of the words "eighteen" with or without solitary confinement," on line 9, subsection 1.

The ATTORNEY-GENERAL: I accept that amendment. Amendment agreed to.

The ATTORNEY-GENERAL moved the omission of the words "eighteen," with a view of inserting the word "seven.".

Mr. GIVENS: What about the words on the 12th and 15th lines, subjecting the offender to imprisonment for life with hard labour?

The ATTORNEY-GENERAL: That's the bushranging subsection.

Mr. DUNSFORD (Charters Towers): Quite a number of persons mortgaged their furniture for very small amounts, and he could conceive of a poor woman mortgaging her sewing machine in order to get a loaf of bread. It would be very hard in such a case if the mortgagor were liable to seven years' imprisonment for dealing with the proceeds of property entrusted to him. The Bill provided the term used, and he thought the offence of fraudulently dealing with those goods would be sufficiently met by a punishment of three years. Amendment put and negatived, and clause passed as printed.

On clause 395—"Punishment of stealing," Mr. GIVENS moved the omission of the words "with or without solitary confinement," on line 9.

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

On clause 396—"Punishment of stealing," Mr. GIVENS moved the omission from line 13 of the word "life", with the view of inserting the words "fourteen years for "life, with or without solitary confinement.

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

On clause 397—"Attempted robbery, accompanied by wounding, or in company," Mr. GIVENS moved the omission from line 13 of the word "life," with or without solitary confinement. Amendment agreed to; and clause, as amended, put and passed.

On clause 398—"Punishment of stealing," Mr. GIVENS moved the omission of the words "with or without solitary confinement," on line 9.

Amendment agreed to.

The ATTORNEY-GENERAL moved the omission of the words "eighteen" with or without solitary confinement," on line 9, subsection 1.

The ATTORNEY-GENERAL: I accept that amendment. Amendment agreed to.

On clause 399—"Concealing registers," Mr. GIVENS moved the omission of the word "with or without solitary confinement," on the 46th and 56th lines.

Amendment agreed to.

On clause 400—"Concealing wills," Mr. GIVENS moved the omission of the word "with or without solitary confinement," on the 46th and 56th lines.

Amendment agreed to.

The ATTORNEY-GENERAL moved the omission from line 13 of the word "life," with the view of inserting the words "fourteen years.

Amendment agreed to.

Mr. GIVENS (Queensland) pointed out that in a former clause which they had passed it was provided for dispossession of stealing by directors or officers of companies might be seven years with hard labour. He failed to see why that should be deemed a crime, and the fraudulent disposition of mortgaged goods be classed as a misdemeanour. He, therefore, moved the omission of the word "misdemeanour", with the view of inserting the word "crime." If that were agreed to he would move another amendment subsequently.
A similar amendment was made in the last paragraph of the clause. Clause, as amended, put and passed.

Clauses 420, 421, and 422 passed with similar amendments.

Clauses 423 to 436, inclusive, put and passed.

On clause 437—"Obtaining goods by false pretenses"—

Mr. GIVENS (Carineal) moved the omission of the words "with or without solitary confinement," at the end of the last paragraph.

The ATTORNEY-GENERAL said this was a very common offence. There was no way by which tradesmen and others were more frequently swindled than by men obtaining goods on false pretences, and he did not think that in a case of this kind the Committee should be too avaricious. A man who went into a shop and presented a valuable cheque, and obtained goods in that way, got off very lightly when the maximum term of imprisonment was three years. He did not feel disposed to accept any amendment in the clause.

Amendment negatived, and clause put and passed.

Clauses 428, 429, and 430 put and passed.

Clause 431 was agreed to with a verbal amendment.

On clause 432—"Pretending to exercise witchcraft or tell fortunes"—

After a verbal amendment, Mr. DUNSFORD said he thought the age for the punishment of witchcraft was passed. People were not swindled by fortune-tellers deserved to be taken in. Fortune-telling should not be considered a crime, and he did not see any necessity for this clause.

The ATTORNEY-GENERAL: This clause did not deal with the dark ages. These fortune-telling people were generally foreigners, whom it was not desirable to encourage—Ido persons were swindled by them.

Clause, as amended, put and passed.

Clauses 433 and 435 were, on the motion of Mr. GIVENS, amended by the omission of the words "with or without solitary confinement," on lines 24 and 26, and agreed to.

Clauses 434 and 435 put and passed.

On clause 436—"Directors and officers of companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts"—

Mr. GIVENS moved to omit the words "with or without solitary confinement," on line 55.

Mr. JENKINSON trusted that the Attorney-GENERAL would see his way to increase the punishment for this fearful offence.

Mr. GIVENS, by leave of the Committee, withdrew his amendment.

Mr. JENKINSON moved that the word "seven" be omitted, with a view of inserting the word "ten," on line 55.

The ATTORNEY-GENERAL did not see any reason for making the proposed alteration. The Committee had divided punishments into different clauses—life, fourteen years, and seven years—and there was no punishment provided in the Code for ten years.

Mr. JENKINSON: Make it fourteen years.

The ATTORNEY-GENERAL: No; he thought seven years was quite enough. It was not so serious an offence as some of those to which they had attached the punishment of seven years; and if they retained the solitary confinement, about the terror of which they had heard as much, that punishment would be quite sufficient.

Mr. HIGGS (Fortitude Falls) thought they might let the punishment in this clause go, as they had passed the previous clause which rendered trustees fraudulently disposing of trust property liable to imprisonment for seven years, and a director was very much in the position of a trustee.

Amendment put and negatived.

Mr. GIVENS did not think the offence mentioned in this clause as serious an offences as fraud by trustees. Trustees might defraud orphan children, but a director or officer of a company falsifying the books of a corporation, or destroying or mutilating any book or document, might only defraud a wealthy company of a few pounds. He therefore moved the omission of the words "with or without solitary confinement." Amendment put and negatived; and clause passed as printed.

On clause 438—"False statements by officials of companies"—

Mr. GIVENS moved the omission of the words "with or without solitary confinement.

The ATTORNEY-GENERAL did not know whether a man like Jabez Balfour would be considered hardly dealt with if he had a term of solitary confinement, but he thought if they had articles of that description in the community they might leave them to the mild fate proposed in the Bill.

Amendment put and negatived; and clause put and passed.

Clause 439 put and passed.

On clause 440—"Misappropriation by members of local authorities"—

Mr. FOGARTY (Droiton and Toowoomba) thought this clause required some consideration. As he read it, a member of a local authority would be liable to imprisonment for two years if he voted a donation of five guineas to the local hospital, or for applying money derived from water rates to the improvement of the roads in the municipality or division.

The ATTORNEY-GENERAL did not think there was any likelihood of any member of a local authority being prosecuted for anything of the kind mentioned by the hon. member—that was, for spending money in a local fund in the interest of the general public, though it might not technically come within the powers conferred upon local authorities with regard to the expenditure of money. Still it was very necessary to have a check upon the profligacy which some members of local authorities had been known to spend the ratepayers' money in an improper way, as, for instance, on a scheme to perpetuate the memory of a mayor or chairman, or in some other way that was manifestly wrong to the ratepayers.

Mr. FOGARTY: Was it not within the province of any ratepayer to take action under that clause against a member of a local body in the event of his voting a donation to the hospital, or applying the revenue derived from water rates to street improvements? He should consider that he was dealt very harshly with if he was prosecuted for any such action.

Mr. GIVENS had noticed that although those things were against the law yet the local authorities generally found a way of getting over the difficulty. He knew of a case where a local authority incurred an expense of £20 for a banquet, and when certain ratepayers threatened to take action in the matter they voted the amount as an allowance to the mayor, which was within their rights. He did not think the penalty provided by the clause was a bit too severe for a breach of public trust.

The ATTORNEY-GENERAL would try and meet the objection of the hon. member for Drayton and Toowoomba by putting in a few words which would safeguard honest men who made a mistake. He moved that the following words be added after the last line of the clause: "A prosecution for either of the offences defined in this section cannot be begun except by the direction of a Crown Law Officer."
Mr. RYLAND (Gympie) was sorry he could not agree with the amendment. It made the clause worse than it was previously. He should like to see it amended, so as to protect members of local bodies when they acted in ignorance.

The ATTORNEY-GENERAL: The case cited by the hon. member for Drayton and Torrington was a case in point. Local authorities had no right to devote money to the local hospital. They had no right to devote their funds to any purpose, no matter how benevolent it might be, not authorised by the Local Government Act or the Divisional Boards Act; but members of local authorities should not be subjected to the indignity of being brought before a court for a misdemeanor at the instance of a man of vindictive nature. It was impossible to provide for every possible misapplication of funds, but provision must be made for wilful misapplication.

Mr. JENKINSON: Does that apply to the cases of members treating themselves to a dinner once a month? It is done frequently.

The ATTORNEY-GENERAL: That is not a grievous matter, after a man had travelled forty or fifty miles.

Mr. JENKINSON: I am not complaining; but would they be liable?

The ATTORNEY-GENERAL: They would be liable, but if the clause were amended in the way he suggested they would be protected.

Mr. LESINA was strongly of opinion that the clause should be held in its integrity. Many of the members of divisional boards and other local bodies had the habit of spending public money which, under ordinary circumstances, should be devoted to the requirements of the constituency. For instance, they spent £70 or £80 in entertaining some distinguished individual who spent about twenty-four hours in the place, who had not seen it before, and who had never done anything towards advancing its welfare. Men who spent money in that way should be prosecuted. If a boy pulled down a pair of boots outside a shop, and appropriated the property of the shopkeeper, he was liable to be whipped and sent to gaol, and the man who misappropriated public money should also be punished. The Crown Prosecutor should not be allowed to step in and protect him.

Mr. RYLAND: He did not think any amendment was necessary. Let the clause remain. There was another thing the local authorities did. That was to raise money for one purpose and devote it to another. For example, they levied a rate within a certain benefited area; but, instead of spending the money within that area, they spent it outside. In that way, great injustice was done. He should certainly vote for the clause remaining as it was.

Amendment put and passed, and clause put and passed.

Clauses 441 to 460, inclusive, put and passed.

Clauses 461, 462, and 463 were amended by the omission in each case of the provision for punishment by whipping.

On clause 464—" Attempting to set fire to crops, etc."

The ATTORNEY-GENERAL moved the omission of the words "and with or without whipping."

Mr. DUNSFORD thought seven years was too great and heavy a penalty for attempting to set fire to a sapling, or a shrub, or a standing tree, or heath, or for a crop of fresh grass, and he would ask the hon. gentleman to withdraw his amendment in order that he might move an amendment to reduce the term.

The ATTORNEY-GENERAL: A man might get six months for what the hon. member had mentioned. The heath was, for example, for a man who attempted to set fire to a man's stack of wheat or hay, and was caught just before he applied the brand. He could not accept an amendment in the direction indicated by the hon. member.

Mr. DUNSFORD: But you could withdraw yours out of courtesy, and let me move one.

The ATTORNEY-GENERAL said he could not accept it, and there was no use in wasting time. Amendment agreed to; and clause, as amended, put and passed.

Clauses 465 and 466 put and passed.

On clause 467—"Obstructing and injuring railways."

Mr. DUNSFORD moved the omission of the words "with or without whipping."

Mr. LESINA: That is not good sense in any instance, since there might be cases where the lives of many persons might be endangered. Men who travelled on the railway were entitled to a sense of security, so he could not accept the amendment.

Mr. LESINA: Could not see what good it did a man by floging him when he was imprisoned for life.

The ATTORNEY-GENERAL: It is a deterrent to other eviil-disposed persons.

Mr. LESINA: What right had they to mutilate a man's body to prevent other persons from committing crimes? Seeing that the offender was imprisoned for life, how could it affect anybody else.

The ATTORNEY-GENERAL: It prevents other rascals from committing these crimes.

Mr. LESINA: He did not see that, seeing that the very fact of a man being liable to imprisonment for life was not a sufficient deterrent. Flogging degraded everybody concerned in the punishment, and he contended that it had no moral or reforming effect whatever. If a drunken driver wrecked a railway train would he be flogged? Yet he would be as guilty as a man who put a piece of wood under a railway. No justification whatever had been shown for this punishment of flogging them.

The ATTORNEY-GENERAL hoped that they were not going to blood the whole matter over this matter. He had informed hon. members that he would relinquish the severe provisions of the Code as far as he could, and he had kept his word. He hoped that hon. members would try to push on with work.

Clause put and passed.

On clause 468—"Injuring animals."

The ATTORNEY-GENERAL moved the omission of the word "fourteen" with a view of inserting the word "seven."

Mr. DUNSFORD moved the omission of the words "with or without solitary confinement," on the 4th and 5th lines, on page 127.

The ATTORNEY-GENERAL: It was a case of the mere killing of a horse without putting it to unnecessary torture, a person would not go to that extreme punishment, but they knew very well that there were some men who took vengeance on other people by inflicting cruel torture on horses and other animals, and in such cases the punishment was not too severe.

Mr. LESINA: There was great inconsistency in the punishments proposed in the Code. A man like Jabez Balfour, whose robberies had caused the ruination of many humble people who had invested their savings in the institutions of which he was a director—and about fourteen of those persons had been driven to commit suicide by the stress of misery they suffered—would be liable to seven years' imprisonment, with or without solitary confinement. And in the
The ATTORNEY-GENERAL: Cutting a horse’s throat is not mutilating it.

Mr. LISINA: What was mutilation then?

The ATTORNEY-GENERAL: Cutting a horse’s tongue out would be mutilation; you would not stand up for a man like that, would you?

Mr. LISINA: No, but he objected to any man, even a man like Jabez Halfour, being subjected to solitary confinement, as it would not reform him; it would be calculated to weaken his mind and make him a raving lunatic.

The ATTORNEY-GENERAL: How long is the sentence of solitary confinement?

Mr. LISINA: Fourteen years.

The ATTORNEY-GENERAL: Would solitary confinement be adequate for the sentence of solitary confinement?

Mr. LISINA: I think not. The man who cut a horse’s throat, or the throat of a sheep, or otherwise mutilated it, should be liable to the same punishment. That morbid, wanton, pathy kind of sentiment was all very well in a drawing-room, but he held that there was a vast difference in the two offences.

The ATTORNEY-GENERAL: Cutting a horse’s throat is not mutilating it.

Mr. LISINA: What was mutilation then?

The ATTORNEY-GENERAL: Cutting a horse’s tongue out would be mutilation; you would not stand up for a man like that, would you?

Mr. LISINA: No, but he objected to any man, even a man like Jabez Halfour, being subjected to solitary confinement, as it would not reform him; it was calculated to weaken his mind and make him a raving lunatic.

The ATTORNEY-GENERAL: The principle of the provision relating to any person who with intent to injure a mine or to obstruct the working of a mine “unlawfully, and with intent to render it useless, unfastens a rope, chain, or tackle, of whatever material, which is used in the mine.” That dealt entirely with rendering a rope useless, but any miner who knew that a rope might be seriously damaged or injured and not be rendered useless, and the crime might be much worse than if the rope were rendered useless. A rope might be seriously injured by being hit with a hammer, for instance, and it would not be unfastened at all. He asked the hon. gentleman to make the provision more definite as to deal with the offence of injuring a rope and making it less strong than it would be if it had not been injured.

The ATTORNEY-GENERAL: The provision is calculated to deal with an explosive substance—cyanide of potassium—and if this provision had been in force then the persons who played that practical joke which was played some years ago with an explosive substance—

Mr. GIVENS: In this clause punishment by imprisonment with hard labour for life “with or without solitary confinement” was provided. He had no sympathy with persons who used dangerous explosives, but the word “dangerous” was not used in the section dealing with punishment in special cases. He had a distinct recollection of a practical joke which was played some years ago with an explosive substance—cyanide of potassium—and if this provision had been in force then the persons who played that joke would have been liable to imprisonment with hard labour for life, with or without solitary confinement, and with or without whipping. He did not wish to move an amendment, but he hoped the Attorney-General would himself propose a reduction in the punishment.

The ATTORNEY-GENERAL: This was a most serious offence. It was a thing against which a person had no chance of defending himself. For instance, a man might put an infernal machine on board a ship and blow it up. He did not think that a man who would have recourse to that kind of thing was deserving of the smallest amount of sympathy.

Mr. LISINA: I would take “whipping” out.

Mr. GIVENS: He did not think the punishment would be inflicted unless the explosive was of a specially dangerous nature. If the clause were passed as printed, the person who perpetrated a practical joke of that kind would be subject to this severe punishment.

The Hon. SECRETARY FOR PUBLIC LANDS: He would not deserve any sympathy.

The ATTORNEY-GENERAL: He would not be liable.

Mr. GIVENS: He objected to leaving anything to a judge which could be defined. If a man threw a rocket into a crowd, not knowing the exact danger of a rocket, he would be liable. He would also be liable if he threw in a packet of crackers.

The ATTORNEY-GENERAL: That would not be an offence.

Mr. GIVENS: In order to test the feeling of the Committee he moved to strike out the words “with or without whipping” and have it be “committed.” When a man got solitary confinement for life, whipping might be omitted.

Amendment put and negatived.

The ATTORNEY-GENERAL: Having a further amendment to move—namely, that in the clause the words “with or without whipping” be omitted. When a man got solitary confinement for life, whipping might be omitted.

Amendment put and passed; and clause agreed to with consequential amendments.

Clause 170 amended by omitting the provision for punishment by whipping.

On clause 471—“...to injure mines”—

Mr. FISHER drew attention to the incompleteness of the provision relating to any person who with intent to injure a mine or to obstruct the working of a mine “unlawfully, and with intent to render it useless, unfastens a rope, chain, or tackle, of whatever material, which is used in the mine.” That dealt entirely with rendering a rope useless, but any miner who knew that a rope might be seriously damaged or injured and not be rendered useless, and the crime might be much worse than if the rope were rendered useless. A rope might be seriously injured by being hit with a hammer, for instance, and it would not be unfastened at all. He asked the hon. gentleman to make the provision more definite as to deal with the offence of injuring a rope and making it less strong than it would be if it had not been injured.

The ATTORNEY-GENERAL: The provision is calculated to deal with an explosive substance—cyanide of potassium—and if this provision had been in force then the persons who played that practical joke which was played some years ago with an explosive substance—cyanide of potassium—and if this provision had been in force then the persons who played that joke would have been liable to imprisonment with hard labour for life, with or without solitary confinement, and with or without whipping.

Mr. LESINA contended that the arguments of the Committee he moved that the words “with or without whipping” be omitted.

Amendment put and passed; and clause agreed to with consequential amendments.

On clause 473—“...injuring or interfering with navigation works”—

The ATTORNEY-GENERAL moved a similar amendment to that moved on the preceding clause.

The SECRETARY FOR PUBLIC LANDS did not wish to oppose any amendment, but he pointed out that where a boy was brought up for interfering with marine signals, or doing damage to railway lines, and so on, it would be much better for him to be whipped than to be sent to gaol where he would associate with criminals. Therefore what some people regarded as a mitigation of crime might have the contrary effect.

Mr. LESINA contended that the arguments of the Secretary for Lands cut the ground from under their feet with regard to criminal punishment, because he admitted that the imprisonment of boys would have a demoralizing effect. He (Mr. Lesina) contended that it had a brutalizing effect, and although boys were brought up in the old country, it might have a moral effect, because it was administered by an official.

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

Clause 474 put and passed.
On clause 475—"Travelling with infected animals"—Mr. LESTINA asked if the clause would cover a man travelling with an animal in a quarantine area not knowing that the animal suffered from an infectious disease?

The ATTORNEY-GENERAL: No. Clause put and passed.

Clauses 476 put and passed.

Clause 477—"Obstructing railways"—put and passed.

On clause 478—"Sending letters threatening to burn or destroy"—Mr. GIVENS: Move the omission of the words "with or without solitary confinement, as well.

The ATTORNEY-GENERAL: Well, he would do so, but he did it with very great reluctance, because it was a most cowardly thing to send letters of that description. He moved the omission of the words "with or without solitary confinement, and with or without whipping." Amendment agreed to; and clause, as amended, put and passed.

Clause 479—"Arrest without warrant"—put and passed.

The ATTORNEY-GENERAL did not think it was necessary to take the clauses in the next chapter separately, as they simply gave power to the justice to deal with certain offences summarily, and were in the direction of mercy. With the leave of the Committee he would move that clauses 480 to 487, inclusive, stand part of the Bill. Clauses put and passed.

The ATTORNEY-GENERAL: The next chapter referred to legal definitions of forgery and like offences, and he did not think anybody could complain of the accuracy of those definitions. He moved that clauses 488 to 489, inclusive, stand part of the Bill. Clause put and passed.

The ATTORNEY-GENERAL: Punishment of forgery in general.

Mr. GIVENS said he did not think that forgery was such a serious crime that it should be punished with solitary confinement; and he noticed that any forging of public seals the offender was liable to imprisonment with hard labour for life, with or without solitary confinement. Imprisonment for life was severe enough, and he moved the omission of the words "with or without solitary confinement." Amendment agreed to; and clause, as amended, put and passed.

Mr. HARDIE asked whether the seal referred to in the clause was a seal used for private purposes, or for stamping public documents?

The ATTORNEY-GENERAL: It was a great seal which was stamped on documents of high State importance, and to allow a man to forge such a seal might involve chaos. Such a crime was not a crime against any individual, or two or three individuals, but it was a crime against the entire State, and should be regarded as one of the most severe crime.

Amendment put and passed.

The ATTORNEY-GENERAL: The other cases in the clause did not seem to him to be of so serious a nature, and he therefore moved the omission of the word "life," in the paragraph of section 2, with the view of inserting the words "fourteen years.

Mr. GIVENS: Leave out "with or without solitary confinement" also.

The ATTORNEY-GENERAL: The forging of evidence of title, of deeds, and of bank notes was a serious crime, and gangs of forgers were dangerous enemies to the community. He was meeting hon. members very fairly in that matter, and he trusted they would accept the amendment he proposed. He could not, give way on the matter of solitary confinement in this case.

Clauses 489 to 492 put and passed.

On clause 493—"Obliterating crossings on cheques"—Mr. GIVENS thought that as they had made such good progress the Attorney-General ought to be satisfied, and he suggested that this clause, which was an important and contentious one, might be postponed. If the hon. gentleman would not accept the suggestion, then they would have to discuss it. According to this clause if a
man spoke to a workman in the course of business, during an industrial dispute, he would be liable to imprisonment.

The ATTORNEY-GENERAL: No.

Mr. FISHER: Yes, under subsection 3.

Mr. GIVENS: That would be the case under that subsection, which he took exception to. The clause, in his opinion, was a very important one, and he thought it should be discussed in a full Committee.

The ATTORNEY-GENERAL: There could be no object in postponing the clause. He was anxious to get on with the Bill, and there was no question of getting on with it to-morrow, and Thursday was private members' day up till tea time. The law under this section was more liberal than the English law on the subject, and there was nothing contentious in subsections 1 and 2, but there might be something to be said about subsection 3.

Mr. FISHER: "Compulsion" is very comprehensive.

The ATTORNEY-GENERAL: Say a man was blocked by a number of people for a long time by keeping close to him and the place he wants to go to.

Mr. FISHER: That is dealt with in paragraph 1, which dealt with "mobbing.

The ATTORNEY-GENERAL: He did not care to stop at this stage of the Bill, and they might as well go on with the discussion now.

Mr. HIGGS moved the omission of the words "or by besetting the house or place [10.30 p.m.] of work of another." He thought that would be dealt with under another section. Picketing was recognised as a fair act during an industrial dispute.

The ATTORNEY-GENERAL: This is not picketing.

Mr. HIGGS: If a man was walking down the street, it might be construed into an offence under the clause, and he might be sentenced to three months. Of course, if a man loitered during an industrial dispute, the police could move him on.

The ATTORNEY-GENERAL: Besetting had a distinct legal significance. It meant mobbing, hemming in, or keeping close to a man's house. It would be a most improper thing for a number of persons to surround a man's house so as to cause him to regard himself as a prisoner in his own house, and it would have a terrifying effect on his wife and children, and even on himself. He did not see why they should tolerate such a thing. The clause went on, in the next place, to deal with following in a disorderly manner in a public highway, then molesting a man, and then obstructing him by any physical act in the pursuit of his lawful vocation.

Mr. HIGGS: A mob can be moved on by the police.

The ATTORNEY-GENERAL: They might if the town by-laws provided for it. The absolute prevention of a man from carrying on his work, or getting to his place of employment, was an extreme thing, and he really saw no hardship in the clause.

Mr. GIVENS: If besetting meant surrounding a house, so as to terrify the inmates, it could very easily be dealt with under clauses they had passed referring to rioting.

The ATTORNEY-GENERAL: It is not necessarily rioting; they might be saying nothing.

Mr. GIVENS: If he was quietly in the street talking to others he did not think he could be punished at all under that clause. It seemed to be particularly aimed at the so-called offence of picketing. According to the clause, one person could not be found guilty of the offence of besetting the house of another, and surely the hon. gentleman did not contend that one man could mob a house.

The ATTORNEY-GENERAL: The singular includes the plural, you know.

Mr. GIVENS: It also included the singular, so that, according to the hon. gentleman, one man could mob a house.

The ATTORNEY-GENERAL: No.

Mr. GIVENS: The whole crux of the matter was that if a man was guilty of the so-called offence of picketing—that was, putting a man in such a position that he might interview the workmen going to or from a particular place of work where there was a strike on, and put the facts clearly before them—he was guilty of an offence under the clause. He saw no danger in accepting the amendment. Subsequent subsections provided sufficient safeguards against any illegal acts. The clause was a very contentious one, and one in regard to which hon. members on that side felt strongly, because they had known instances in Queensland where laws of that kind had been interpreted very harshly towards workmen. They did not propose to eliminate the latter portions of the clause, but they wished to make it clear that the act of speaking to a man, and placing before him the facts in connection with any industrial dispute, should no longer be regarded as a crime. If the section in its entirety had always been carried out, he might on more than one occasion have been left to cool his heels in gaol for two or three months, although he contended that he had been guilty of no crime whatever.

Mr. FISHER had no doubt that the hon. gentleman gave his opinion in good faith when he said that that clause did not include picketing, but in Strong's Judicial Dictionary, published in 1900, under the heading of "beset," it was said that "picketing workmen is to beset," under section 7, subsection 4, of the Conspiracy against Property Act. So that the Attorney-General's law and the law as given in that work differed. Personally he thought that picketing was a perfectly legitimate thing.

The ATTORNEY-GENERAL: The clause did not mean picketing as he understood the term; but he wished to meet hon. members as far as he could, and to prevent any misconception in the matter, he was willing to insert the following words:—"Attending at or near the house or place of work of another, or the approach to such house or place of work in order merely to obtain or communicate information is not deemed besetting within the meaning of this section." The proper place to insert that amendment would be after the paragraph fixing the penalty. The mere fact of a number of persons gathering together near a house would not under that provision be besetting, because in that case it would have to be proved by the person who laid the charge that they came there for the purpose of besetting. He thought hon. members ought to be prepared to accept that amendment, as it would afford ample protection where there was no positive interference with a man's liberty to do as he pleased.

Mr. HIGGS: With the permission of the Committee, he would withdraw his amendment. Amendment, by leave, withdrawn.

The ATTORNEY-GENERAL moved the omission of the words "or attempts to prevent," in subsection (b).

An HONOURABLE MEMBER: What about "attempts to compel" in the previous subsection?

The ATTORNEY-GENERAL: Compulsion might take the form of brandishing some formidable weapon in front of a man, but this did not mean to say striking him with a stick, because
that would be punishable in another way. Supposing a body of men formed themselves together, two or three deep and barred a man's way, or hustled him, that would be compelling him; if the man ran away, and they did not proceed further, it would be an attempt to compel him without using actual compulsion. He really thought he had met hon. members very fairly in the matter.

Amendment agreed to.

Mr. FISHER suggested that the Attorney-General amend the following subsection by the words "being the director of a company." He did not see why it should simply be master. It was simply old style—"master and man." Why should not directors be included? They were just as much interested as masters.

Mr. FISHER: It would exclude shareholders?

The ATTORNEY-GENERAL: A shareholder was not an employer. He would move that the word "master" be omitted with the view of inserting the word "employer."

Amendment agreed to.

Mr. FISHER thought the next subsection should be altered. He did not see why a person should be compelled to give evidence.

The ATTORNEY-GENERAL: They are not excused from answering questions which would incriminate him, but his information could not be grounded on the evidence they gave.

Mr. FISHER: Upon this particular point?

The ATTORNEY-GENERAL: They could not be proceeded against upon the offence they admitted on examination.

Mr. FISHER: Would it not be advisable to add another subsection that employers who convicted of attempting to prevent any particular individual from getting employment should be guilty of an offence?

The ATTORNEY-GENERAL: That is foreign to the clause.

Mr. FISHER: It was not foreign that employers banded themselves together, and it was time the law recognised that.

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

Clauses 635, 586, and 587 put and passed.

Amendment on clause 539—Reduction of punishment—

Mr. FISHER thought the punishment of imprisonment for seven years was too severe for a man who only attempted to commit a crime, and desisted of his own will.

The ATTORNEY-GENERAL: Suppose he attempted to commit rape?

Mr. FISHER: That was provided for in a previous clause. He presumed that this clause did not deal with that.

The ATTORNEY-GENERAL: It deals with every thing.

Mr. FISHER: The clause stated that when a person was convicted of attempting to commit an offence, if it was proved that he desisted of his own motion from the further prosecution of his intention, without its fulfilment being prevented by circles independent of his will, he was liable to one-half only of the punishment to which he would otherwise be liable. If that punishment was imprisonment with hard labour for life, the greatest punishment which he was liable was imprisonment with hard labour for seven years. If a man attempted to commit a crime and pulled himself up before he committed it he was to be commended for that, and ought not to be punished with seven years' imprisonment. If that was to be the punishment for merely attempting to commit an offence, the better way would be for a man to commit the offence and get a chance of less punishment.

The ATTORNEY-GENERAL: The punishment was not too great for a ruffian who knocked a woman down and subjected her to the grossest indignity, and after her resisting him probably for a quarter of an hour, went away without actually committing the offence he attempted to commit.

At 11 p.m., Mr. KERR called attention to the state of the Committee.

Quorum formed.

Mr. FISHER: The more he read the clause the more he was convinced that it was too severe. He therefore moved the omission of the word "seven" with the view of inserting the word "three."

The ATTORNEY-GENERAL: He could not accept the amendment. The hon. member seemed to think that the victims of an attempted brutal assault, if the person who attempted the offence stopped short of actually committing the offence, was just as well off as before, and had very little to complain about. He would put it to the hon. member himself. Suppose in the case of his own wife or daughter or sister some ruffian made an outrageous attempt at violation, and after a struggle of a quarter-of-an-hour he thought it would pay him better to let it alone, and went away, was she as well off as before? What about her outraged feelings? And what about the outrage on the feeling of society by a ruffian having gone that far? If hon. members were to take up time let them do so in discussing matters worthy of attention, and not in spreading their whigging over such recluses.

Mr. HIGGINS thought the amendment would make the clause incomplete, because he took it that where the punishment was fourteen years a man would get seven years under the first part of the clause. He trusted the hon. member would withdraw his amendment.

Amendment put and passed.

On clause 639—Preparation to commit crimes with explosives, etc.—

The ATTORNEY-GENERAL moved the omission of the words, "and if under the age of sixteen years is also liable to whipping."

Mr. FISHER: Not the omission of solitary confinement?

The ATTORNEY-GENERAL: No. Amendment agreed to; and clause, as amended, put and passed.

Clauses 541 and 542 put and passed.

On clause 535—Other conspiracies—

Mr. GIVENS said he noticed that subsection 4 said: "To injure any person in his trade or profession." This was a very serious matter, and the punishment for the offence under this section should not be allowed to remain on the statute-book. There were men in the House who had suffered under a similar law to this, and unless it was altered the same outrage on justice that had been perpetrated in respect to industrial disputes could be practised in future. He submitted that this clause should be more liberalised.

The ATTORNEY-GENERAL: This clause was not introduced to deal with industrial disputes at all. A doctor might be ruined in his practice and the offender might be dealt with under this clause; and in other cases a number of men might conspire together to prevent a man selling his goods. It did not matter whether the man was a doctor, or a lawyer, or anything else, if it was a matter of conspiracy, the offender should be punished.

Mr. STEWART: What about boycotting.
The ATTORNEY-GENERAL: There was nothing about boycotting in this clause. Subsection 5 is a new feature in the Bill, which tended to modify any possible effect of conspiracy. The essence of the offence was the agreement, not the carrying out of it. This clause liberalised the present law, and should be welcomed by hon. members.

The ATTORNEY-GENERAL: Since they had had a discussion upon whipping, he had made it his business to familiarise himself by inquiry with the nature of the punishment. He had seen the instrument with which it was inflicted, and had long interviews with Captain Pennether, the Comptroller of Prisons, and with Dr. Wray. He was informed by Captain Pennether that in the case of all the whipping he had seen, he had never once known of blood being drawn, and Dr. Wray said he never once saw a case in which the true skin had been cut. Dr. Wray also informed him that in every case the victim had been able to go about next day. The awful severity, therefore, that they had heard about was not known in Queensland, nor had it been for the past fifteen years. He proposed to insert the following addition at the end of the clause:

The instrument must be either a birch rod, a cane, a leather strap, or the instrument commonly called the "cat," which should be made of leather or cord without any metallic substance interwoven therewith. Provided that the "cat" shall not be used in cases of prisoners under sixteen years of age.

Mr. HIGGS asked whether it would not be best to receive twenty lashes he laughed when the punishment was over and said, "Why don’t you give me 200!" The only effect of the punishment was that it appeared to cause a dissolution, but never a breakage of the true skin; and the instrument he had examined had never a trace of blood on it.

Mr. GIVENS suggested that in the sentence which stated that there should be no metallic substance interwoven with the cat, it should also be provided that there should be no knots in the leather or thongs of which the cat was made. He would like to know if there were knots on the instrument the hon. gentleman might send people there to get that luxury; if there had been he should have gone for the instrument the hon. gentleman saw?

The ATTORNEY-GENERAL: Yes, but there has never been a case of blood having been drawn; if there had been I should have gone for the instrument the hon. gentleman saw.

Mr. GIVENS: Notwithstanding the evidence of Dr. Wray and Captain Pennether, he distinctly said that an instrument of that kind was not only capable of inflicting absolute torture, but could, in the hands of a man who could use it, be made to bring away portions of the flesh at every cut. As they were humanising the law a little let he thought the hon. gentleman might accept his suggestion.

Mr. MAXWELL (Burke) did not see the use of whipping, as, according to the hon. gentleman’s statement, a man who had received twenty lashes wanted 200, and he did not see why they should send people there to get that luxury gratis.

Mr. FISHER: The ATTORNEY-GENERAL had told them that whipping with the cat was not a severe punishment. Then why not knock it out altogether?

The ATTORNEY-GENERAL claimed to have as much humanity as any member in the
House, and before coming to that clause he had endeavoured to ascertain the facts as to the nature and effect of the punishment. He could only do that by referring to the two gentlemen he had mentioned. He thought that a reduction might be made in the tails from nine to four or five, but Dr. Wray assured him that if there were only four or five tails the result would be that there would be five distinct blows, and that the punishment would be severer than if nine tails were used. Hon. members must remember that a factor was always present, and that if he saw any sign of a man collapsing under the punishment he immediately stopped it. The law made every safeguard against brutality or excessive punishment.

Mr. KERR said the experience of the doctor and the captain was very different from that of McNell, the witness who was brought from St. Helena to Rockhampton to give evidence in the Arnhim D.own case, whose first flogging was the means of making him confess. It was the fear of the second flogging that caused him to give the information he was supposed to give.

Mr. HARDACRE: The Attorney-General had promised that when they came to the definition of "whipping" he would make it much less severe than what he thought it had been the case. But all he had done was to remove metallic substances from the whip, while actually advocating the retention of knots in the thong. With regard to Captain Pennefather and Dr. Wray he would not believe either of them, especially Dr. Wray, who had the reputation of being one of the most brutal doctors over prisoners in Queensland.

The ATTORNEY-GENERAL: In his opinion the testimony of both those officers was worthy of any man's credence. There was an easy way out of the difficulty. If it was considered that the existing cat was too brutal an instrument, it was entirely a matter for the Home Secretary to prescribe what kind of a cat there should be. He might say that the instrument used here was exactly the same as that used in Victoria and New South Wales.

Mr. HARDACRE: Is it not possible for a gaoler to make any number and kind of knots he likes?

The ATTORNEY-GENERAL: No. The cat was the regulation cat. If any case occurred in which the whip caused a man's back, he would be the first to make the necessary recommendation to have the character of the lash made more humane.

Mr. GIVENS found from Hansard for 1857, page 674, that Mr. Bailey at that time moved the adjournment of the House on this question and described the punishment of flogging which he had witnessed in the gaol as being in excess of the object to be attained. Mr. Bailey stated that as soon as a man received ten or fifteen lashes it was perfect cruelty to go any further. After that it was simply cutting up an insensitive object, and further punishment of the kind was a most barbarous thing.

The ATTORNEY-GENERAL: He does not say that the man's skin was cut.

Mr. GIVENS: His evidence was that it was a brutal cruel thing. That was the evidence of an eye-witness which he thought it as well to give the Committee in addition to the evidence of Captain Pennefather and Dr. Wray, both of whom were induced to such sights, and had—perhaps unconsciously—become callous to the sufferings of prisoners. He was satisfied that if the Attorney-General were to see one flogging he would be the most detestable punishment the use of the cat; but when it was laid to gaol officials, who looked upon prisoners as little better than brutes, the conduct would be likely to be retained on the statute-book. He asked
the hon. gentleman in all reasonableness to accede to the moderate suggestion thrown out, and he thought the hon. gentleman owed it to hon. members, because he had promised that he would bring the punishment as much as possible within the bounds of humanity.

The ATTORNEY-GENERAL: He had considered the matter, and had drafted an amendment by which this punishment need not necessarily be inflicted with the cat at all. The judge might order twenty-five strokes with a cane, if he thought that would be sufficient for the offence, or he might order so many blows with a leather strap. If he had not satisfied himself by diligent inquiry that the cat as now used was not the same instrument that was in use forty or fifty years ago in the army and navy he would not have been a party to having it retained in the Bill. The doctor was always present, and if fifty lashes were ordered the punishment would be stopped at the tenth lash if the doctor was of opinion that it should stop. He had shown his anxiety to prevent the punishment as far as could safely be done, and had moved the omission of whipping in a great number of cases, but it was the only punishment that would meet some cases. Members should not press the matter too far. The statement in the medical report from the Telegraph, which was supposed to be a reputable paper, and if it was not true it was the doctor's business to correct it the next day. Persons who were present and witnessed the sufferings of prisoners became callous, and any change in the law in the way of humanising punishments had always to be made in the face of strenuous opposition on the part of such people.

The ATTORNEY-GENERAL: Sir Charles Lilley, who had ordered those floggings, was considered a humane judge, and his object was to prevent the crime of garrotting from becoming rampant; and he had not the slightest doubt that the idea in having a report of the punishment published in that way—which was not very much to be condemned as a rule—and he had never known it done since—was to strike terror into the gangs outside. It certainly had a marvellous effect, because the crime of garrotting ceased instantly, and did not reappear until the punishment in those cases had been forgotten. A few men had suffered for the sake of the community as a whole. The statement in the medical report was quite reconcilable with Dr. Wray's statement that he had never seen the skin cut. A very slight pin scratch on the surface of the skin might make the blood flow. Spectacles were not pleasant, and he would not witness it for £100, but Parliament always had control of any punishment inflicted. But the Code was not the proper place to go into minute details with regard to the instrument to be used, and it would be competent for any hon. member to demand any information or explanation. He contended that all the evidence published in the medical report from the Telegraph, which was supposed to be a reputable paper, and if it was not true it was the doctor's business to correct it the next day. Persons who were present and witnessed the sufferings of prisoners became callous, and any change in the law in the way of humanising punishments had always to be made in the face of strenuous opposition on the part of such people.

Mr. HARDACRE: The hon. gentleman in charge of the Bill did not see the point. Hon. members on his side of the House wished to prevent the punishment of whipping becoming worse than that which was ordered by the Attorney-General. They objected to the use of the knot.

Mr. LESINA: He asked the Attorney-General if the House had the power to settle what kind of an instrument should be used? If the House had that power, tenders should be called for the instrument, and a practical illustration should be given of its effects. The medical men just stood by to see how much punishment a man could bear, but a person could be flogged to death in a few minutes, especially in the case of a man with nervous system.

Mr. GIVENS: It was ordered that the knots on the cat. At the twenty-fourth stroke, blood was dripping clown, and the medical men just stood by to see how much punishment a man could bear, but a person could be flogged to death in a few minutes, especially in the case of a man with nervous system.

Mr. KERR: At five minutes to 1 o'clock, Mr. KERR called attention to the state of the House, and I therefore decline to have the bell rung.

Mr. GIVENS: It was ordered that the knots on the cat. At the twenty-fourth stroke, blood was dripping clown, and the medical men just stood by to see how much punishment a man could bear, but a person could be flogged to death in a few minutes, especially in the case of a man with nervous system. He contended that all the evidence published proved that Dr. Wray's testimony was not reliable.

The ATTORNEY-GENERAL: Mr. Dr. Wray said that in no case had he seen the true skin cut.

Mr. GIVENS: What he objected to was the knots in the lash. Everything went to show that the punishment was brutal, and in spite of what Dr. Wray had told the hon. gentleman, the fact remained that the backs of the prisoners to whom he referred were one quivering mass of bleeding flesh. The Telegraph, which was published on the 14th September in further support of his argument. He considered that that was a matter upon which the House should have some knowledge. They had had the assurance of the Attorney-General that he would make an amendment that would make the punishment more in accord with modern humane feelings, and they had reason to expect that it would be done in ten days as he had promised. He believed if it were not for the influence of the good officials he would have done so. All they asked was that the knots should be abolished from the lash, and the hon. gentleman would do himself honour and credit if he accepted the amendment.

Mr. LESINA: The ATTORNEY-GENERAL pointed out that according to the definition he had moved, the "cat" might be composed of leather thongs which certainly would not have knots in them.

Mr. LESINA (Clewsont) argued that precisely the same instruments were used [1 a.m.] against the abolition of flogging in the army as were now advanced against the abolition of whipping in that Code, which was supposed to be a reputable paper, and if it was not true it was the doctor's business to correct it the next day. The fact was also recorded that the blood had been drawn by the knots on the "cat," which was what they were seeking the hon. gentleman to eliminate. Attention had been drawn to it in

Parliament at the time by three members of the House, and he challenged hon. members to say they were prejudiced, the same as hon. members opposite insinuated they were on the present occasion. He had shown that Dr. Wray's evidence was not so reliable as hon. members on the other side tried to make out. Persons who were present and witnessed the sufferings of prisoners became callous, and any change in the law in the way of humanising punishments had always to be made in the face of strenuous opposition on the part of such people.

The ATTORNEY-GENERAL: Sir Charles Lilley, who had ordered those floggings, was considered a humane judge, and his object was to prevent the crime of garrotting from becoming rampant; and he had not the slightest doubt that the idea in having a report of the punishment published in that way—which was not very much to be condemned as a rule—and he had never known it done since—was to strike terror into the gangs outside. It certainly had a marvellous effect, because the crime of garrotting ceased instantly, and did not reappear until the punishment in those cases had been forgotten. A few men had suffered for the sake of the community as a whole. The statement in the medical report was quite reconcilable with Dr. Wray's statement that he had never seen the true skin cut. A very slight pin scratch on the surface of the skin might make the blood flow. Spectacles were not pleasant, and he would not witness it for £100, but Parliament always had control of any punishment inflicted. But the Code was not the proper place to go into minute details with regard to the instrument to be used, and it would be competent for any hon. member to demand any information or explanation. He contended that all the evidence published in the medical report from the Telegraph, which was supposed to be a reputable paper, and if it was not true it was the doctor's business to correct it the next day. Persons who were present and witnessed the sufferings of prisoners became callous, and any change in the law in the way of humanising punishments had always to be made in the face of strenuous opposition on the part of such people.

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The following papers, laid on the table, were ordered to be printed:—

Report of conference of commandants concerning proposed unified Australian contingent for the Transvaal.

Telegram from Secretary of State respecting adoption by Legislative Assembly of Address to the Queen praying for establishment of the Commonwealth.

Appropriation of loan appropriations and expenditure to 30th June, 1899.

SUPREME COURT BILL.

The several clauses of this Bill were put from the Chair, and passed.

The Council resumed; and the CHAIRMAN reported the Bill without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

REGISTRATION OF DEEDS BILL.

Clause 1 put and passed.

On clause 2—"Certain instruments not to be registered under Registration of Deeds Act"—

The POSTMASTER-GENERAL said he might mention, with regard to the remarks made by the Hon. Mr. Gregory on this clause, that in the second reading, that he had consulted the Attorney-General and the head of the department who attended to those matters; and they were of opinion that the clause as drafted was satisfactory, and that no amendment was needed.

HON. A. C. GREGORY said he merely drew attention to the matter, thinking it desirable it should be looked into.

The POSTMASTER-GENERAL said he wanted the hon. gentleman to know that he had not neglected the matter, and that he had made inquiries with the result as stated.

Clause put and passed.

The Council resumed; the CHAIRMAN reported the Bill without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

LOCAL WORKS LOANS ACTS AMENDMENT BILL.

The several clauses and schedules of this Bill were put from the Chair, and passed.

The Council resumed; the CHAIRMAN reported the Bill without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

ABORIGINALS PROTECTION AND RESTRICTION OF THE SALE OF OPTIMUM BILL.

Committee.

Clauses 1 to 6, inclusive, put and passed.

On clause 7—"Females and children not to be allowed on ships"—

HON. W. FORREST drew the attention of the Postmaster-General, on the second reading, to what he considered a grave omission in subsection 3, of which the hon. gentleman had taken no notice. He pointed out that under that subsection an aboriginal woman or child could not go on board a ship at all. He thought some amendment of the section was necessary.

The POSTMASTER-GENERAL trusted the hon. gentleman did not think he had taken no notice of his remarks. He had consulted with the Home Secretary on the subject. As he stated on the second reading, the Home Secretary had taken a great deal of interest in the condition of the aborigines, and he had personally visited the different stations and informed himself as to what was best to be done in connection with their comfort and employment. He had shown him the observations of the Hon. Mr. Forrest, and he said if any alteration was made in that...