

enacted or dealt with under this resolution giving us two evenings a week. I shall certainly support it.

Question put and passed.

#### RAILWAY WORKS COMMITTEE.

The PREMIER (Hon. J. R. Dickson, *Bulimba*): I beg to move—

That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to provide for the appointment of a Parliamentary Standing Committee on railway works, and for other purposes.

Mr. DAWSON (*Charters Towers*): I desire to ask the hon. gentleman whether [8 p.m.] he means business or not in moving this motion? I do not think it will be a good practice to prevent any hon. member from taking a motion even beyond this stage without discussion. At the same time, I would like to point out that I am not willing that time should be wasted in taking subjects as to which there is no business intended beyond any stage. There are a number of rumours about that the Government, in an unfortunate moment, put this notice on the paper, and that they intend to do nothing further. I would like to have a definite expression of opinion, if the Premier will be kind enough to give it, as to whether he intends to proceed any further with this particular business. If he does not, I shall support him in knocking it off the paper.

The PREMIER: I must express my surprise at such a deliberate insult being offered to me by the hon. member, as to attribute to me the idea of moving for the introduction of a Bill with the view of making it a formal matter and not dealing further with it hereafter.

MEMBERS on the Government side: Hear, hear!

The PREMIER: My answer to the hon. gentleman is that he has no right to ask me that question. It is a most unusual procedure when a Bill is being introduced according to the forms of the House for the member introducing the Bill to be asked as to his intentions. I assume that every hon. member introducing a Bill intends to proceed with it as far as he may be able to do so. I am not going to reply to rumours which may have reached the hon. gentleman's ears—that would occupy the whole time of the House. I do not want to say anything offensive, but I say it is an insult to the *bona fides* of the hon. member entrusted with legislation of this or any other character to ask such a question as has been asked by the hon. gentleman. Of course I do not know what the opinion of the House may be on this matter, but in the meantime I submit it so that the House may be in a position to consider it.

Question put and passed.

#### NEW BILLS.

##### ELECTIONS BILL.—LICENSING BILL.

Motions made and agreed to—

That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to consolidate and amend the laws relating to Parliamentary elections.

That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the laws relating to the sale of intoxicating liquor.

#### CRIMINAL CODE BILL.

##### RESUMPTION OF COMMITTEE.

On clause 667—"Whipping"—

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*) expressed his obligations to hon. members, particularly hon. members on the other side, for the assistance they had given him so far in dealing with the Bill. He regretted that they had not been able to finish the Bill on

the last occasion when it was under consideration, but hoped they would be able to get through very soon now. He thought they would then have made a record by having passed the longest Bill in the shortest session.

Clause put and passed.

On clause 668—"Levy of fine and costs on conviction for defamation"—

Mr. GIVENS (*Cairns*): The matter dealt with in this clause was very important, as under it perfectly innocent persons might be severely punished—their whole stock-in-trade might be taken away from them. Take the case of some newspapers in Brisbane. Those papers were printed at some printing offices the proprietors of which had nothing whatever to do with the conduct of the newspapers printed there; and if they were going to be held liable for any libel contained therein they must employ some competent barrister, and pay him a high salary, to give his opinion as to whether there was anything defamatory in the papers they printed. After the libel was published, and the printing presses were sold, an innocent buyer, who knew nothing whatever about the libel, might have his property levied upon. He did not ask for any drastic change in the law, but there should be some safeguard against innocent publishers being punished.

The ATTORNEY-GENERAL said cases of prosecutions for criminal libel were very rare, and a very few of them were successful. The law provided that the Crown should not conduct any prosecutions of this sort; the only duty of the Crown Prosecutor was to decide whether a bill should be found. The person who alleges that he was libelled had to provide a prosecutor at his own expense, and if he failed to obtain a verdict he was liable to pay the costs of the trial.

Mr. GIVENS: But innocent persons may suffer.

The ATTORNEY-GENERAL thought any such danger was very remote, so remote that it was not necessary to make any alteration in the existing law, which had been found to work very satisfactorily.

Clause put and passed.

On clause 669—"Reservation of points of law"—

The ATTORNEY-GENERAL: The whole of chapter 67 dealt with procedure, which it would not be wise to attempt to alter, and he asked leave to put the whole chapter.

HONOURABLE MEMBERS: Hear, hear!

Chapter 67, embracing clauses 669 to 678, put and passed.

On clause 679—"Summary jurisdiction of justices in case of indictable offences committed by children not more than twelve years of age"—

Mr. GIVENS asked the Attorney-General if it was desirable that a child of twelve or under should be punished in this way, because he thought that a child of twelve could not be held responsible for his actions.

The ATTORNEY-GENERAL admitted the correctness of the hon. member's contention, but he had known cases where children of this tender age, had shown most vicious dispositions. In ordinary cases young children would not be prosecuted, but extreme cases might arise which would render a prosecution necessary. He did not think this clause would operate harshly, but it would show boys and girls that they could not commit serious offences with impunity. He could assure the hon. member that in ordinary administration there was no likelihood of his feelings being outraged by seeing a child put into the dock and treated as a grown-up criminal.

Clause put and passed.

Clauses 680 to 698 put and passed.

On clause 699—"Committal of fraudulent debtors"—

Mr. GIVENS said it seemed to him that under the clause it was still possible to imprison a person for having the misfortune to get into debt. Almost every creditor looked upon his debtor with a certain amount of suspicion when he found he was not in a position to pay up, and was nearly always inclined to say that he had obtained credit by fraudulently representing his position. If the clause was left in they would have the old punishment of imprisonment for debt existing in a certain form and degree. It was pretty well accepted by everybody that the time when a man should be imprisoned because he was too poor to pay his debts had gone by. He should like to see some alteration made in the clause whereby absolute fraud would have to be proved before there was any danger of a debtor being imprisoned.

The ATTORNEY-GENERAL said that very often a debtor was required to appear before an examining court for the purpose of giving an account of his transactions in business matters, and it frequently happened that a debtor was proved out of his own mouth, and by the evidence of the witnesses, to have been guilty of the grossest fraud. When that happened the law allowed the judge who presided at the examination, if he was satisfied that a case of fraud had been made out in that way, to commit him to take his trial at some future sitting of the criminal court, just in the same way as if he had been committed by a magistrate on precisely the same facts. But it was the jury, not the judge, who would have to deal with him on his trial, when he would have an opportunity of defending himself. If found guilty at all it would be on the evidence. He might add that the law as it existed was very sparingly taken advantage of. In his twenty-one years' practice at the bar he had not known half-a-dozen cases, and there was not the slightest chance of its being abused. The hon. member need not be afraid that it would revive the old law of imprisonment for debt.

Mr. GIVENS said that if the law was obsolete, or seldom put into effect, it was unnecessary to cumber the statute-book with it. Why should a man who sought the protection of the insolvency court be further harassed by the law at the instigation of a greedy creditor?

The ATTORNEY-GENERAL: He will not unless he is a rogue.

Mr. GIVENS: He had in his mind's eye a case of real persecution by a creditor of a debtor who had sought the protection of the insolvency court. In that case the debtor and his family had spent £50,000 in an enterprise, and because they happened to get into the debt of a certain firm to the extent of £2,000 they were persecuted in every way, and all the forms of the law were exhausted in order to punish them for no crime of their own. The fact that they put

[8.30 p.m.] £60,000 or £70,000 of their own money into the enterprise showed that they had sufficient faith in it. He objected to any provision being placed on the statute-book which would give any such creditor an opportunity of harassing and persecuting an unfortunate debtor. If such provisions were obsolete, or if they were capable of being made instruments of oppression, they should be wiped off the statute-book. He supposed that the hon. gentleman knew of many cases of hardship which had occurred under that provision, and he entered his protest against its retention, especially as the hon. gentleman admitted that it was obsolete, and that it was rarely put in force.

The ATTORNEY-GENERAL thought the hon. member misapprehended what he had said. If the clause was not there, a creditor would be able to pursue an unfortunate debtor by laying an information before a justice of the peace, and harass him in that way. He knew there

were creditors who sometimes had a "down" on a debtor, but that clause would not help an unjust creditor to persecute an unfortunate debtor in the least. Nor was the clause obsolete in the sense that it was ancient law. If a gross case was made out before a judge, he would have the right, if he pleased, to commit direct for trial.

Mr. GIVENS: Could a creditor not make an application through counsel for the committal of the debtor?

The ATTORNEY-GENERAL: Yes, and the judge might or might not comply with the request. He had been refused on one occasion. Judges were reluctant to commit, but the provision was not obsolete, and it was very useful. The judge could not send a man to gaol—he could only commit him for trial.

Clause put and passed.

The remaining clauses in the first schedule were put and passed; and the schedule, as amended, was put and passed.

Schedules 2, 3, and 4 put and passed.

The House resumed; and the CHAIRMAN reported the Bill with amendments.

#### REPORT STAGE.

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*) said: I was requested by an hon. member to re-commit the Bill for the purpose of reconsidering certain clauses. The hon. member is not here, otherwise I could have demonstrated to him that he is quite wrong in regard to those clauses. I have satisfied myself that he is wrong.

Mr. GIVENS: Who is the hon. member?

The ATTORNEY-GENERAL: The hon. member for Fortitude Valley, Mr. Higgs. I therefore move that the Bill, as amended, be now taken into consideration.

Question put and passed.

The ATTORNEY-GENERAL: I move that the third reading of the Bill stand an Order of the Day for Tuesday next. My reason for not taking it to-morrow is that the Clerk of the House, and his assistants, have some work to do in altering the clauses in consequence of our having omitted one clause, and in consequence of the index requiring to be amended in accordance with alterations we have made. By taking the third reading on Tuesday next time will be given to get the Bill into proper form for transmission to the Council on that day.

Question put and passed.

The House adjourned at nineteen minutes to 9 o'clock.

FRIDAY, 20 OCTOBER, 1899.

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

#### ELECTIONS TRIBUNAL.

##### PRODUCTION OF PAPERS.

The SPEAKER informed the House that, acting under the provisions of Standing Order 330, during the late recess he had authorised the production, in answer to a subpoena from the police court at Toowoomba, of the ballot-papers and other documents in connection with the late election for the electoral district of Cambooya.

#### PAPERS.

##### PERMITS FOR TOTALISATORS.

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*): On the 11th October I informed the hon. member for South Brisbane, Mr. Turley, in reply to a question, that there had been 406 permits granted to run totalisators during the years 1895-6-7-8-9. I have since ascertained that the information given me by