

or not, I shall, even if it is the last vote I have to give, vote against the adoption of this Address.

Question—That the Address be agreed to—put; and the House divided :—

AYES, 57.

Messrs. Chataway, Foxton, Rutledge, Dickson, Glassey, Philp, Lesina, Murray, Smith, Ryland, W. Hamilton, Macdonald-Paterson, Kerr, Givens, Hardacre, Callan, Browne, Finney, T. B. Cribb, Jackson, Stodart, Story, Forrest, Jenkinson, Drake, Kates, Higgs, Turley, Fitzgerald, Fisher, Dibley, Stephenson, Kidston, Tooth, Dunsford, McDonnell, McDonald, Maxwell, Stewart, Dawson, O'Connell, Lord, Hanran, Bartholomew, Kent, Newell, Leahy, Forsyth, J. Hamilton, Moore, Cowley, Grimes, Annear, Hood, Dalrymple, Armstrong, and Bell.

NOES, 10.

Messrs. G. Thorn, Keogh, Bridges, W. Thorn, Campbell, Petrie, Fogarty, Mackintosh, Plunkett, and Stephens.

Resolved in the affirmative.

When the result of the division was announced by Mr. Speaker, hon. members who voted in the affirmative rose to their feet and gave enthusiastic cheers.

CRIMINAL CODE BILL.

RESUMPTION OF COMMITTEE.

DEATH OF MR. RUTLEDGE, SENR.

Mr. DAWSON (*Charters Towers*): Before proceeding to further business, he thought it was not out of place that he should tender to the Hon. the Attorney-General his sincere sympathy and condolence with him in the great loss he had just suffered.

HONOURABLE MEMBERS: Hear, hear!

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*): He could assure hon. members that he felt very deeply the kind expressions of sympathy and condolence just uttered by the leader of the Opposition. He heartily appreciated the good feeling which had prompted those expressions.

Clauses 79, 80, and 81 put and passed.

On clause 82—"Attempted piracy with personal violence"—

Mr. HARDACRE (*Leichhardt*) thought the punishment of death should not be inflicted for this crime, which was rather obsolete. It was associated with the old smuggling days, and it ought to be omitted from this Code, except in extreme cases, such as when accompanied with murder. In that case the murder would bring the death penalty itself, under the ordinary law. Piracy was merely robbery on the high seas, and was merely a crime against property. He did not see why robbery on the high seas should be subject to greater punishment than robbery on land. This clause dealt with piracy with personal violence.

The SECRETARY FOR PUBLIC LANDS: A man would not be much of a pirate if he did not use violence.

Mr. HARDACRE instanced the case of a man taking possession of a boat or a yacht outside the three-mile boundary. That would be considered piracy, and would be punishable with death. In his opinion the crime ought to be visited with a lighter punishment, and so he objected to the clause passing as it stood.

The ATTORNEY-GENERAL: Although the crime of piracy was not so common to-day as formerly, that was mainly due to the abhorrence with which all civilised countries regarded the crime of piracy, and to the fact that the punishment therefor was death. Persons going to sea in ships had quite sufficient perils without the risks being superadded to by men intent on robbery. Persons on the high seas had not the same means of protecting themselves against the attacks of ill-disposed persons as those on shore, and so he thought the death penalty for this crime should not be abolished. In time of peace persons expected to be protected under the law,

and he did not see why any man who committed such an offence as mentioned in the clause should be entitled to the smallest degree of sympathy or consideration by any member of the Committee.

Mr. HARDACRE: Robbery under arms had been omitted from the operation of [9.30 p.m.] the death penalty. Why should that penalty be imposed in this case? Surely it was as dangerous to be stuck up in the lonely bush of the West as on the high sea? Then, according to the clause, if a master of a ship became dangerous to the passengers or crew, and the passengers or crew confined him for their own sake, they would be guilty of piracy. He could understand death being made the penalty in extreme cases of piracy; but there were many minor forms in which it might be omitted.

The ATTORNEY-GENERAL: Although piracy was not practised among civilised nations, it was not uncommon on the China seas. He would like to know what treatment the hon. member would give to a gang of pirates who descended on a vessel only a few miles from our shores? What consideration would such wretches deserve? Subsection (e) said that any person who laid violent hands on the master of a ship, with intent to hinder him from fighting in defence of the ship and the goods committed to his trust, would be guilty of piracy. That was to say, he would be guilty of piracy if he captured a master, put him in irons, and prevented him from taking control of his vessel or doing anything in defence of the passengers. If these things did not involve murder, they might lead to a great many crimes, and they ought to "put their foot" down and say a man should not do an act of that kind which might lead to murder in a wholesale degree.

Mr. HARDACRE: Why not have it in robbery under arms?

The ATTORNEY-GENERAL: Robbery under arms, with wounding, was a capital offence under the present law. The cases were not parallel. A ship might be sailing along, with very little wind, and a steam vessel containing a band of pirates might come down on it, and it would not be able to do anything; but a man stuck up in the bush might be able to gallop away, or do something. Then a ship might have helpless women and children on board, and they might have their lives nearly terrified out of them. Would it not be a monstrous thing that any consideration should be shown to men who would do that sort of thing. When people went on the ocean, they had a right to be protected against all dangers, except such as were inevitable. He could not understand the hon. member being anxious to show consideration to men who were no better than wild beasts.

Mr. HARDACRE: The hon. member could not understand why he wished to intervene on behalf of these monsters. That was the argument which was formerly used against men who stole sheep. Fortunately piracy was not common, and in extreme cases extreme punishment might be deserved; but he had not heard of one case that the Hon. the Attorney-General had mentioned in which he thought the penalty provided for by the clause should be inflicted. The clause made it an offence to take goods from a ship. Why, if a man went to a ship half-a-dozen miles out, and stopped it, and stole a can of tinned provisions, he would be guilty of piracy, and be liable to the extreme penalty.

Mr. GIVENS: No.

Mr. HARDACRE: The stealing of an anchor or of provisions from a ship would constitute piracy, and the jury would have no option.

The ATTORNEY-GENERAL: The hon. member was travelling outside the provisions of the clause, which had nothing to do with stealing

provisions from a ship. The three offences dealt with in the clause were—"Assaults any person on board of or belonging to the ship with intent to kill him or to kill any other person; or wounds any such person; or unlawfully does any act by which the life of any such person is endangered."

Mr. HARDACRE: If the piracy was accompanied by violence, it was punishable with death, and piracy was defined to be "any act with respect to a ship, or any goods or merchandise belonging to a ship or laden upon it, which, if the act were committed on land, would constitute robbery as hereinafter defined." It was quite evident that the Attorney-General had made up his mind not to alter the clause. He was sorry that the Bill was being passed so rapidly, or he would have moved an amendment in an earlier clause. They had already passed a clause in which a smaller offence carried the punishment of death, so that there was no use moving an amendment when a greater offence carried with it a smaller penalty. He made the remark in the hope that the Attorney-General would reconsider the matter when the Bill was recommitting, and in some of the minor forms of piracy with violence provide for imprisonment for life, or from seven years, or two years in some cases.

* Mr. J. HAMILTON (*Cook*): There were a great many of the clauses that he objected to strongly, but if every hon. member wished to move amendments in every clause he objected to, they would never pass the Bill. They should not forget that they were not making new laws, but merely passing the existing law in a condensed form. Piracy was being carried on in Queensland waters now. Friends of his had been simply chopped up by pirates not long ago. On the north-east coast of New Guinea there were Malay proas with crews of twenty or thirty men who were armed with knives. They called themselves Malay merchants, but any boat trading on the north-east coast of New Guinea was liable to have a couple of these proas come down one on each side, and if they found they were more powerful than the occupants of the other boat, they jumped aboard, chopped them up, and annexed the cargo. That occurred some time ago to two friends of his who were pearling on the north-east coast of New Guinea. It was their duty to put a stop to that kind of thing. At the same time if the Bill passed, he would be happy to assist any hon. member to bring forward a Bill to make many amendments in the existing law as set forth in the Code.

Mr. HARDACRE recognised what the hon. member for Cook said—that it did not do to move too many amendments. He had not moved any amendment so far, and that was the only clause to which he had taken exception. He also agreed with the hon. member that it was necessary to put a stop to piracy of the kind the hon. member had alluded to, but he would point out that if one of the pearl-shelling boats stole some shell from another boat it would constitute piracy under the Code.

Clause put and passed.

Clause 83—"Aiding pirates"—put and passed.

On clause 84, as follows:—

Any person who, being employed in the Public Service, communicates to any person otherwise than in the course of his official duty any plans, documents, or other information, relating to any battery, field work, or fortification, in Queensland, or relating to any other defence of Queensland, is guilty of a misdemeanour.

If he does so advisedly, he is liable to imprisonment for three years, or to a fine of two hundred pounds.

If he does so by negligence, he is liable to imprisonment for one year, or to a fine of one hundred pounds.

Mr. GIVENS (*Cairns*) said that in clauses 37, 38, and 39, he had striven to get the penalties

lightened, but in clause 84 he intended to move an amendment making the penalty more severe. In clause 37 they had decided, after a long discussion, to inflict the death penalty for treason against the Sovereign, but the offence dealt with in the clause under discussion was an exceptionally objectionable form of treason, and yet the penalty was to be only three years' imprisonment, or a fine of £200. If an officer communicated plans, documents, or other information relating to any battery or fortification to any foreign power with which they might be at enmity now or at some future time, it would be a very serious breach of trust. He proposed to move the omission of the words "or to a fine of £200." It might be objected that in trivial cases it would be advisable to impose a fine, but against that he would urge that if it was an offence of a trivial nature—though he could not conceive of such a treacherous act being of a trivial character—the term of imprisonment might be reduced. If the crime was committed by negligence, the last part of the clause provided that the punishment should be imprisonment for one year, or a fine of £100. The clause would enable the wealthy, aristocratic officer to escape gaol for his traitorous act, whereas his orderly who might be guilty of the same act, but who was not able to raise the fine that might be inflicted, would have to suffer a term of imprisonment. He contended that if it was good for one man to go to gaol it was good for the other, and he strongly objected to any alternative penalty which would have the effect of letting go free the man with the longest purse or wealthiest friends. He moved the omission of the words "or to a fine of two hundred pounds."

The ATTORNEY-GENERAL: I accept the amendment.

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

On clause 85—"Obtaining disclosures of secrets relating to defences"—

Mr. GIVENS moved the omission of the words "or to a fine of two hundred pounds."

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

Clauses 86 to 140, inclusive, put and passed.

On clause 141—"Forcibly rescuing capital offenders"—

Mr. DUNSFORD (*Charters Towers*): While the crime referred to in this clause [10 p.m.] was a very serious one, and should be severely punished, he thought the punishment of "imprisonment with hard labour for life with or without solitary confinement" was unnecessarily severe. In his opinion "imprisonment with hard labour for life" should be sufficient, without solitary confinement, as the latter would have no deterrent effect.

The ATTORNEY-GENERAL: I have no objection to the hon. member moving the omission of the words "with or without solitary confinement."

Mr. DUNSFORD: That being so, he moved the omission of the words.

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

Clauses 142 to 144, inclusive, put and passed.

On clause 145—"Harbouring escaped prisoners"—

Mr. LESINA (*Clermont*): It appeared to him that a very wealthy man, who deliberately harboured an escaped criminal, would under this clause practically be permitted to go unscathed by the payment of a fine of £200.

The ATTORNEY-GENERAL: The fine was an alternative punishment, and the cases were very few where rich men took escaped criminals

into their houses. He thought it could not be reasonably suggested that the clause was framed in the interest of persons who were wealthy. There might be cases in which the offence of harbouring an escaped prisoner would be met by a fine of £5, £10, or £20.

Mr. JENKINSON: Why not omit the fine and make it imprisonment?

The ATTORNEY-GENERAL: A man might escape from gaol and twelve months after he might come along to a person's place in a starving condition. That person might not care to put the police on his track or hand him over to justice, and to relieve him might give him a week or a fortnight's work. Of course it was a serious offence to do that, but it was as well in such a case to give the court the option of a fine.

Mr. LESINA: The £200 is the maximum, and anything less—even a shilling—might be imposed?

The ATTORNEY-GENERAL: Yes, that is so.

Mr. LESINA: I am satisfied.

Clause put and passed.

Clauses 146 to 151, inclusive, put and passed.

On clause 152—"Clipping"—

Mr. DUNSFORD: This was another clause which provided for imprisonment for life with or without hard labour, and with or without solitary confinement, for the offence of dealing with current coin in such a manner as to diminish its weight with intent that when so dealt with it should pass as current coin. Under that a man who cut a hole in a coin and put it on his watch-chain, and who, when he got hard up, passed it would be liable, though he agreed that in such a case a man might not be found guilty. Still, imprisonment for life should be a sufficient penalty without solitary confinement.

The ATTORNEY-GENERAL: Move the omission of the words.

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

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

Clauses 153 to 155, inclusive, put and passed.

On clause 156—"Offences after previous conviction"—

Mr. DUNSFORD: That was another clause dealing with current coin in which imprisonment for life was provided, and with or without solitary confinement. He moved the omission of the words "with or without solitary confinement" at the end of the clause.

The ATTORNEY-GENERAL drew the hon. member's attention to the fact that this was the maximum penalty, and that an offender under the clause might be sentenced to only one year with or without solitary confinement. It was important to observe that the clause dealt with offences after previous conviction, and therefore the penalty should be allowed to stand.

Amendment put and negatived, and clause put and passed.

Clause 157 and 158 put and passed.

On clause 159—"Defacing coin by stamping words thereon"—

Mr. KERR asked if a person who marked coins for identification would be liable under the clause?

The ATTORNEY-GENERAL replied that it would not. The clause applied to cases where a man, for advertising purposes put his name or some symbol across the coin, or in some other way defaced it.

Mr. GIVENS: Supposing a man bored a hole in a coin to hang it on his watch chain?

The ATTORNEY-GENERAL: That would not come within the clause.

Clause put and passed.

Clauses 160 to 183, inclusive, put and passed.

On clause 184—"Interference with telegraphs"—

Mr. GIVENS asked if the Attorney-General did not think the punishment a little too severe. A schoolboy might throw a stone for a lark and break an insulator, and he would be liable to imprisonment with hard labour for three years; or if brought before a magistrate on summary jurisdiction he might be sentenced to three months' imprisonment or to pay a fine of £20.

The ATTORNEY-GENERAL: The clause contemplated the commission of offences which might be serious and deserving of severe punishment. In a case such as that to which the hon. member referred, the magistrate would no doubt think the ends of justice satisfied by the infliction of a fine of 5s., or perhaps imprisonment for one week.

Clause put and passed.

On clause 185—"Attempt to injure telegraphs"—

The ATTORNEY-GENERAL said there were a few more clauses in the 10:30 p.m. chapter; but as it was now half-past 10 he would keep his promise to the leader of the Opposition, unless he, the hon. member, was willing to go on to the end of the chapter.

Mr. DAWSON: Never mind; go on.

Clause put and passed.

Clauses 186 to 191 of the schedule put and passed.

The House resumed; the CHAIRMAN reported progress, and the Committee obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER: I move that this House do now adjourn. The Government business to-morrow will be the resumption of the consideration in committee of the Criminal Code Bill.

Mr. DAWSON: I would like to know from the hon. gentleman whether he is prepared to give notice to-morrow of a motion to facilitate the passage of the One Man One Vote Bill. We have not pressed the matter unduly upon the hon. gentleman. We waited patiently till the Address to Her Majesty with regard to federation was considered, and now that the Address has been passed I hope the hon. gentleman will take the first opportunity of putting it on the business-paper for Tuesday, if possible; also I would like to know if he is prepared from this out to ask for an extra sitting day.

The PREMIER: With regard to the extra sitting day, I think we will commence it next week; I shall give notice early next week for that purpose. With regard to the other matter—the Electoral Reform Bill—I promised the hon. gentleman that it should be introduced with the first batch of Bills after the Address to Her Majesty, and I intend to fulfil that promise. I am not prepared to say that it will be introduced to-morrow, but it will be introduced with the first batch of Bills—which I shall probably introduce next week.

Question put and passed.

The House adjourned at twenty-five minutes to 11 o'clock.