had been able to undertake the consideration of a new Local Government Bill; but as we are unable to do so this session the local authorities have preserved for some time to pay their debts to the Government. Of course they will pay interest in the meantime, but the principal money due by them will be suspended from the 30th June last for two years. That is all that the Bill contains. It will apply to cases all over the colony. I can understand that the authority that chooses, through its chairman, to make a written application to the Treasurer, can obtain the relief afforded by the Bill, but I do not suppose it will be availed of in more than three or four cases. I believe the extension originally asked for was three years, but the Government, on considering the matter, thought two years would be quite sufficient; and that has been received with satisfaction by those who wanted the extension. I move that the Bill be now read a second time.

The HON. A. NORTON: The weakness of the Bill is that it gives the Governor in Council power to accept or to refuse any applications that may be made. The present Government may be made. I can well understand that certain local authorities that might remove all doubt as to what may be done. If I understand the word "may," it means that the Governor in Council has the option of accepting or refusing any applications that may be made. I can understand that certain local authorities are in difficulties, and I do not wonder at it. The only wonder is that they have been able to get on so well. At the same time that the privileges granted under this Bill should be extended to all who felt it necessary to apply for them.

Second Reading—Resumption of Debate.

The HON. P. MACPHERSON: I venture to say that the Bill we are now discussing, dealing with a subject so far-reaching as that of criminal law, is one which deserves the most earnest attention of the legislature. It has redounded to the credit of the judges of this colony that they have spared neither their time nor their ability to endeavour to attain, as far as possible, perfection in its laws. And amongst the judges of the colony—indeed I may say of the Australian colonies—none takes higher rank as an originating and consolidating lawyer than the author of this code. I venture to say that no single judge has ever yet achieved a work involving so much initial labour and so much continued intellectual effort as is evidenced in this code; and I think every dispassionate member must admit that no citizen could have more fully and patriotically applied the talents with which God has endowed him to the service of the State than His Honour the Chief Justice Chubb in this work now before us. His Honour, in his introductory letter to the draft code, has explained at considerable length the difficulty of his task, and the sources from which the code has been derived; also explaining its provisions and exhaustively treating upon the various subjects of importance which necessarily arise from it. It is, I contend, but a small compliment to the citizens of a State to ask its rulers that their laws should be promulgated in a mode as concise as possible consistent with clearness, and to me it seems surprising that a nation boasting the civilisation of England should still be without a criminal code. We are aware that codes have been made in other countries in recent times, but none of these has yet received the sanction of legislative enactment. I may state that, although we are a new country, it behoves us exactly to follow the conservatism of the mother country in this respect. Any provision of the criminal law is altogether bewildering in its extent. This branch of the law is comprised in hundreds of statutes, in decisions and dicta of the judges extending over centuries, and in the work of text writers. So extensive is the field that even the average lawyer, unless he is a specialist of the work, can have little more than a slight acquaintance with its provisions. The task of consolidating this law is in this colony rendered more difficult by the necessity of sifting out those in statutes which were deemed applicable to the Constitution of the colonies on the 25th July, 1855, when the Charter of Justice came into force. I may state that the criminal law consists of two leading divisions—statute law and common law. Common law is also called the unwritten law, and includes in it the decisions of judges. I believe the extension originally asked for was three years, but as we are now discussing, dealing with a subject so far-reaching as that of criminal law, I can well understand that certain local authorities that might remove all doubt as to what may be done. If I understand the word "may," it means that the Governor in Council has the option of accepting or refusing any applications that may be made. I can understand that certain local authorities are in difficulties, and I do not wonder at it. The only wonder is that they have been able to get on so well. At the same time that the privileges granted under this Bill should be extended to all who felt it necessary to apply for them.

Question put and passed; and the committal of the Bill made an Order of the Day for to-morrow.
abundant opportunity for a commission to meet during the recess, His Honour the Chief Justice being the chairman of it; and when the Minister for Justice meets again with the
imprimator of such a commission on this Bill, we can set to work with some assurance to pass it. I say candidly there is not in this House the material for a committee who could at all adequately or satisfactorily deal with a measure of this sort. There are not men with the experience and technical knowledge necessary to properly deal with it. While paying full
meed of praise to the admirable effort of intellec which is embodied in this Bill, I cannot say that I can vote for its second reading. I have no intention of voting against the second reading of the Bill, but I hope that the Minister for Justice, looking at the importance of the measure and the difficulty of adequately dealing with it in a satisfactory manner, will take means for adopting the suggestion I have made. There is one other matter which before I sit down I must call attention to. This Bill neces-
sarily contains provisions of existing Acts, but there is one provision in one Act which seems to me so utterly abhorrent to justice that the sooner it is withdrawn the better. The provision is contained in clause 615 of the code, and it is a re-enactment in the words of section 9 of 60 Geo. III. and 1 George IV., clause 4, and is as follows:—

If a prosecution for a misdemeanour instituted by the Attorney-General or Solicitor-General in the Supreme Court is not brought to trial within twelve months after the plea of not guilty has been pleaded, the court may, upon the application of any defendant, and after twenty days' notice to the Attorney-General or Solicitor-General, authorise such defendant to bring on the trial, and the defendant may bring on the trial accordingly, unless a nostr sensible is entered in the meantime.

That enables the Attorney-General, who, when he lays an information, is supposed to lay it upon evidence which he has before him, to delay proceedings upon that information for twelve months. I say such a provision is scandalous, and in the light of modern criminal practice it is abhorrent to all ideas of justice. I say, further, that in some cases it will produce the direst hardship. I may refer to the cases which have recently been before the courts, most important cases, in which men were made to needlessly suffer because of this provision. A prosecution was begun with the object of sending the poor offenders to the intense misery of themselves and their families, for month after month. It is all very well to say that it is difficult to bring evidence, and that it would be unreasonable to expect Parliament to accept the code when we have such a short time remaining this session for its proper consideration. If any defect should be found in the code the blame would be thrown upon the learned Chief Justice, and I do not think it is a right thing for Parliament to shelter itself behind the name of any one individual. I quite agree the haggling has been made, that before it is sought to pass this Bill it should be referred to a commission whose members must be considered to be specialists in criminal law. There are many points of view from which the different clauses may be looked at, and I am sure it is quite beyond my power for one, and, I have no doubt, beyond the power of other hon. members to devote to it the attention that is necessary to make it so complete that we should feel ourselves free to adopt it. I therefore join in urging that the least consideration which the learned author of the Bill deserves is that of having it confirmed by the best legal assistance that can be obtained in the colony, and when that has been done I think Parliament may very well, in my opinion, make amendments of the code. It is not fair to the learned Chief Justice himself to accept so important a measure as this on his sole responsibility. No man could compile a measure without some mistake of omission or oversight, and though the learned Chief Justice has given so much of his time and labour to the preparation of this code it would be unreasonable to expect Parliament to accept the code when we have such a short time remaining this session for its proper consideration.

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The Hon. A. J. THOMSON: In referring to this Bill I may at once inform the House that I have not attempted to give it that critical study which its importance deserves. It is far beyond the reach of individual members of the House to devote the necessary time to its study, and when one observes that it proposes to repeal from 250 to 240 different Acts of Parliament, one gains some idea of the extent of the labour which a critical investigation of the measure would involve. The code itself contains 720 clauses, and could not possibly, with any satisfaction to Parliament, be dealt with in the present session. I concur entirely with what the Hon. Mr. Macpherson has said as to the industry and learning which has been brought to bear on the preparation of this code, and I do not think it would be fair to the learned Chief Justice himself to accept so important a measure as this on his sole responsibility. No man could compile a measure without some mistake of omission or oversight, and though the learned Chief Justice has given so much of his time and labour to the preparation of this code it would be unreasonable to expect Parliament to accept the code when we have such a short time remaining this session for its proper consideration.
I do not know whether such an amendment would meet the views of my hon. colleague, but if it does perhaps some other member may be induced to move it. For a layman to attempt to criticise the code would be an absolute absurdity. If I have not been misinformed I believe the Bills of Exchange Act, of Great Britain, was three years in compilation, and was submitted practically to the whole of the judges. Therefore I do not think anyone could be offended with a motion in the direction I have indicated. Perhaps the hon. gentleman in charge of the House would say whether he would accept such an amendment.

The Hon. W. FORREST: I do not profess to be able to criticise this Bill. I travelled through it when it was first published, and arrived at the conclusion which I have now expressed. I would merely suggest that if the Bill is submitted to a Royal Commission it would be advisable to have two or three laymen on it. It is called a Criminal Code Bill, but all the criminals in the country are not lawyers. It would be a useful experience for the commission to consist entirely of lawyers, because no one ever heard of two lawyers absolutely agreeing. My object in rising was to move the adjournment of the debate, to give the Minister time to formulate a motion. I quite agree with the views expressed by the Hon. Mr. Barlow, and I now move that the debate be adjourned.

The MINISTER FOR JUSTICE: I quite recognise the force of the observations addressed to the House by members who have spoken. This is a Bill of very great magnitude, and one that requires very careful consideration. Anything that tends to that careful consideration will have my approval, and of the suggestions that have been made I certainly think a Royal Commission would be the best, because it would consist of a judge or two—probably the Chief Justice and another Supreme Court judge, perhaps a District Court judge, with Mr. Pinnock, who has had large experience as a metropolitan police magistrate, and there would not be the slightest objection to one or two laymen if the Hon. Mr. Forrest would point to those who have had sufficient criminal experience. I certainly think there is a great deal to be said in favour of the Bill being relegated to some such commission, because the defence could then be taken from the judges and those who are able to speak as to the value of the code. If that were done probably all the members of this House who have spoken would be in a better position to understand the subject and accept the measure in a way that we cannot do now. I do not think anybody but a Royal Commission would be of any service. It would be no use committing the Bill to a joint committee of both Houses. As it appears to be the unanimous wish of the House, I shall offer no objection to any hon. gentlemen who may choose to move in the direction of submitting the Bill to a Royal Commission.

The Hon. A. H. BARLOW: The Hon. Mr. Norton has drawn my attention to my expression "competent legal criticism." I had no intention of singling out the Chief Justice, because, for all I know, the Bill may be absolutely faultless, but if we committed the revision of the Bill to a number of young and inexperienced barristers I should not consider that "competent" legal criticism. What I meant was the criticism of mature lawyers who were entitled to express an opinion.

Question put and passed; and the resumption of the debate made an Order of the Day for Tuesday next.

The House adjourned at ten minutes to 5 o'clock until Tuesday next.

Criminal Code Bill. [15 November.]

Mining Bill. 1141

LEGISLATIVE ASSEMBLY.

MINING BILL.

Resumption of Committee.

Question stated—To add to clause 24 of the enactment moved by the Secretary for Mines, namely—

Provided always that the area shall not exceed twelve hectares until the expiration of seven years from the date of the original proclamation, nor twenty-five hectares until the expiration of fourteen years from the date of the said proclamation.

To which Mr. Brown had moved that the following words be added:—

Provided also that not more than twenty-five hectares shall be granted, except in the case of the most difficult of working, or the expense of erecting mining machinery is likely to be great.

Mr. SIM: After the protracted discussion which had taken place hon. members on his side were prepared to accept a reasonable compromise, which would be hailed as the beginning of better things. He desired to emphasise the fact that the Government had not thought fit to accept a reasonable compromise. He was not a partisan.

The CHAIRMAN: I would now ask the hon. member to seriously discuss the business before the Committee. I would remind him that the Minister has had no opportunity of making a statement since I submitted the question to the Committee.

Mr. BROWNE had no intention of discussing the question at any length. He had proposed the amendment, believing it to be to the best interests of the mining community. They had already passed a clause allowing fifty-acre leases all over Queensland. He had done his best to put it in safeguards, and he was not going to say another word on the amendment, but would simply leave it to the Minister. If he declined it, the responsibility would fall upon him. He believed that the indiscriminate granting of fifty-acre leases would be one of the very worst things that had ever happened to Queensland. He thanked the members of his party who had so loyally given way to himself and two or three other hon. members, and allowed them to discuss the question. Considering that the greatest harm would be done by that clause, from this point he intended by all constitutional means to oppose the Bill, and to do his best to throw it out.

Mr. SIM was going to support the hon. member for Croydon, not only as a person existed, but as one who believed every word the hon. member said in that Committee to be true. Why were they present to discuss one of the most important questions that could be put before any Parliament in Australia? The CHAIRMAN: If the hon. member will allow me, I will tell him. The question before the Committee is to add the proposed words to the proposed amendment.

The SECRETARY FOR MINES had as great a desire as the hon. member for Croydon to make this a good Mining Bill, and to surround the fifty-acre provision with all possible safeguards. Had the hon. member allowed the amendment he proposed the previous evening to...