Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 16 OCTOBER 1901

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LEGISLATIVE COUNCIL.

WEDNESDAY, 16 OCTOBER, 1901.

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

PAPERS.

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

(1) Preliminary statement of census for the year 1901, taken on the 31st day of March of that year, being the ninth census of the State.

(2) Despatch from the High Commissioner for the Western Pacific transmitting regulation relating to the Gilbert and Ellice Islands.

THE ROYAL TITLE IN ACTS OF PARLIAMENT.

HON. A. H. BARLOW, in moving—

That an address be presented to His Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to cause to be laid upon the table of the Council such information as may be at the disposal of His Excellency as to the form adopted in the Acts of the Parliament of the United Kingdom of Great Britain and Ireland when referring to the name of His present most Gracious Majesty—

said: This matter is in a very small compass. I am not going to argue the literary question. All I want to do is to have the headings of our Acts of Parliament assimilated to those of the Federal Acts and of the Acts of Victoria and Tasmania. Those of the other colonies I have not been able to get. I have adopted the respectful form of asking His Excellency, through what is called an "Address praying," to furnish us with the information. I do not think I need take up the time of the Council over the matter, but will simply move the motion.

The SECRETARY FOR PUBLIC INSTRUCTION (Hon. J. Murray): I called at the Crown Law Office this morning, and saw the Attorney-General on this subject, and he told me that instructions to make the alteration required in the form of the King's name in the heading of Acts of Parliament were sent to the Government Printer on the 14th instant. I understand that was done not because it was deemed that the term used was erroneous, but for the purpose of conforming to precedent. According to that instruction the alteration desired by the Hon. Mr. Barlow has been already provided for.

The PRESIDENT: What is the alteration?

The SECRETARY FOR PUBLIC INSTRUCTION: An alteration in the spelling of the name.

HON. P. MACPHERSON: May I ask the leader of the Government what the alteration is that is desired by the Hon. Mr. Barlow? I never could understand this contention, or what it matters, so long as you don't call him "Neddy" or "Teddy."

HON. A. H. BARLOW: The alteration is from "Eduardi" to "Edwardi." I am very glad to receive that assurance from the hon. gentleman in charge of the Government business. I have no desire to score any victory in this matter. I only desire to put matters right—that we should not be out of line with all the other colonies; and after the assurance given by the Minister that that will be attended to, I beg to express my sense of the manner in which the Government have now met the question—which they might have fought out to the bitter end—and I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

ABORIGINALS PROTECTION AND RESTRICTION OF THE SALE OF OPIUM BILL.

RESUMPTION OF COMMITTEE.

On clause 14, as follows :—

In every case of a prosecution for any of the offences defined in sections two hundred and twelve, two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and nineteen of the Criminal Code with respect to an aboriginal or half-caste girl, the burden of proof that the girl is not under a specified age shall lie upon the person charged.

HON. A. H. BARLOW said that when the Committee rose last night he was referring to the departure from the principles of the Criminal Code in that clause. At present the Crown had to prove that a man was guilty—the burden was on the Crown to prove that the girl was under a specified age. He would describe very briefly the sections of the Criminal Code referred to in the clause. Section 212 was as to debauching a girl under twelve years of age. There was a special plea allowed there. Section 213 was as to keeping a girl of twelve to fourteen years of age in a house of illfame. In that case the prisoner was allowed to plead that he had reason to believe that she was older than that age. Section 215 was as to debauching a girl under fourteen or an idiot girl. Then also a special defence was allowed that the prisoner had reason to believe that she was over that age. Section 219 was as to the abduction of a girl under eighteen years of age and taking her away from the custody of those who had lawful control over her. There also a special defence was allowed. Without any diminution of their abhorrence of vice and sin, they, as members of the Council, were bound to protect the liberty of the subject, and it was a part of the liberty of the subject that he should be allowed to set up those reasonable pleas. Supposing a girl told a man she was above a certain age. She might be so developed in appearance as to give him reasonable cause to believe that that was the case. The man was put upon his trial. Under that clause he would have to prove something that it was impossible to prove. In an ordinary trial the Crown would have to prove that the girl was under twelve, or fourteen, or eighteen, as the case might be, and the man was allowed to plead that he had reason to believe that she was older, and that, under the Criminal Code, constituted a good defence. He did not think they would be charged with sympathising with vice and sin if they rescinded or altered that special provision about the burden of proof. He believed the lawyers in the Council would tell them that the special defence would still remain, but the prisoner would be handicapped with the enormous difficulty of having to prove a negative. He trusted the Minister would see his way to modify the clause.

The SECRETARY FOR PUBLIC INSTRUCTION : In accordance with the promise he made to the Committee yesterday, he waited upon the Attorney-General this morning, put the clause before him, and mentioned the doubts that had arisen in the minds of hon. members as to how the passing of the clause would affect the Criminal Code. The Attorney-General assured him that it would in no way over-ride the Criminal Code, but that it was a special provision, which the Criminal Code did not provide, for the protection of aboriginal or half-caste girls. No doubt the clause seemed a somewhat drastic one, but the experience gained by the protectors had led them to believe that some such provision was absolutely necessary. The clause had been framed after the most careful consideration, and with a full knowledge of what the effects of it would be if passed in its present form. The object was to give aboriginal and half-caste girls a protection which the existing law did not give them.

HON. A. NORTON: When he asked the leader of the House last evening to submit the matter to the Attorney-General and the Crown Law Officers, and take their advice as to whether the Criminal Code could be amended by that Bill, he hoped the answer would be such as would have enabled them to get rid of a very objectionable clause. If they were not amending the Criminal Code, why was the Criminal Code mentioned? That Code dealt with blacks as well as with whites; it applied to every person in the colony. The mere fact that the Criminal Code was mentioned in the clause showed that it was an attempt to amend it. In any case, even after the statement of the Minister, he might say at once that he intended to vote against the clause altogether. He did not think anyone would accuse any hon. member of the Council with desiring in any way to shield those who perpetrated odious offences against black girls; but he would ask—What was the reason for making that amendment in the law? According to the principles of British law an accused man was deemed to be innocent until he was proved guilty. He might be arrested and lodged in gaol, but when proved not guilty he was released. There seemed to be only one reason why the burden of proof should be thrown upon the person charged, and that was that the protector could not prove that she was under the age. No doubt the Government earnestly desired that men guilty of outrages on aboriginal or half-caste girls should be punished, and it was extremely difficult to get at them to punish them ; but that was no reason why a man who was accused, and who might be innocent, should be punished because he could not prove that a girl was over a certain age. That would be a gross injustice, and it would be better that a number of men who had committed foul crimes should escape rather than that one innocent man should be punished. He opposed the clause with regret, because he would do all he could to further the object of the Government in the matter.

HON. F. I. POWER agreed with the observations of the last speaker; at the same time, if the clause was altered—and he thought it ought to be—it seemed to him that to get a conviction against a man defiling a girl under the age of twelve would be an utter impossibility. It was possible, as the clause stood, that a man charged with committing an offence on a girl under the age of twelve might be convicted though the girl was nineteen or twenty years of age, because he would not be in a position to prove that she was nineteen or twenty. He agreed that no hon. member would be inclined to be lenient towards any ruffian who would be guilty of any of these offences against a half-caste girl, but as the clause stood it was too drastic altogether.

HON. A. C. GREGORY: The Committee had further to consider that, though under the Criminal Code it was a ground of defence that the accused individual had reasonable ground for assuming that the girl was of a certain age, still it was not sufficient to simply allege that, in order to get off scot-free, he must prove to the satisfaction of the court that his ground of assumption with respect to her age was reasonable. Notwithstanding the inference to be drawn from the remarks of the Secretary for Public Instruction—that the clauses in the Criminal Code did not apply to aboriginals—it applied to aboriginal and half-caste girls as well as all others. It would be better to omit the clause, because some of the sections recited in it had nothing to do with the proof of age, and it

was hard to say why they had been quoted. That, however, was a technical objection. The real objection to the clause was that it was unreasonable and unconstitutional to make a law more oppressive on one individual than on another. They could not make a different law for certain individuals because those individuals happened to be of a different colour.

HON. P. MACPHERSON agreed with every word that had been said by the Hon. Mr. Barlow. The sections of the Criminal Code referred to cases of intercourse that took place with consent, and the very reasonable enactment was made with reference to them that it was a defence to any of the offences defined in the various sections to prove that the accused person believed on reasonable grounds that the girl was of or above the age. He protested against that provision being taken away as it was being taken away by this clause.

An HONOURABLE MEMBER: The jury will be the judges.

HON. P. MACPHERSON: But the accused person might have been enticed into this. In these cases the sin was generally as much on one side as on the other. He thought it would be most unjust to pass the clause. The law at present dealt amply with the matter. The word "girl," under the Criminal Code Act, referred to a black girl as well as a white girl, and he saw no occasion to draw a distinction in favour of the aboriginal or half-caste girl in a matter like this, which so vitally affected the liberty of the subject.

The SECRETARY FOR PUBLIC INSTRUCTION: It would appear to him that there was a difference in the two cases, which hon. gentlemen seemed to have overlooked. The Criminal Code provided for the protection of young girls whose ages could be proved by their birth certificates.

Hon. A. H. BARLOW: Not always.

The SECRETARY FOR PUBLIC INSTRUCTION: He believed that in ninety-nine cases out of a hundred they could be so proved. But in the case of an aboriginal or half-caste girl there was no means whatever of proving the age. The class of men this Bill was intended to restrict—he did not want to denounce them in any way, but he thought he would be justified in saying they were a class of men who were not only grossly immoral, but who had no compunction so long as they got any means of satisfying their passions. And they could do it with absolute impunity as the law stood, because there was no means of proving the age. There were records of the most horrible crimes committed by those men on helpless girls in the Northern and Western districts. There was the record of a girl seven years of age having been grossly violated by a ruffian, who knew perfectly well that the law could not touch him on account of the impossibility of proving the age. If men committed those horrible offences, the duty of clearing themselves should rest entirely on themselves. It might seem hard, but the accused
[4 p.m.] person had his remedy. He knew that if he committed this offence he was offending against the laws of society and the laws of God, and he ought to be held responsible. His remedy was to clear himself of the charge, and, if he was an innocent man, he could always do that.

HON. A. H. BARLOW said he was not going to allow himself to be put into a false position by the hon. gentleman's speech. He did not care what happened, the same law should be applied to the humblest individual—even to the beachcombers of Thursday Island—as to hon. members of that Chamber. The principle the hon. gentleman appeared to fail to grasp was that a man might be put on his trial and be liable to imprisonment for fourteen years, and the only way he could get out of it was by doing an absolute impossibility—producing the birth certificate of a black gin. He could not vote for the clause. At the same time he expressed his abhorrence of the offences; and if a man were found guilty of them by the ordinary laws of our jurisprudence he would hang that man within twenty-four hours.

HON. W. V. BROWN: There were some objections to the clause as it stood; at the same time, he thought there should be some provision by which aboriginal and half-caste girls could be protected. It had occurred to himself and some other hon. members that an amendment might be made to meet the case, and if it was agreeable to the Committee, he proposed that the clause should be postponed with the view of preparing that amendment.

HON. F. I. POWER: With respect to the suggestion just made, he might point out that the idea was to so amend the clause as to make the proof relate to puberty instead of age. He understood from those best able to give an opinion on the subject, that the Crown would always be able to give satisfactory evidence as to puberty.

HON. A. NORTON: Unless the Crown was made to prove the case against the accused person, the amendment would not alter the principle of the clause.

The CHAIRMAN: Do I understand that the Hon. Mr. Brown intends to move that the clause be postponed? He has not done so yet.

Hon. W. V. BROWN moved that the clause be postponed.

The SECRETARY FOR PUBLIC INSTRUCTION said he granted the importance of the clause under discussion, and if hon. members thought it could be improved in the way suggested he would not object to its postponement, in the hope that they would be able to deal with it at a later period of the sitting. He would suggest that hon. gentlemen set to work and prepare the amendment at once.

HON. W. F. TAYLOR said that any amendment to be proposed should throw the onus of proof on the Government, not on the accused. It was manifestly absurd that a man accused of a crime of that sort should have to prove that a girl was over a certain age. It would be impossible to do so, whereas it would be very much easier for the Government to prove that she was under the age.

Clause postponed.

On clause 15, as follows:—

Notwithstanding the provisions of the Mining Act of 1898, no holder of a miner's right shall be entitled to enter or remain or be within the limits of any reserve for aboriginals except under the written permit of a protector. Any such person who, without such permit, or without lawful excuse, the proof whereof shall lie upon him, is found upon any such reserve shall be liable to a penalty not exceeding fifty pounds or to be imprisoned for any period not exceeding three months.

HON. F. I. POWER said he knew a little about some of those reserves. There was one which he understood was likely to prove both auriferous and metalliferous. He had nothing to say against the present protectors, but they had no idea whom they might have in future. Although a protector had the right to grant a permit to the holder of a miner's right, he had also the right to withdraw it. A man might be in this position: After getting the permit, and after having spent the best part of a year or more prospecting, a prospector might make a discovery. It was quite possible then for the protector to withdraw his permit, and give a permit to a friend of his own to take advantage of that man's discovery. That certainly would not be fair. Large areas were being placed under

reserve, and it was utterly impossible for any geologist or anybody else to say that any tract of country was not going to be auriferous or metalliferous. He proposed to meet the difficulty by moving that, after the word "protector," the following words be inserted :—

In all cases where such permit is refused or withdrawn, such holder of a miner's right shall have the right to appeal to the Minister, who may confirm or reverse the decision of the protector.

Supposing the protector said, "I accuse you of tampering with aboriginals, and withdraw the permit I gave you," the prospector would have a right to appeal to the Minister, which would be some protection. As the clause stood the protector had absolute power over a vast area of country as far as prospecting was concerned. He did not think any reasonable objection could be taken to the proposed amendment.

The SECRETARY FOR PUBLIC INSTRUCTION said he saw no very grave objection to the amendment. The original Act of 1897 precluded miners altogether from going on those reserves, but it was granted to holders of a miner's right in the Mining Act of 1898. A strong provision of that sort was necessary because otherwise a man armed with a miner's right could defy the protector, and the intention of the Bill as far as reserves were concerned would be nullified.

Amendment agreed to.

HON. A. NORTON asked whether it was necessary that the words "the proof whereof shall lie upon him" should be retained? It appeared to him that if a man made a lawful excuse the words were unnecessary.

HON. F. I. POWER thought the words as they stood were absolutely necessary. Where they had large areas like those reserves it would be impossible to get a conviction unless the onus of proof was thrown upon the defendant. There was a precedent for that in a trespass on enclosed land. An innocent man might go on another person's run and be prosecuted for the mere fact of his being there. It was his duty to satisfy the bench that he was there lawfully; otherwise the owner would have to prove that he was there wrongfully, which would be a very difficult thing to do.

HON. J. ARCHIBALD said that although the reserves had been described in the *Gazette*, he questioned whether any of them had been properly surveyed and marked, so that a man roaming about the country looking for gold or other metals might be on a reserve without knowing it. How would the protector know it?

The SECRETARY FOR PUBLIC INSTRUCTION: If he has a miner's right and a permit he is all right.

Clause, as amended, put and passed.

On clause 16—"Persons prohibited from frequenting camps, etc."—

HON. A. H. BARLOW said there was something in that clause rather stiff. It provided that if a person was found within 5 chains of an aboriginals' camp he should be liable to a penalty of £50 or to three months' imprisonment.

HON. A. C. GREGORY said there was no definition in the Bill of the word "camp." He understood that wherever aboriginals were located or slept was a camp. For a good many years there had been a camp in the town of Maryborough, where there was not quite 5 chains between it and the river. How was a man to know when he was 5 chains from where aboriginals had a sleeping place.

The SECRETARY FOR PUBLIC INSTRUCTION: You can always tell when you are near a black's camp.

HON. A. C. GREGORY: On the lee side of them you can, but not to windward.

Clause put and passed.

Clause 17—"Removal of camps in or near townships"—put and passed.

On clause 18—"Jurisdiction of justices, etc."—

HON. A. H. BARLOW said there was a remarkable feature about the clause—the protector might direct a man to apprehend himself. It provided that if any person appeared to the protector to have committed any offence under the principal Act, or this Act, or the Native Labourers Act of 1884—

The protector may, by written order under his hand, direct the offender, and if necessary the ship, vessel, or boat to which he belongs, and the master or the whole or any of the crew or passengers thereof, to proceed to the nearest place at which a court of petty sessions is held, and the justices may hear and determine the matter in a summary manner. The protector may order the detention of any such ship, vessel, or boat until the alleged offence has been adjudicated upon.

That was to be done without any warrant or any sworn information. The protector had nothing to do but to say, "You go to Cooktown," or to Thursday Island, as the case might be. He could not consent to that. It seemed to him contrary to all their preconceived notions of justice.

HON. W. F. TAYLOR thought it was placing too much power in the hands of any protector. The vessel detained might be a large steamer with a numerous crew and a full complement of passengers on board, and the expense of detention might be £200 or £300 a day. The vessel might be detained as long as the protector thought fit, and there was no remedy. With every desire to protect the aboriginal, he thought that when it came to giving such powers to a protector, they were legislating beyond all bounds of reason. He certainly did not approve of the clause as it stood.

HON. A. NORTON: After all this had been gone through—after an accused person, together with the vessel, the master, crew, [4·30 p.m.] and passengers, had been taken before the nearest court of petty sessions—if there was no case against him, and he was acquitted, there was no remedy for him. There should be some provision for compensation in such cases. That appeared to him to be the chief objection to the clause.

The SECRETARY FOR PUBLIC INSTRUCTION: The Bill dealt with exceptional conditions altogether, and the protector must be armed with certain powers to deal with offences committed by persons on those boats. How was the protector to prove those cases unless he had power to order the boat to the nearest court of petty sessions to hold an inquiry? He would not detain a vessel or order it to port unless there were very good and sufficient grounds.

HON. A. NORTON: The hon. gentleman had missed his point altogether. What he complained of was the fact that there was no provision for compensation in case a man was put to great trouble and loss under the clause, and the case was dismissed after all.

HON. A. C. GREGORY: One difficulty in connection with the clause as it stood was that the vessel might be ordered to proceed to the nearest place at which a court of petty sessions was held. That might involve the absurdity of ordering the vessel to proceed inland. Or the nearest court of petty sessions might be held at a place to which it would not be safe to take the vessel. That might be obviated by inserting the word "convenient" before the word "place." The objection he had to the clause as it stood was that it practically gave the power to arrest a man on suspicion.

The SECRETARY FOR PUBLIC INSTRUCTION: The powers contained in the clause were also contained in the 10th section of the Pearlshell and Bêche-de-Mer Fisheries Act.

Dr. Roth, in reporting to the Home Secretary recently, said that in May last, when in the "Belvidere," he came across some gross abuses on the Barrier Reef, where there were women and children on the boats. There were some very gross cases, and he ordered them to Thursday Island. Dr. Roth said in his report—

> On arrival at Thursday Island I consulted with Mr. Bennett as to what had best be done under the circumstances of both cases, but learnt from him that no action could be taken there, as the alleged offences were committed outside the jurisdiction of the Somerset petty sessions district, which extends only to latitude 12 South, although both boats had got their licenses from the island.
>
> As it was a matter of practical impossibility to go over 300 miles to lay an information, both Protector Bennett and myself considered that, in view of the employment of the children, we could not do less than refuse Tanikawa and Sid Clarke permission to employ aboriginals in the future. In the case of Tanikawa, it was well known to Protector Bennett that he had been working blacks illegally for some time past.
>
> Both these cases afford illustration of the difficulties with which Mr. Bennett and myself have to contend so far as the question of jurisdiction is concerned. Though the bêche-de-mer, etc., boats get their articles from Thursday Island, the majority work beyond the limits of that petty sessions district.

With that evidence before them, it would be seen that the clause was most necessary. Seeing that the Bill had been so long under consideration, he thought there had been ample time for hon. gentlemen to prepare amendments and have them circulated, and if that had been done they could have been considered and dealt with in a business-like way.

HON. W. V. BROWN did not think the clause would be found to be so oppressive as some hon. gentlemen imagined. In reading the clause it might naturally be supposed that some injustice might be done to the owners of ships or steamers, but he did not think that such would be the case. It would be absurd for a protector to order a mail steamer to go back to the nearest port, and that was not contemplated. It was difficult to define the particular class of vessel the clause was intended to deal with, and it was necessary to say "ship, vessel, or boat"; but he was satisfied that it would apply only in the case of the small fishing vessels. He did not see any way of protecting the natives unless some such power was given, and it was unreasonable to suppose that the protector would act improperly or oppressively. It was not likely that a vessel would be ordered to port very often; but it was better to run the risk of that than deprive the protector of the necessary power given by this clause. He thought the suggestion made by the Hon. Mr. Gregory with regard to the insertion of the word "convenient" before the word "place" was a very good one.

HON. A. C. GREGORY moved the insertion after the word "nearest" on line 21 of the word "convenient." It would then be in the discretion of the protector to decide which was the nearest convenient place to which to order a vessel, and the question of boundaries would not come in to protect offenders.

HON. W. F. TAYLOR said this amendment rather forestalled him. He was going to move the omission of the words "and if necessary, the ship, vessel, or boat to which he belongs, and the master or the whole or any of the crew or passengers thereof." He did not see why they should be included.

HON. A. C. GREGORY: With the leave of the Committee he would withdraw the amendment for the present to allow the Hon. Dr. Taylor to move his amendment.

Amendment, by leave, withdrawn.

HON. W. F. TAYLOR moved his amendment. The clause provided that any person who disobeyed any order of a protector under the section would be liable to a penalty not exceeding £20, or to imprisonment for a period not exceeding two months, and that was sufficient to ensure the supposed offender appearing at the court to which he was ordered. It was going altogether too far to give the protector power to order the vessel, master, crew, and passengers to port because one man was supposed to be guilty of an offence.

The SECRETARY FOR PUBLIC INSTRUCTION said he saw reasons for objecting to the amendment. If a supposed offender only was taken away from the boat, perhaps the most guilty man on board would escape to commit further offences. The clause empowered the protector to do certain things "if necessary," and he would not detain the ship, crew, and passengers unless there was some good and sufficient reason for doing so. If the offender was the master in charge—was the suspected person—it might be necessary to take the crew to the nearest court of petty sessions to prove who was the guilty party. He had no objection to the amendment of the Hon. Mr. Gregory.

HON. G. W. GRAY said the clause simply applied to pearling and bêche-de-mer boats under the Native Labourers Act of 1884, and it would be impossible to get the offenders to proceed where the inspector required unless he ordered the boat to proceed also.

HON. W. F. TAYLOR said that, according to the argument of the leader of the House, if a robbery was committed in Brisbane, and the thief could not be found, all the people in Brisbane ought to be arrested for fear the thief might escape.

HON. F. I. POWER said it appeared to him that the clause was being misunderstood by hon. gentlemen. As he read it the protector, if he thought it necessary, might by an order under his hand direct the offender, the ship to which he belonged, and the master or the whole or any of the crew and passengers to proceed to the nearest place at which a court of petty sessions was held. It was not necessary to order the whole lot of them, although in certain cases it might be. The only amendment necessary, in his opinion, was to substitute for "the nearest place," "the nearest convenient port." The "nearest place" might be 40 miles inland, while there might be another court of petty sessions at a port only 100 miles away.

Amendment negatived.

HON. A. C. GREGORY moved that the word "convenient" be inserted after the word "nearest."

Hon. F. I. POWER: Why not insert the word "port?"

HON. A. C. GREGORY: There might be a court of petty sessions a mile inland. To insert "port" would necessitate an interpretation of what port meant.

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

On clause 19—"Father liable to contribute to support of half-caste child"—

HON. A. H. BARLOW said that clause was a brilliant example of what would happen if there was only one Chamber in the legislature. He would refer to subsection 3——

HON. A. NORTON said he had an amendment to move before they came to subsection 3. Yesterday in two or three clauses they struck out the word "person" and inserted "aboriginal or female half-caste." In the first sentence of the 1st paragraph of that clause
[5 p.m.] the father of the child was specially mentioned. Immediately afterwards they had the words "such person," referring to the child itself. And after speaking of the father the clause proceeded to call him "the

alleged father." He moved that the word "person" in the 35th line be omitted with the view of inserting the word "child."

HON. G. W. GRAY said that before that was put the word "alleged" should certainly come out. An alleged father should not be asked to contribute to the support of a child. He moved the omission of the word "alleged."

HON. A. NORTON said he would withdraw his amendment until that moved by the Hon. Mr. Gray had been disposed of.

HON. A. J. CARTER: If the word "alleged" was omitted, it would probably prevent the protectors from getting any sums at all. Paternity would have to be proved if "alleged" was taken out. That was inserted in the summons.

Hon. A. H. BARLOW: He has to prove the paternity before he takes out the summons, according to your view. You are perfectly right.

HON. G. W. GRAY withdrew his amendment.

HON. A. NORTON again moved his amendment, which was agreed to.

HON. A. H. BARLOW said that according to the 3rd paragraph of the clause the father had to complain against himself. By the 4th paragraph it appeared to him that a separate proceeding would have to be taken for each weekly default. By the 5th paragraph a man's intention to abscond was to be proved. How to prove a man's intention was beyond his comprehension. In fixing the period of imprisonment it did not state "in default of payment." He believed all that was provided for in the practice sections of the Justices Act, and in the Acts relating to affiliation. He had redrafted the latter part of the clause, but had not yet had an opportunity of getting it printed. If the Minister liked to accept it as it stood it could be revised in the Assembly.

The CHAIRMAN: I think the easiest and best course will be to report progress and ask leave to sit again, and in the meantime get the proposed amendment printed and circulated, also the amendment to be proposed in connection with clause 14.

The SECRETARY FOR PUBLIC INSTRUCTION thought that would be the best course to pursue. He moved that the Chairman leave the chair, report progess, and ask leave to sit again.

HON. A. H. BARLOW asked whether the Government would bring forward an amendment to clause 14?

The SECRETARY FOR PUBLIC INSTRUCTION thought the Hon. F. I. Power was drafting that amendment.

Question put and passed.

The Council resumed; the CHAIRMAN reported progress, and the Committee obtained leave to sit again on Tuesday next.

The Council adjourned at a-quarter past 5 o'clock.