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12 June, 1911.]

LAW OF CONSPIRACY.

[7th Day.

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Mr. BATCHELOR : It is technical.

The LORD CHANCELLOR : The real difficulty is exactly that pointed out by the judgment of the Chief Justice of Hong Kong. For instance, we make in England, and you in Australia, certain laws. Any combination for the purpose of violating those laws is a breach of the law of England or of Australia as the case may be, and may be punished by the English or Australian tribunals ; but supposing a law is made in Australia, then it is not an offence against the criminal law of England to combine here in order to defeat that law. If you were to lay down the broad and general proposition that, the British Empire being a united Empire, whenever in any one part of it a law was made, a combination to defeat that law in any other part of the Empire should become a criminal offence, you would enable one part of the Empire to make laws governing another part of the Empire. That is the difficulty.

Mr. FISHER : That is the difficulty.

The LORD CHANCELLOR : And the sole difficulty.

Mr. FISHER : And the real one.

The LORD CHANCELLOR : It is a very real one, because we are all autonomous ; that is the situation in which we stand to one another. That broad proposition I think you would all assent to. Therefore it imports that in each part of the Empire, if you want to make a man punishable, you make him punishable by the laws of that part.

Mr. BATCHELOR : But you cannot.

The LORD CHANCELLOR : You cannot unless that part of the Empire concurs. In the case of the stowaways which has been referred to, I suppose it may be that the Straits Settlements or the Hong Kong Government would assent to making it an offence by their laws to violate the particular rules.

Mr. HARCOURT : As to the stowaways, I think we could probably strengthen the law, although I think in Hong Kong it is already strong enough under a different section of the Ordinance. The Attorney-General of Hong Kong believes that under section 78 of the Ordinance of 1865 they could proceed against a stowaway who falsely and deceitfully personates any person with intent fraudulently to obtain any chattel, because the stowaways constantly obtain other people's naturalisation papers.

Mr. FISHER : What about the persons engaged in the traffic in them ? That is the difficult point.

Mr. HARCOURT : The steamship company ?

Mr. FISHER : Yes, and other agents who traffic in them.

Mr. HARCOURT : The steamship company is punishable when it reaches Australia.

Mr. FISHER : But the outside agents who traffic in human beings to get them smuggled away are conspiring against the law.

Mr. HARCOURT : I do not think it is beyond possibility for us to get additional powers by Ordinance.