

LEGISLATIVE COUNCIL. Wednesday, 10th July, 1901. First Reading-Chairman of Committees. The

Hon. the SPEAKER took the chair at PRAYERS. FIRST READING. Law Amendment Bill. CHAIRMAN OF COMMITTEES. The Hon. Mr. W. C. WALKER. . I move,

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been nominated on this occasion. It has been | have been much indebted to him for his valu- with extreme regret that I. have not asked the Council to appoint him again ; but still the Council will, I think, admit that it is only be- cause he has come to a time of life when more should not be required of him, and he is pro- perly entitled to rest. We are only too pleased to think that he is able to do the duties de- volving upon him as a member of this Council. He has been a member of this Council for many years. He has by his attention to the duties, and by the way in which he has carried out the duties of Chairman of Committees, added con- siderable lustre and safety to our deliberations. His decisions for many years have given satis- faction, and it is with extreme regret that I find myself obliged to make the proposed change on the present occasion. At the same time I desire to express my personal acknow- ledgments to him for the services he has rendered, and I feel quite certain the Council also feels indebted to him in as high a degree -and from many members of the Council in a still further degree than I can myself express, because I have been only a few years a member of this Council. I know that he, along with other old members of the Council, have by their attention to duty, and by the high standard they have attached to the duties they have performed, left to the younger mem- bers of the Council a legacy of obligation to duty which I trust will always be carried on by this Council from generation to generation. As regards the gentleman I am proposing, I am quite certain, from his long experience in public affairs, both in local matters and also in matters connected with Parliament-his many years' services in the other House and the sessions he has served in this Council - that he is perfectly competent and able to do this Council good service, and to keep up the high standard of fair, honest, equitable, and intelligent adjudica- tion on what may be submitted to him as Chair- man of Committees. I beg to move the motion standing in my name. The Hon. Mr. ORMOND .- I second the mo- tion, and in doing so I will only say that, if the Hon. Mr. Smith be elected to the office, I feel satisfied he will bring to the discharge of that office the value of very large experience in public business, and will have a thorough acquaintance with the duties that appertain to his office. He has been a member of the Legislature, chiefly of the other branch of Par- liament, for a very considerable number of years. During all that time he has been an active member, and during the time he was a member of the House of Representatives he was repeatedly in the chair of that honourable body, and is thoroughly acquainted with the duties. Like my honourable friend who has moved this motion, I cannot help also express- ing my opinion upon the loss the Council will sustain by losing the services of our old Chairman, my friend Captain Baillie. I under- stand he has expressed the desire to retire from active work, and, if he retires, he will carry with him the esteem . of every member of the able services during the long time that he has occupied the position of Chairman of Com- mittees. The Hon. Mr. SCOTLAND .- I just wish to make a remark upon what the honourable gentleman who moved the motion has said about the honourable member who has so emfi- ciently discharged the duties of Chairman of Committees in this Council for so many years- that he required a rest. There are different kinds of rest ; there is bodily rest and there is mental rest. Now, I will venture to say that there is no member in this Council who has a clearer head for business than the honourable gentleman alluded to by the Minister of Educa- tion. I have been surprised, and others have been surprised, in sessions past-and even so lately as the last session - at observing the acuteness of the honourable member's judg- ment. I can point to one particular instance last session in which he called our attention. in dealing with a Bill, to

something which had been reserved, the consideration of which had escaped the notice of the other members. I have talked to the honourable gentleman during the few days we have been here this session, and I find that his mental powers have suffered no deterioration whatever, and I venture to say this, whatever may be the result of this motion, that if any other gentleman is appointed Chairman of Committees we shall not get the equal of the Hon. Captain Baillie, and for this reason : His experience in the duties of the office has been so great as to give him an unquestionable advantage over us who have had no such experience. He has been Chairman of Committees in this Council almost ever since I became a member. The Hon. Major Richmond was Chairman of Committees for a few sessions. and for the rest of the time the Chairman has been Captain Baillie. I do hope the Council will take this into consideration in coming to a determination as to who is fittest for the position of Chairman of Committees. The Hon. Mr. SHRIMSKI .- I thoroughly agree with the remarks made by the honourable member representing the Government with reference to the Hon. Captain Baillie. Since I have had the good fortune to be a member of this Council . and that is now some years- I can say that the Hon. Captain Baillie, in his position as Chairman, has on all occasions been very kind and very courteous, and he has discharged the duties of his office with impartiality, and I hope that whoever may succeed him may follow in his footsteps. I extremely regret that the Government did not think fit and proper to renominate him. I am confident that if he had been so nominated he would have been re-elected ; but, under the circumstances, I fear that any nomination now might tend to injure him as well as others. I have known the Hon. Mr. Smith for a great number of years, in the other branch of the Legislature as well as in this, and I always found him very industrious and painstaking, and I hope that, if he is elected, he will

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worthy friend Captain Baillie has done for so much is fully made up ; and, I say if we take a many years. I am exceedingly sorry that we vote on this question on the voices it will give a are losing Captain Baillie as Chairman, and, great deal more satisfaction-to myself, at any speaking personally. I must acknowledge the rate. I therefore shall vote against the amendment very many kindnesses and courtesies which I ment to introduce the ballot. have received from him. The Hon. Mr. JONES .- Sir, I have listened desire to point out that this is a new departure. The Chairmanship of Committees is not as it to the remarks on this subject which have been made by the honourable gentleman. In reference is in another place, where the appointment lasts for a period of years. ence to the encomiums on the Hon. Captain Baillie. I am sure every one of us must agree annual appointment ; but the Chairman of with what he said on that point. No one Committees having been selected, and his appointment could remain in this Chamber and participate pointment having been found satisfactory, he in its deliberations and associate with the is retained from year to year. If this departure is insisted on it may possibly have this effect : honourable gentleman without feeling that he is a man who can command respect in that every year we shall have a ballot, and the all his dealings with his fellow-men. Sir, Council may never give any one man the training- it is painting the lily to add to the testimony which may be necessary to carry on the business of this Council. I think it my duty monies which have been given from time to to point out that this is a new departure, which time as to the nature of the honourable gentleman's conduct as a member of this requires to be carefully considered before taking Council, whether in the chair or out of such a step. it. I think, however, the honourable gentleman who represents the Government discovered training, I think every honourable member in -long before some of us discovered it-that this Council should be capable of filling the the Hon. Captain Baillie was unfit for the position of either Chairman of Committees or position by reason of his advancing years. It Speaker. Any honourable member who has will be remembered that we have on this side of sat three or four years in this Council, if he the Council stood by the Hon. Captain Baillie has common-sense at all, should be quite to the very last, and I am quite certain that if capable of occupying either position ; and I the honourable gentleman were a candidate now think it should be the privilege of

this Council there would be no one in this Council who to elect its own Chairman of Committees, as would stand against him, and that his election we had the privilege of electing you, Sir. We would give universal satisfaction. But, Sir, had the very great honour of placing you in that the honourable gentleman does not intend to position, and we have never regretted it. So, also, I feel sure we shall never regret having stand. An Hon. MEMBER .- How do you know ? elected whoever may be placed in the position The Hon. Mr. JONES .- I have ascertained as Chairman of Committees if a ballot is taken that for myself, and I have the highest authority on this occasion. But, as it is. I think this for stating that the honourable gentleman de- Council should have an opportunity every year of electing its own Chairman of Committees, sires now to retire on his laurels. At any rate. if that is not the case the honourable gentleman and for that reason I shall vote for the amend- will. perhaps, say so. Whatever views we may ment of the Hon. Mr. Jones, and I trust that have in regard to the possible candidates for amendment will be carried. Without any dis- this position. there can be no question, I think, respect to the honourable gentleman who has that the Council should not have forced upon it been proposed as Chairman of Committees by any gentleman to fill the position, and that the the leader of the Council, but as a matter of Council wishes to have the widest possible lati- fairness to the Council, I think we should insist tude in its choice; and therefore, holding that on that being done. view, I move, That all the words after the word " That" be omitted, with a view of inserting the objection to this being done by ballot, but I following words : "the Chairman of Committers warn members of this Council it is likely to be elected by ballot, and that such ballot be taken lead to ill-feeling afterwards. in the manner prescribed by the rules for the accused of having broken their pledges. I do election of Speaker in October, 1897, but with- not see why we should not openly vote, as we do out a call of the Council." on other occasions. The Hon. Mr. SCOTLAND. - I think, Sir. it and I hope other members are prepared to do would be as well that this discussion should be the same. I prefer open voting. put off for a time. There are a great many members absent from the Council at the present have quite a contrary effect, and that is one time, and in a matter of this importance mem- of the great reasons for moving in the matter. bers should be given the opportunity of coming This is not a new question ; it arose last year. up and taking their seats in the Chamber. I do It was strongly urged then, and why the Go- not think this is a question that should be dis- vernment would not give way I cannot conceive. pored of by ballot. I have seen several ballots If such a system as this is approved for elect- carried out in this Council, and I have never ing the Speaker, surely it is the best for electing known of any good resulting from them. Every the Chairman of Committees, and if it is a de- member comes into the Chamber with a perfect parture it is a departure in the right direction, Committees. The Hon. Mr. W. C. WALKER .- I only Here it is an The Hon. Mr. REEVES .- Sir, in regard to The Hon. Mr. SHRIMSKI .- I have no Members will be I am not afraid to do so, The Hon. Mr. T. KELLY .- I think it would

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year after. I cannot see any objection to the | the duties of members of the Council, and it proposal of the Hon. Mr. Jones. It removes any personal feeling in respect to differences of opinion that may arise as to qualification for the office of the several candidates. The Hon. Mr. A. LEE SMITH .- As a young member of this Council I have some diffidence in making any observations on this subject, but it does appear to me that the manner in which the honourable gentleman opposite has spoken with regard to this motion creating a precedent is an improper view to take of the question, be- cause it is tantamount to saying that any one the Government thinks fit to propose as Chair- man of Committees is to be accepted by this Council without any division whatever, whether by ballot or otherwise. I cannot see why, in the interests of the Council, such a thing should be the case. I will vote for the amend- ment, for the reason that I do not see why it should be put before the Council as being ob- jectionable to take a ballot. The Council divided on the question, "That the words proposed to be struck out stand part of the question." AYES, 14.

Ormond Tomoana Arkwright Harris Shrimski Walker, L. Jennings Smith, W. C. Walker, W. C. Johnston

Swanson Williams. Kelly, W. Taiaroa NOES, 16. Baillie Jenkinson Reeves Jones Barnicoat Rigg Scotland Kelly, T. Bolt Smith, A. L. Bowen Kerr Pinkerton Feldwick Twomey. Gourley PAIR. For. Against. Pitt. Fraser. Majority against. 2. Motion negatived, and words struck out. The Hon. Mr. JENNINGS .- I move, as a further amendment, That Standing Order No. 252 be complied with, and that a call of the Council be made for Tuesday, the 16th July. The Hon. Mr. JENKINSON .- I think it would be very hard upon some members to have a call of the Council made now. They would be under a heavy penalty for non-attendance. The Hon. Mr. REEVES .-- The motion of the Hon. Mr. Jennings for a call of the Council should have been moved as an independent motion, and he should have given notice of it. I think there is no precedent for a call of the Council being moved for without notice being given. The Hon. Mr. JENNINGS .- There is nothing in the Standing Orders which prevents a member moving that a call of the Council be made at any time. The Hon. Mr. SHRIMSKI. - With regard to the statement that it would be very hard upon members to be called together now, and that they would be under a penalty of \$50, that is neither here nor there. They have undertaken it is their duty to be present. The Hon. Mr. FELDWICK .- There is a fairly full Council, and I do not think there is any need to make a call. I quite agree with the statement of my honourable friend on my left that the motion for a call of the Council cannot be moved without notice. The question being put, That the words " but without a call of the Council" be struck out. it was negatived. The Hon. Mr. JENNINGS .- I move. That all the words after " 1897" be struck out, for the purpose of inserting " that a call of the Council be made on Tuesday, the 16th July." The Hon. the SPEAKER .- I am afraid I cannot accept the honourable member's amendment : the Council has already affirmed that the ballot shall be without a call of the Council. The Council divided on the question. " That the following words be inserted : 'That the Chairman of Committees be elected by ballot. and that such ballot be taken in the manner prescribed by the rules for the election of Speaker in October, 1897, but without a call of the Council.'" AYES, 20. Baillie Kelly, T. Smith, A. L. Kelly, W. Bolt Smith, W. C. Feldwick Kerr Swanson Gourley Pinkerton Taiaroa Reeves Harris Twomey Walker, W. C. Jenkinson Rigg Jones Shrimski NOES, 10. Arkwright Johnston Tomoana Barnicoat Ormond Walker, L. Bowen Scotland Williams. Jennings Majority for, 10. Words inserted, and motion as amended agreed to. A ballot was then taken, with the following result : Hon. Captain Baillie, 17: Hon. Mr. Rigg, 13; Hon. Mr. W. C. Smith, 13. The CLERK said that a second ballot would now be taken, and each member would vote for two members out of the above three. On a second ballot being taken, the voting was : Hon. Captain Baillie, 25; Hon. Mr. Rigg, 17. The Hon. Mr. RIGG .- Sir, I may be out of order, but I would ask the indulgence of the Council to say a word or two. I would ask those honourable gentlemen, who up to the present time have supported me. to cast their votes, as I intend to do, for Captain Baillie. I am very sorry to think that any attempt should have been made to disturb him in the position which he has held with so much honour and for so long a time. That is the request I have to make. The third ballot was then taken, and the Hon. Captain Baillie was declared elected Chairman of Committees. The Hon. Captain BAILLIE. - Sir, and honourable gentlemen, This takes me by sur-

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and spoke to him about the matter. The Hon. prise to-day-the words which fell from my honourable friend the Minister of Education Mr. Rigg said, "I am going to support Captain praising my past services, and the other honour- Baillie's candidature." I say this, because I able gentlemen who have expressed themselves deem it only fair to the Hon. Mr. Rigg to say in that direction; and the ballot which has just that he has right through never once solicited taken place is very gratifying to me. It was a vote or done anything to lead one to think not my desire to be placed in this position, but that he desired the position. I offer my congratulations to the Hon. Captain Baillie. In as the Council have affirmed it by a majority I accept the position. Honourable gentlemen all every respect he is a perfect Chairman of Committees, with one exception, and that is, of upwards, and I have an infirmity

from which I course, that he is now growing old. We are suffer which is often an impediment to the all in the same case, and as we get older efficient conducting of business of the Council, the infirmities of age creep upon us and render and it is therefore gratifying to me to know the us more or less unfit for our duties ; but, as Cap- tain Baillie feels that he is able to fill the confidence which honourable gentlemen of this Council have placed in me. I thought that a position, I congratulate him upon his election. younger member of the Council would have been selected for this post, and I would have to thank the Council for the very large support which they have given me in the election of the cordially supported any honourable gentleman who had the approbation of this Council. I Chairman of Committees. I wished to-day to may say that I have at all times, when there withdraw from the position, because I heard has been a casting-vote, endeavoured to hold some talk of the Hon. Captain Baillie coming out again; but it was thought best that I the scales with eyes blinded, as the goddess of should not withdraw. I congratulate the Hon. Justice is represented. I have never, I believe, given favour to any honourable gentleman or Captain Baillie on his election, and I am sure party in this Council, and I have steadily held that no one could perform the duties of Chair- man better than he has done in the past, and myself aloof from party politics. I am a Liberal in heart in many ways, but I cannot go we are glad that he should feel able to perform the whole length of some honourable gentle- those duties. I again thank all honourable men. and I have some Conservative ideas still gentlemen for the very kind support given to remaining. I desire to again thank you for the me on this occasion. position in which you have placed me. The Hon. Mr. W. C. WALKER .-- With the thank the Hon. Mr. Jones for the expression permission of the Council I desire to express my of his congratulation, and I might state that when I heard there was likely to be competi- congratulations to the honourable gentleman who has just been elected Chairman of Com- tion for the position of Chairman I at once told my friend Mr. Jones that I did not wish to mittees. I trust he will believe me when I say be put forward- that I would not be a candidate, that it is from no want of respect or affection towards him that I proposed another honour- or ask any honourable member to vote for me. able member, and, so long as the Council is In fact, I told all my friends that I did not wish to have the position again, because of the satisfied with the honourable gentleman who infirmity of sight from which I suffer. I thank has been elected, no one can be more pleased honourable members for electing me to the than I am that he should be reappointed, know- position of Chairman of Committees. ina that he represents the old traditions of the Council, and that he gives to its service, and has given to its service, many years of good and four o'clock p.m. faithful work work that the Council values as being above money and above price, and that he my live long and be able to fulfil the duties of # HOUSE OF REPRESENTATIVES. hi- position is, I am sure, my wish and that of all his friends. The Hon. Mr. RIGG .- Sir, I desire to thank honourable gentlemen for having supported me First Readings - Second Reading - Free Railway- on this occasion, and I do so most sincerely. That I should have been put forward without solicitation on my part, and have received the grat support I have done, I regard as the greatest testimonial I have received during m' lfe. I assure honourable gentlemen that their kindness will never be forgotten by me. At the same time I tender my congratulations to the Hon. Captain Baillie, and I assure him that his election to me is most satisfactory. The Hon. Mr. JONES. - I also tender my congratulations to the Hon. Captain Baillie. When I hr-t of all made up my mind to oppose the motion of the Government I understood that the Hon. Captain Baillie would not be a candidate, and I went to the Hon. Mr. Rigg The Hon. Mr. W. C. SMITH .-- I also desire The Hon. Captain BAILLIE .- I desire to The Council adjourned at a quarter past Wednesday, 10th July, 1901. passes - Sessional Committee - Commonwealth Celebrations-Cost of the Royal Visit-Railway Rolling-stock-Foodstuffs for South Africa- oal for Government Railways . - Railway Rolling-stock -Robing stock Contracts-Oats for South Africa -South African Charters-San Francisco Mail- service-1 risons Department - Bank of New Zea- land-Troopship " Tagus "- Proclamation of the King -Bible reading in Schools -Close Se: tlement in Wanganui District - New Zealand Ensign - Roxburgh Estate Unpresented

Return . Lower Road to Seatoun- Military Drill in Schools - Dis- qualification Act -Customs Duties  
Annexation of Fiji-Alleged Misconduct of Volunteers - Rail- way Rates in the North and South  
Islands-Sana- torium for Mount Egmont - Post- and telegraph- office for Morning'on-St. Andrew's  
Telegraph- office - Oamaru Kurow Railway - Fairhe Rail- way-platform-Railway Spark-arrester - Petone  
Station and Hutt Railway - Milk - vans - Miss

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Annett - Registration of Land Transfer - Lia- bility for Workmen's Wages-Railway through Pahiatua  
Electorate -- Workmen's Homes at Khan- dallah or Crofton -- Gorge Bridge-Morning Sit- tings-Workers'  
Right of Appeal Bill-Counties Act Amendment Bill - Rabbit Nuisance Bill - Cemetery Trustees Validation  
Bill - Local Au- thorities Indemnity Bill . - Referendum Bill -- Police Offences Bill. Mr. SPEAKER took the  
chair at half- past two o'clock. PRAYERS. # FIRST READINGS. Dunedin City and Suburban Tramway  
Bill, Dunedin Waterworks Extension Bill, Templeton Domain Board Empowering Bill, School At- tendance  
Bill, Libel Bill (No. 2), Industrial Conciliation and Arbitration Bill. # SECOND READING. Land and  
Live-stock Auctions Bill. # FREE RAILWAY PASSES. On the motion of Mr. MASSEY (Franklin), it was  
ordered, That there be laid before this House a return giving the names of the indi- viduals to whom free  
passes were issued for the New Zealand Government railways during the three months ending 30th June,  
1901. # SESSIONAL COMMITTEE. OLD-AGE PENSIONS REGULATIONS. - Mr. Arnold, Mr. Field, Mr.  
W. Fraser, Mr. Hanan, Mr. Herries, Mr. Hogg, Mr. Laurenson, Mr. Lethbridge, Mr. Palmer, and Mr.  
Seddon. COMMONWEALTH CELEBRATIONS. On the motion of Mr. McGUIRE (Hawera), it was ordered,  
That there be laid before this House a return showing,-(1) The cost incurred by the New Zealand  
Government in connection with the representation of this colony at the inauguration of the Commonwealth  
in Sydney : (2) also the cost incurred by the New Zealand Government in connection with the representa-  
tion of the colony at the opening of the Federal Parliament in Melbourne. # COST OF THE ROYAL VISIT.  
On the motion of Mr. MONK (Waitemata), it was ordered, That there be laid before this House a return  
showing, in detail, the expendi- ture by the Government in connection with the visit to New Zealand of His  
Royal Highness the Duke of Cornwall and York. # RAILWAY ROLLING-STOCK. On the motion of Mr.  
MASSEY (Franklin), it was ordered, That there be laid before this House a return showing separately,-(1)  
The number of engines, carriages, and wagons pur- chased or ordered outside the colony up to the 30th  
June last, for use on the Government railways : (2) the names and addresses of the makers or agents  
from whom such rolling-stock was purchased or ordered ; and (3) the cost of each such carriage, engine,  
or wagon when fitted up and placed on the rails ready for use. FOOD-STUFFS FOR SOUTH AFRICA. On  
the motion of Mr. MONK (Waitemata), it was ordered, That there be laid before this House a return  
showing, -- (1) The number of bushels of oats sent from this colony to South Africa: (2) the number of  
tons of flour sent to the same country ; (3) the number of bushels of oats sent to the British Channel  
awaiting orders : (4) the number sent to Barcelona direct : and (5) the number of bushels of wheat sent to  
the two last-named destinations. COAL FOR GOVERNMENT RAILWAYS. On the motion of Mr. J. ALLEN  
(Bruce), it was ordered, That there be laid before this House a return showing for the year ending 31st  
March, 1901, and the three months ending 30th June, 1901. the quantity of coal purchased for the  
Government railways; the return to show the nature of the coal, from whom purchased. the section of the  
railway on which the coal was or was to be used, and the price paid per ton. # RAILWAY  
ROLLING-STOCK. On the motion of Mr. FLATMAN (Geraldine), it was ordered, That there be laid before  
this House a return showing, -(1) The amount already paid for rolling-stock manufactured outside the  
colony for the railways during the past four years, also the amount of liability for rolling-stock so  
manufactured on order or delivered to date : (2) the value of rolling-stock manufactured within the colony  
for the same period ; (3) the amount paid to British manu- facturers. also the amount paid to American  
manufacturers for rolling-stock since the 31st March, 1896. ## ROLLING-STOCK CONTRACTS. On the

motion of Mr. J. ALLEN (Bruce). it was ordered, That there be laid before this House a copy of any contract or contracts entered into during the last twelve months for the purchase of any rolling-stock for the New Zealand railways ; also a copy of all correspondence dealing with the purchase of rolling-stock during the same period. # OATS FOR SOUTH AFRICA. On the motion of Mr. J. ALLEN (Bruce). it was ordered, That there be laid before this House a return showing the price paid on behalf of the Imperial Government for oats for transshipment to South Africa; the return to show the several contracts, quantities, and terms. # SOUTH AFRICAN CHARTERS. On the motion of Mr. MASSEY (Franklin). it was ordered. That there be laid before this House a return showing,-(1) The names and registered tonnage of all ships chartered by the New Zealand Government for the purposes of carrying troops, horses, or cargo from this colony to South Africa for the two years ending 30th June, 1901 ; (2) the terms of charter for each vessel ; (3) the number of troops carried by each vessel ; (4) the names of the firms from whom such vessels were chartered ; (5) the

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credits, if any, on account of passengers or year is a mistake. That is the view I take up. cargo ; and (6) the amount, if any, refunded, or expected to be refunded, by the Imperial Government on account of each vessel. SAN FRANCISCO MAIL-SERVICE. On the motion of Mr. MILLAR (Dunedin City). it was ordered, That there be laid before this House a return showing,-(1) The number of passengers for New Zealand landed in Auckland from the San Francisco mail-steamers ; (2) the number of passengers booked from Auckland for America or Great Britain by the same steamers ; (3) the amount of cargo landed inwards from each such steamer ; (4) the amount of cargo shipped outwards by each such steamer ; (5) the total amount paid for the mail-service : above return to be from 1st January, 1891, to 1st January, 1901, and each year to be shown separately. # PRISONS DEPARTMENT. On the motion of Mr. ARNOLD (Dunedin City), it was ordered, That there be laid before this House a return showing,-(1) The names of all officers in the Prisons Department at date, length of service in each prison, and where transferred, and the reason for such transfer ; and (2) a list of persons employed in the Prisons Department from January, 1881, to date, giving in each case the promotion (if any), length of service in each position, on whose recommendation promotion was granted, and, in cases of persons who have left the service, whether they resigned or not. BANK OF NEW ZEALAND. Mr. SEDDON (Premier), in moving, That the Bank of New Zealand balance-sheet presented on the previous day be printed. said,- Sir. I notice, from what has appeared in the public Press, that there is a statement made that there would be a dividend declared next year. Now, the period of ten years will soon be up. and there has been very little paid off the shortage in respect of the Assets Realisation Board, the balance-sheet of which is now laid on the table of the House. I think that those intrusted with the control of the bank should first consider the paying-off of debts before they talk of paying a dividend. At all events, the responsibility of the Crown in respect to the Assets Realisation Board still remains almost as it was. There is still a large deficiency as between the value of the assets of the Realisation Board and the debentures issued against them, and very little has been paid off. An Hou. MEMBER .- How much ? Mr. SEDDON .- Well, I cannot from memory give the amount, but it does not amount to much. At all events, I think it is right, in respect to this matter, that one should speak plainly, so that there may be no mistake hereafter, and we cannot be told that we allowed this statement to appear and said nothing, and therefore, by saying nothing, tacitly agreed to what has been suggested. When the time arrives, and the bank is in the position, well and good ; but to settle what the bank is to do next Otherwise the responsibility on our shoulders is simply in respect to the policy of the bank. That is the responsibility we have. I may say that no one is better pleased than I am to find the bank doing so well, and making the profits they did last year. I am also pleased to see that the disposal of the profits is entirely in accord with the views of the people of the colony. Such being the case, I move, That the balance-sheet be printed. Mr. PIRANI (Palmerston) .- Before that question is put I should like to

express my surprise at the new dictum of the Premier, that it is necessary for a concern to pay all debts owing before declaring a dividend or launching out into fresh business. Why, Sir, if that principle were applied to the colony, where would be the proposal for a new steamship line with the Old Country ? We are proposing by that to launch the colony into an expenditure of millions, I understand, to buy a line of steamships, notwithstanding that the colony has not paid off any of its debt. Surely the Premier is not going to ask a private bank to differ in its line of conduct from that of the General Government of the colony. Why, Sir, what are debts? What difference does it make to a concern, taking our experience of the Premier, what its debts are so long as it pays a dividend ? If the same rule were applied to the Assets Board of Management, for instance, where would the comfortable salaries of the three directors and Manager be ? Why, the assets of the Assets Board would have been sold long ago if the Board had been run on good old-fashioned business principles ; but, instead of that, there have been instances where the Assets Board would not sell properties because they are profitable for them to work- because they are making sufficient money out of them to justify the Assets Board continuing its operations. If they were to sell out the profitable properties that could be sold at the present time, and that possibly will not be so saleable in future, then their balance-sheet and statement of earnings would not look so rosy as at present. I must deprecate also the Premier bringing the affairs of the Bank of New Zealand before this House on newspaper evidence-on a report that he has seen in a newspaper. Why, Sir, who condemns more than the Premier himself the members of the House for quoting statements of the newspapers as evidence of the intentions of the Government ? Captain RUSSELL .- This is his own organ. Mr. PIRANI .-- I understand the Premier sold his shares in that organ, so that I would not like to call it the Premier's organ. At any rate, it used to be the Premier's organ when he was on the committee of management, or directed its policy. Mr. SEDDON .- I was not on the committee. Mr. PIRANI .- No; the honourable gentleman may not have been on the committee, but at the same time he had a good deal to do with the management. I need only remind him of a scene that occurred in the Government Whip's room after a scene in the House, when the Premier and the Whip were directing what should

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appear in that paper as to something that had taken place here. The member for Rangitikei will bear me out in what I say. Mr. SEDDON .- Was he in the Whip's room, and did he tell you ? Mr. PIRANI .- No, that is not the fact at all. The information came from one of the Premier's own party. Unfortunately, members of the honourable gentleman's party are not so discreet as perhaps they should be. However, I say it is improper to ask the House to criticize the intentions of the Bank of New Zealand merely on hearsay evidence. I do not think for a moment the men whom the Government have nominated for the management of the bank would dream of paying a dividend under the present circumstances without statutory authority, more especially when they will probably have to come to this House within another two years for a renewal of the large guarantee. We know, of course, it will be impossible under the present circumstances for that large sum to be paid off out of the bank's earnings. It seems to me this is an attempt on the part of the Premier to prejudice the House against the bank. If anything of that sort came from this side of the House the Premier would have been the first to denounce our action. Why, over and over again, I remember the Premier telling the House that if the bank was only left alone, and if members would not criticize it and bring its affairs up in the House and discuss them, it would successfully work out its own destiny. Yet here is an example of the Premier doing what no one has condemned more strongly than he has himself. Mr. J. ALLEN (Bruce) .-- Sir, I think the Premier's statement is damaging to the bank. The colony has provided by legislation what the bank has to do, and I understand from what the Premier has said to the House that he proposes to come down with an alteration of the Bank of New Zealand and Banking Act of 1895. Mr. SEDDON .- I neither hinted nor said I was going to do anything of the kind. Mr. J. ALLEN .- Then, his statement is perfectly useless, and has absolutely no meaning. The



Legislature has provided exactly what the bank shall do with its profits. In the first place, it is to pay \$50,000 a year to the Assets Board ; and in the next place, as specified in the Act. it is to pay 5 per cent. to the shareholders. Mr. SEDDON .- Read the Act. Mr. J. ALLEN .- Yes, I will read it :- " In the first place, in payment of a fixed cumulative sum of fifty thousand pounds per annum, which shall be transferred and paid to the Assets Board. In the next place, in payment to the proprietors of the ordinary shares, who shall have paid all instalments then due of the call directed to be made by section nine hereof, of a dividend not exceeding five pounds per centum per annum on the amounts for the time being paid up by them in respect of such call. And the residue, if any, of such balance shall be paid to the Assets Board." Further on in the Act the Legislature has made similar provision with reference to the guarantee of the deficiency :- Mr. Pirani "Such deficiency shall be secured upon and made good out of all the net profits of the bank left after providing for the said cumulative sum of fifty thousand pounds per annum and for the said dividend not exceeding five pounds per centum per annum to the proprietors of the ordinary shares, as mentioned in section 11 hereof." In the first place, then, \$50,000 is to be paid to the Assets Board, then 5 per cent. of a dividend is to be paid, and the residue is to be paid to the Assets Board. Mr. SEDDON .- No. it is not mandatory. and what are profits must first be decided. Mr. J. ALLEN .- There is absolutely no question about it. Whether the bank has intimated to the Premier that they are going to pay a dividend or not I do not know, nor do I know whether he is merely making his statement on newspaper evidence. He may have accepted the newspaper evidence; and, if so, it is wrong of him to threaten the bank-for it is a threat-that he will prevent the shareholders from receiving any dividend. It is a step that will do a great deal to destroy the good work now being done by those who are building up the bank on a solid basis-a step that will dishearten the shareholders, and those who are administering the affairs of the bank. Mr. SEDDON (Premier) .- Sir, one would think the Premier had done something very damaging to the country, because he desired to call attention to that which is simply honest commercial business. If members will read the Act they will see there is nothing to compel the directors to pay a dividend of 5 per cent. Did the honourable gentleman read that in the Act ? The directors may out of the profits do it, if they think fit. I say it will be better not to pay dividends until full provision is made to meet every contingency. If it was a commercial concern or a company. and it was to be done under the existing law- bearing on companies, the directors would be liable. There is no getting behind that fact. Sir, I am not going on newspaper report. The Chairman of the bank, at the last meeting but one, made a statement which he afterwards withdrew. and he expressed his regret that, owing to what he had said, a false impression had been created. Now, Sir, with that that impression might be effaced. I deliberately made the statement which I did to-day, and there is no threat whatever behind it. There is no intention of bringing in legislation to repeal the Act. as to payment of dividends on the new capital, or to amend it. In respect to what is in the Act, I say the discretionary power is with the directors. Mr. J. ALLEN .- No. Mr. SEDDON. - I say it is. If mandatory. why has the dividend not been paid the last two years, seeing there have been profits ? In reply to what was said by the member for Palmerston. I do not think it is necessary for me to go into personal matters. If something of the kind did take place in the Whip's room, which is the drawing-room or the private parlour of members on each side of the House, I say that, no matter

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how the honourable member came to hear it, better course to take than to let things drift, there are many members of the House who and afterwards be brought to book for not having done so. It cannot be gainsaid there would hesitate to give such information on the floor of the House. I would say that, at any is a large amount of uncalled capital on these rate. it is not journalistic etiquette, more especially shares ; and the question may be asked, Why should the colony be asked to continue to find cially when the honourable member for Palmerston himself happens to be the owner of a newspaper the bank two millions when you have share- paper. Of course, there is jealousy in the matter. holders who ought to be called

upon to sub- It is easy enough to see that the honourable scribe the greater part of it if wanted? There is member has been hurt at what is going on. no gainsaying that fact. That is a consequence that would be left to the directors to determine. But. in my opinion, he cannot stop the progress of the New Zealand Times, nor can he take But I come to the point again, and I say it away from it the position it has attained. I be- is not mandatory ; the directors may-I know, lieve that ultimately the Times will have the of course, what has been argued-say that it was largest circulation of any paper in the colony. the intention- An Hon. MEMBER .- Give it a good advertise- ment. Mr. SEDDON. - Well, if the honourable say the whole thing turns on profits being de- member gives me the opportunity I do not see terminated, and there is a large discretion vested why I should not take it. However, so that the in the directors. At all events, the directors House may not be misled, I may say that I am could if they saw fit. And in respect to their speaking in this matter irrespective of party, business -- a business of such magnitude as they are doing- they can use every precaution ; and and I was really provoked by the honour- able member to say what I have said. At I believe they will. But if these statements all events, Sir, it is quite clear that this Legis- are to appear - springing from a statement inadvertently made by the Chairman and sub- lature will, next session, probably have to pass legislation dealing with the Bank of New Zea- sequently modified and explained-unless that land, extending the time and the conditions ; is checked the result will be injurious to the and when the colony is asked to take upon itself bank and to the colony. It will lead to expecta- a further obligation, will it not be more pleasing tions that may not be realised ; it has led to speculations-the Chairman himself admitted to the colony, and will it not facilitate the passing of the legislation and the accepting so. If this is so, it is better for some one to do of the responsibility, if we are in a position as I have done than to let the thing go un- checked. Before I sit down I wish to compli- as a Government to come to the House and say that the bank has done everything within ment the management of the Bank of New Zea- reason and taken every legitimate means to land on the successful business done ; I con- lessen the obligations of the colony ? I say it gratulate the officers ; and I also say that the would strengthen the position ; but if, on the colony is to be congratulated on obtaining the other hand, you find that without improv- services of the Auditor of the bank-Mr. Macin- ing, so far as the Assets Realisation Board is tosh. His appointment was one of the best concerned -and this seems to me to be lost things that ever happened to us and to the sight of, because now, after paying off the allo- Bank of New Zealand. Taken all round. I stand cation of the profits this year, the Bank of New here and say with confidence to the people Z dland has almost got a clear balance-sheet ; that the Bank of New Zealand never was from but, as regards liabilities to the colony, though its first inception in a better position respect- the Assets Realisation Board obligation still ing its business and management than it is to- day. I have, in calling attention to the situa- remains, and very little is paid off An Hon. MEMBER .- What is the amount of tion, done my duty, and done it in the best that obligation ? interests of the bank itself and of the colony Mr. SEDDON .- Over \$2,000,000. After the and the people. grave responsibility taken by the colony and the Government, no one is more pleased than a personal explanation. The Premier said just myself and my colleagues to find -- and I do not now that he did not wish to say anything think that the rescuing of the Bank of New personal, and so he immediately followed that Zealand will cost this colony a penny-piece. It up by saying that my remarks were dictated because the newspaper he used to be connected was a grave and serious responsibility ; but it saved the Bank of New Zealand, the other with had completely wiped out the paper of banks, and the colony, in my opinion, from which I am part proprietor. It is just as well financial disaster, and indirectly the colony I should put this matter on a proper footing. profited by what was done. The next thing During the last two years the circulation of the We shall have will be that pressure will be brought to bear through speculation, caused, it a Government supporter offered \$3,000 for the will be said, by inducements held out and winked paper ; the other day another offer of \$4,000 at ; and when we see that going on it is better was made. That is how the Premier's paper

to nip it in the bud, and take a bold stand. has wiped out the Manawatu Standard. If a mistake has been made, then I say it is my duty, notwithstanding adverse criticism, to misunderstand me. I said I would allude to stand up manfully in the House and say what I the personal matter which the honourable said, preparing for what is to come. That is a member introduced into his remarks. No one An Hon. MEMBER .- You read the clause. Mr. SEDDON .- I have read the clause. I Mr. PIRANI (Palmerston). - I wish to make Hanawatu Standard has doubled. A year ago Mr. SEDDON. - The honourable gentleman

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could be better pleased than myself to find the | officer commanding they would be immediately improvement mentioned by the honourable gentleman, because it is since he commenced to support the Government that the circulation has begun to increase. Motion agreed to. TROOPSHIP " TAGUS." Mr. SEDDON (Premier) said he desired to announce to honourable members that the troopship " Tagus," with the Fourth and Fifth Contingents, had passed the Nuggets that morn- ing at ten o'clock, and was expected to reach Otago Harbour at about four o'clock in the afternoon. An Hon. MEMBER .- Is she not going to the Bluff ? Mr. SEDDON said, No, the Admiralty had not considered the Bluff suitable for a vessel with only one screw; but, considering that the "Ruapehu " and vessels very much larger than the "Tagus" went there regularly, it showed that the Admiralty knew nothing whatever about the port, and therefore a more stupid conclusion to arrive at he had never heard of. It had been the same in respect to the "Ophir." The commodore of that vessel had lost two days' pleasure to the people of this colony and to their Royal Highnesses through his refusal to take the vessel to either Port Chalmers or the Bluff in fact, he said that he would not go up to the wharf at Lyttelton, but would lie at the Heads ; but when he (Mr. Seddon) got to Lyttelton he found the vessel tied up to the wharf. Regarding the men arriving by the "Tagus," the Government had arranged that the "Te Anau," which was going to the Bluff. should take the troopers. Of course, they would have to undergo twenty- four hours' quarantine, as the vessel had arrived from Western Australia. After that they would be taken down to the Bluff, and would land there about nine o'clock on Friday morning. They would stay at the Bluff two hours, proceeding then to Invercargill, and arriving there at about half-past eleven a.m. The medals would then be presented by His Ex- cellency the Governor, and the men would leave Invercargill on the Saturday morning about half-past eight, reaching Dunedin at about half-past two p.m. on Saturday. They would | colonies were concerned had not the necessary remain in Dunedin on Sunday, and leave for Christchurch on Monday morning ; and on the way up it was intended to allow the men of the contingents to drop off at the localities to which they belonged. Mr. WILLIS (Wanganui) asked whether the names of the returned troopers would be telegraphed, as there were so many friends who were anxious to know whether their sons or other relatives had returned. Mr. SEDDON said the arrangements made in connection with other contingents, to have the names of the troopers cabled from the Cape, had not been carried out in this instance, although he had cabled to Lord Kitchener to have the names of the troopers by the "Tagus " and also by the "Orient " cabled to the colony. However, as soon as he got the names from the Jr. Seddon published throughout the colony as a Press 'communication. Members ought to have that information to-morrow morning. He thought this was very necessary, as he had been flooded with inquiries; but he could not give the information as it had not been sent to him from the Cape. He was sure the honourable mem- ber for Awarua and the honourable member for Invercargill could bear out what he said. not as regarded the Bluff Harbour, but in regard to getting the vessel to go there. Sir J. G. WARD (Colonial Secretary) said he might be allowed to state that it did appear to him a very regrettable and very extraordinary thing that those responsible for the control of steamers coming out to this colony with the returning contingents, as also with the Imperial troops, should apparently have so little know- ledge of the conditions and capacities of the harbours of this colony, which had been suit- able for the largest steamers trading to the Australasian Colonies for the last fifteen or twenty years, and whose owners would not have sent these

vessels to other than first-class port>. He thought it ought to be the duty of those responsible for the upholding of the facilities which exists for the accommodation of the largest steamers trading to the colonies to make the strongest representations to the people in authority at Home, and to point out the great injury which might arise to this colony owing to the want of knowledge of some one who was responsible for the vagaries of the men who came in charge of steamers under direction of the Admiralty to this colony. In the case of the Lyttelton Harbour, it was suggested by the commodore of the " Ophir " that a steamer of her class either could not or should not go up the Lyttelton Harbour and berth at the wharf; and he was sorry to say that opinion caused him to be held in the esteem of our experienced shipping-masters in this colony in a very ludicrous light. Indeed, he might state that it did more than that. It created an uneasy feeling in the minds of people familiar with the capabilities of our harbours, and who from years of experience knew what could be done with perfect safety, that men occupying high positions so far as Imperial ships visiting our knowledge compared with the men of the ordinary mercantile marine that was requisite in times of peace, to say nothing of times of war, in bringing ships to and handling them in places that were in daily use by larger vessels. Speaking of the two southern ports. there was no question but that any of these vessels could have entered the harbours and berthed at the wharves with the greatest ease; and to have unmerited reflection cast upon them by the action of shipping-masters coming to the colony, who doubtless were acting under orders, was, to say the least of it, exceedingly uncomplimentary to those occupying responsible positions in the Old Country. They had no right to cast slurs on British harbours in this way. Regarding the Bluff Harbour, it was a matter of fact that steamers of much greater capacity and deeper

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draft than those he had been referring to had gone in and out of the Bluff with perfect safety for the last fifteen or twenty years. He saw the great inconvenience the Royal party were put to when the steamer was not allowed to go south of Lyttelton, and also the refusal to let her go by the south of New Zealand to Tasmania, which had been considered a perfectly safe route for ships coming and going to and from our colony to take for many years past. There had never been an accident or serious trouble of any kind to any steamer taking that route. Now, the same serious inconvenience was being caused in the case of New Zealand soldiers returning by the " Tagus " ; and not only would that inconvenience be caused, but the colony was to be put to a great and unnecessary expense, and the relatives and friends of these men, who had been making arrangements for their suitable reception in the southern port, were all in a state of doubt as to where these men were going to land. He could only say he hoped that the admiral who commanded the Australian Squadron in these waters would take an early opportunity to visit, as his predecessors had done, the various ports of this colony, and that he would use his great influence to remove the extraordinary impression that seemed to exist in the minds of those in authority in England, and who certainly ought to be cognisant of the condition of the harbours of this colony, and so enable officers commanding men-of-war, or such Imperial vessels as have recently come to this colony, to be in a position that would enable them to take advantage of the ports of the colony. At all events, their harbours, upon which they had spent hundreds of thousands of pounds, and where there were up-to-date pilot services, with first class steam-tugs available, should not be slurred in this way without cause. Personally, he had felt most keenly disappointed, as he was sure every member of this House and many of the people of this colony had done during the last month or so. to find that these highly qualified and fine men, upon whom they confidently relied in times of trouble, either knew so very little about the capabilities of the harbours of the colony, or else were improperly instructed. It must be obvious to the most unthinking that there was something radically wrong when these Imperial steamers, much smaller and of considerably less draft, were not allowed to visit harbours that steamers of greater tonnage and deeper draft had done without accident of any kind for many years. He hoped that state of affairs would

soon be remedied. Mr. R. THOMPSON (Marsden) said the whole trouble arose through the Admiralty not possessing up-to-date charts. They were now using obsolete charts, and he thought the attention of the authorities at Home should be called to the fact. Captain RUSSELL (Hawke's Bay) said he did not think it right that two Ministers of the Crown should address this House and speak rather in terms of contumely of the officer who commanded His Majesty's ship "Ophir." Mr. LAURENSEN .-. He deserved it. Captain RUSSELL said he had no doubt the honourable member knew as much about sailing as he did about politics. But it was well known that there were certain hard-and-fast rules passed by His Majesty's Board of Admiralty, and, whether these rules were approved or not, in all probability the officers who made these rules knew fully as much about the duties of naval commanders as the two honourable Ministers knew, or even the honourable member for Lyttelton, who also gave us his opinion. However, there were certain rules laid down for the guidance of officers in the Imperial navy from which there was no departure. Sir J. G. WARD. It is time they were altered now. Captain RUSSELL said, Exactly so, and the honourable member for the Bluff Harbour thought he knew as much about what ought to be done as His Majesty's Board of Admiralty. But the facts of the matter were these : that, without professing to know what the orders were, he did know as a fact that certain rules were issued to officers commanding ships in His Majesty's navy, and one of them, no doubt, provided that, no matter whether it was called the best port in the world, in all probability, unless there was a certain amount of water beneath the ship's forefoot she should not go into that harbour, and the fact of a commanding officer transgressing that law, even at the instigation of the Prime Minister of this colony, would render him liable to court-martial; and, however absurd it might be to maintain that law, the least violation of it would in all probability cause that officer to be dismissed from his ship and destroy all his chances of promotion : and he knew the facts were much as he had stated. If a commander infringed that law, -though his common-sense might teach him it was unnecessary, -and went into port, touched the ground, and rubbed off the paint on the ship's bottom, he would stand a good chance of being court-martialled. Well, that being the case, he did not think it was right that a distinguished officer, who could only have been selected for his high position because of his distinguished service, should have been referred to in the terms that two Ministers had used that afternoon. Sir J. G. WARD wished to say, by way of personal explanation, that, even if what the honourable gentleman said was right, he would like to point out to the honourable gentleman that the admiral on the Australian Station who commanded the "Orlando," took his ships in and out of the ports in question with absolute safety ; and undeniably there were steamers - and a great many too - that visited those ports all the year round that were thousands of tons larger and drew several feet more water. His complaint was that the rules which the honourable gentleman said had been laid down to guide the officers of these ships must either be based upon imperfect data, or the want of local experience caused the commanders of

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these vessels to do a serious and uncalled for injustice to some of our best and most frequented ports ; and they absolutely refused to do as was usually done -trust the local pilots, who were men of the highest qualifications, as well as possessing the fullest local knowledge. Mr. SEDDON did not desire to say more than this: that, so far as the commodore of the "Ophir" was concerned, he was unduly anxious. But he also knew that when the Imperial troopship "Britannic " came to opposite the Bluff she transhipped a thousand Imperial troops there, and the Admiralty allowed the transhipment to take place. But when the Government asked the Admiralty to allow the "Tagus " to tranship our troopers at the very place where the Imperial troops were transhipped they would not allow it. He could not see how the honourable member was going to meet that point : a bigger boat was allowed to go there and tranship the whole of the Imperial troops -one thousand men-but the " Tagus," with six hundred men, was not allowed to tranship her men. Mr. LAURENSEN (Lyttelton) said he rose to make a personal explanation. The honour-

able gentleman who had the honour to represent Hawke's Bay had made an allusion to him (Mr. Laurenson), when speaking about the amount of water required underneath a vessel, which he would reply to. All that he wished to draw honourable gentlemen's attention to was this: that they in Lyttelton were very much astonished at the action of the master of the steamer in which their Royal Highnesses came to the colony, an ordinary trading-steamer, in refusing to go alongside the wharf at Lyttelton. Why, a few years ago the admiral of the Australasian squadron, Admiral Bridge, came into the same place, and brought his whole fleet with him. They knew quite well the rules defining the depth of water that required to be underneath a ship's bottom without being informed by the honourable member for Hawke's Bay. That honourable gentleman had been pleased to say that he (Mr. Laurenson) knew as little about these matters as he knew about politics. To that he would merely answer that he was thoroughly well acquainted with the politics that he professed, and that he acted up to his professions; but, as for the honourable member for Hawke's Bay, he neither believed in the little politics that he professed, nor yet did he try to act up to them. Subsequently, Mr. SEDDON (Premier) said he had just received the following telegram, which he would read to the House : -- " Your common - sense badly wanted here. "Tagus" at Heads, and men can be sent Invercargill six hours and carry out programme fixed to-morrow if they go by steamer. Cannot leave .. R. MENAB." here until to-morrow night. They would not allow the "Tagus" to go; that was the trouble, and that was why. of course, the Government had to make these arrangements. The High Commissioners of the Admiralty, like the commodore of the "Ophir," were obstinate ; and the latter gentleman was Sir J. G. Ward more obstinate than he (Mr. Seddon) was ever accused of being, and that was worse than a mule.

PROCLAMATION OF THE KING. Mr. HERRIES (Bay of Plenty) asked the Premier, Why the Proclamation of His Majesty the King published in the Gazette Extraordinary of the 4th February was substituted for that published on 28th January, and why the name of the Premier is inserted as attesting the Proclamation when he was not present on the occasion of the Proclamation being publicly made? When the Proclamation of the accession of the King took place on 28th January a Gazette Extraordinary was issued giving a Proclamation undersigned by attesting witnesses. On the 4th February another Gazette Extraordinary was issued with a Proclamation substituted for the first Proclamation. Now, as far as he could read them they were both identical as far as the body of the Proclamation was concerned, and it seemed to him an extraordinary thing that one Proclamation should be withdrawn and another substituted when the matter in both was identical, the only difference being in the attesting witnesses-namely, that in the second Proclamation the Premier appeared as an attesting witness, whereas in the first Proclamation his name was absent. Mr. SEDDON said it appeared in the body of both Proclamations. Mr. HERRIES said, Yes, that was so ; but, as the Premier was away from the colony at the time, why should he appear as an attesting witness to the second Proclamation, and why was the second one substituted for the first ? Mr. HALL-JONES (Minister for Public Works) said that, as he was the Minister who issued the second Proclamation, perhaps it was just as well that he should reply to this question, and he was sure, when the honourable member heard the explanation, he would understand there was good reason for it. It would be understood that in a matter such as this they had no immediate precedent to guide them, and what purported to be a Proclamation in the Gazette of the 28th January was not a Proclamation, only the bare form proclaimed from the steps of the vestibule in front of this House. That was one reason for the alteration. But it wanted something more than that, and the honourable member, seeing the Gazette Proclamation of the 4th February, would see there was a heading which was in the proper form, as he was advised by the Law Adviser, in which it should be put in the Gazette. The heading was : .- " Wellington, Monday. 4th February, 1901. " The following Proclamation was publicly made on the twenty-eighth day of January, one thousand nine hundred and one, in the front of Parliament House, Wellington, in the presence of His Excellency the Governor and a large concourse of citizens. " Now, that was necessary in order to make

the notification correct, and hence he had given authority for a reprint to be made. Then, in  
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reference to the signature of the Right Hon. the { the country, would at once rise with a certain Premier, His Excellency, on his own motion, had cabied to Melbourne requesting the Premier to allow his signature to be attached, and a reply was received by His Excellency authorising the Premier's signature to be attached to the Proclamation. That was done in the body of the Proclamation, but through some error it was omitted from the signatures. Then, in the second Gazette the correction was made, and the name of the Premier appeared among the signatures at the foot of the Proclamation. BIBLE-READING IN SCHOOLS. Mr. ARNOLD (Dunedin City) asked the Government, If they will this session introduce 3 Bill, or move such resolution as will enable the electors to express their opinion on the question of Bible-reading in schools ? The question of Bible-reading in schools was becoming more of a live question every session of Parliament. The number of petitions already presented this session was sufficient to show that there was a very strong feeling upon the subject. Northern members could not fully recognise or realise the feeling there was down South, but they would notice by the morning's paper that remarks had been made on the previous day by the Rev. Mr. Elmslie in Christchurch to this effect. He said, -. " A referendum, as suggested at present, might be against those in favour of the reform, from the fact that a large number of them, especially in the North Island, were not sufficiently interested or awake to the vast importance of the subject, but if it were taken now there might be a majority for it in Otago and Southland." He quoted from this speech for the purpose of showing that in Otago considerable feeling existed on the subject. He would express no opinion as to the question of Bible-reading in schools : all he had to say upon it now was that, in his opinion, the question should be removed from the political arena. He trusted that before the next general election this would be one of the questions that no longer could be made a cry as to the acceptability or otherwise of any particular candidate. He wanted, however, to take the first opportunity, without unduly enlarging upon it, to make one quotation from this speech. The reverend gentleman said. - " He was satisfied that the absence of biblical teaching in schools was one of the reasons for the prevalent juvenile immorality. During the past twenty years thousands of children had been turned out of our public schools. and were the young men and women who were causing so much distress at the present time." Now he (Mr. Arnold) was sure that those who had been in any part of the colony that had been visited by the Duke, and had seen the great gatherings of boys and girls; or any who were brought in contact, through business or otherwise, with the schools and the children who attended them; or who were brought in feeling of indignation with regard to these statements. He would not enlarge upon them at the present time, but in all probability should do so hereafter, and strive to show, as he believed could be shown, that the amount of immorality and of wrong-doing in this colony by the young people was not so great as it was in other places, where religion was taught in the public schools. He might say further that, even if the facts were as suggested, they were not so as a consequence of the educational system of the colony, but from external causes altogether. In asking the question, he might be told that a Bill dealing with the matter would be passed ; but, even if the Bill passed, it would be necessary for the Government to bring down a measure with regard to this question, or such resolutions as would cause the question to be submitted to the people for their vote. He trusted the Premier would be able to answer the question, and give satisfaction to those who were petitioning the House. Mr. SEDDON (Premier) said he should be most happy to give effect to the request contained in this question: in fact, the Bill was now before the House-namely, the Referendum Bill, by which machinery was provided for referring questions of this kind to the people. He might say he agreed with the honourable member that the sooner these matters were settled the sooner they would prevent the population, - the young people, and the colony, -- from being traduced and slandered. To read, as he had done, such charges reported as coming from the lips of one who at all events, from his calling,

was supposed to be charitable, and who was not supposed to injure maliciously and wantonly his fellow-beings --- then, such being so, if the reports were true, he had directly slandered the whole of the children who had attended the public schools of the colony for years past ; and not only the children of the colony to-day, but their parents, who had also when children attended the public schools, and the whole people -- was very sad. Then, when they turned to the statistics of crime in the colony they could contrast them with the statistics in other countries. New Zealand stood out in bold relief in this respect as superior to any country that was Church- ridden ; and, when they looked back to the time when the Churches were dominant, and looked at the condition of the people with re- gard to crime and the condition of the people at the present time, it made one pause and wonder how prejudice could blind one who should know better the true and sad condition of things in the past. Mr. J. ALLEN (Bruce) said he could not help rising to a point of order. This was surely de- batable matter arising upon the question. He had not interrupted the member for Dunedin City, though he thought he had introduced debatable matter. Mr. SPEAKER said he did not think the Hon. the Premier had transgressed the rules of

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Mr. SEDDON said he believed he was quite in order. The Rev. Mr. Elmslie, speaking on this question,-if the report from which he was quoting was correct,-had said :- "He was satisfied that the absence of biblical teaching in schools was one of the reasons for the prevalent juvenile immorality. During the last twenty years, thousands of children had been turned out of our public schools, and were the young men and women who were causing so much distress at the present time." That statement implied that it was the young men and women of to-day, who had gone through our public schools in the colony, who were caus- ing immorality and the existing distress-that these people were guilty of immorality. If such a sweeping and unmerited charge had been levelled, there was no language he could use that seemed sufficiently strong to characterize the statement. He could not possibly believe the statement had been made, but he thought he was merciful and moderate in his criticism of the conduct of the reverend gentleman if the statement had been made. But he must go further, and say that this was a charge also levelled against the Government. The charge levelled against the Government was that the Government favoured, or pandered to, the Roman Catholics. That, again, was a slander. There had been no preference whatever given to them. He was prepared to submit the matter to any investigation as to the appointments the Government had made, and it would be proved absolutely that the statements alleged to have been made by Bishop Julius were with- out the slightest foundation. From recent de- velopments it seemed as if the heads of some of the Churches were going into political matters, and making, if correctly reported, wholesale charges without foundation and without in- quiry. The question was this : Were the people of the colony on proper and legitimate lines to see to their rights and privileges and to main- tain them, or were they to go back to the dark ages when the Churches were dominant, and when the people were ignorant and crime was more frequent than it was to-day ? That was the question they would have to face. For him- self, he believed in Bible-reading and in religious teaching. He believed that the training of a person was not complete without religious teach- ing; but it was certainly not in the public schools that such teaching should be given. # CLOSE SETTLEMENT IN WANGANUI DISTRICT. Mr. WILLIS (Wanganui) asked the Premier. What steps have been taken by the Government under the Land for Settlements Act to acquire the Marahau Estate or other properties in the Wanganui district suitable for cutting up into small holdings; also, what action has been taken in the direction of purchasing land in the vicinity of the Town of Wanganni for cutting up into sections for the establishment of work- men's homes? Last session the Government promised that an endeavour would be made to purchase land for settlement in the Wanganui Wanganui District. [JULY 10 as suitable for the purpose was the Marahau Estate. Since the Government had announced their intention of buying land, he believed a syndicate had purchased that particular pro- perty, with the idea that they would be able to offer it to the Government subsequently



and make something out of it. That, he considered, was a most improper thing to do. If he was now to be told that it was on account of this action on the part of the syndicate that the Government had not been able to purchase the estate, he would ask if there were not other properties available, and if there was not an understanding that an effort would be made to acquire properties near the Town of Wanganui for the workers. The late Premier, Mr. John Ballance, was the originator of the Land for Settlements Act, and, as he was the representative in the House for Wanganui for some years, Wanganui should have its fair share of the land acquired under the Act for settlement. So far not a single acre had been set apart for that purpose in the district. He would like the Premier to say that, if they could not get possession of the Marahau Estate, they would acquire other land for settlement, so that the district might be put on the same footing as other parts of the colony. Mr. SEDDON (Premier) said that some considerable time ago the Government were approached with respect to the purchase of the Marahau Estate. Mr. McKerrow went over it, and came to the conclusion that a certain sum should be offered for it. Nothing, however, was done for a time, as it was intimated indirectly to Mr. McKerrow that the offer would not be accepted. Further inquiry was then made, and the Commissioner of Crown Lands for the Taranaki District visited the estate and reported on it, and his report coincided with that of Mr. McKerrow. The result was that an offer of (£42,000) was made to the owners for the property -- about five thousand acres. Then it was found, either immediately before the offer was made or shortly after, that the owner had sold the property to a syndicate in Wanganui, and probably the idea was to get something out of the Government ; but, if so, a great mistake was being made, for, as far as he was concerned, the Land for Settlements Act was not going to be used for such a purpose. For himself, he would like to see it provided that when once the Government had made an offer for an estate that offer should stand as between the Government and the owner. Sometimes the sales that were made after the Government had made an offer were of a questionable character. In answer to the second part of the question, he had to say that negotiations for the purchase of land for workmen's homes in the vicinity of Wanganui had been in progress, but so far without effecting a purchase, the prices asked by vendors being considered too high. If the Land Purchase Inspector and those who advised him considered the price asked was too much, he (Mr. Seddon) would not be justified in either bringing pressure to bear or in giving more than the officers considered a proper value.

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price for the land that the land was not worth. If an excessive price were given, the burden would, of course, fall on the settlers on the land. Mr. WILLIS asked, in the event of the Government not being able to purchase land in the Wanganui district, would they purchase land compulsorily under the Land for Settlements Act, so as to give the people an opportunity of settling on the land. Mr. SEDDON said, if an inflated value was put on the land the Government should not be called on to pay that value. It was well to proceed on the principle of being sure, and not sorry. # NEW ZEALAND ENSIGN. Mr. MONK (Waitemata) asked the Premier, Whether, for the encouragement of national feeling on the part of the youth of New Zealand, the Government will, by regulation, direct that the New Zealand ensign shall, not less than once a quarter, be paraded up and down the aisle of every public school in the colony, the boys and girls to stand in respectful salute while it is passing them ; the head-teacher to improve each occasion by giving his scholars an address, not exceeding five minutes, instructive of the history of and respect due to the flag ? In asking this question he would appeal to the feelings of patriotism in the Premier. Every one must have noticed how popular throughout the country, and particularly at our public schools, But at the had been the hoisting of our flag, same time it had exhibited a widely defective knowledge, not only of the origin of the flag, but also of the right way in which it should be flown. He would not mention names of particular places or individuals, but during the recent decorations in honour of the Royal visit it was truly surprising to see the number of beautiful Union Jacks that were hoisted with the wrong side up. He did

not want any one to think he was a faddist in the matter of flags, but, at any rate, he knew sufficient of them to know the elevating influence they had on all who were acquainted with the history of the flag and with its inspiring story of the past. In order that there might be a proper knowledge of the history of the flag imbued in the minds of the young people of the country, and in order, too, that a national spirit might be encouraged in the rising generation, he would very much like the Premier to direct that there should be a regulation that the New Zealand ensign-which was the blue ensign with the Union Jack, and on its fly our badge of the Southern Cross-should be paraded down the aisle and back to the master's desk of every public school in the colony at least once a quarter. A few remarks about the flag, or some remarks upon an historical incident with which the flag was connected, should at the same time be delivered by the headmaster, in order that the children might become thoroughly familiar with the story of the flag, and of its association with the history of the British people. Anybody think of it without having his heart warmed and his national feeling quickened, and being fired with love and affection for his flag. In order that the parade might not be a mere perfunctory service, but be a matter of affection and respect on the part of the boys and girls, the teachers should aim to make them thoroughly familiar with the history of our grand flag, and the badge which was specially our own. He hoped the Premier would use his influence in this matter, and make provision for something of this kind. It would only be in harmony with what was done in other countries. It was not a tithe of the kind of effort that had taken place in the United States, whose flag was but of yesterday as compared to ours. Mr. SEDDON (Premier) suggested that the honourable gentleman should himself go round the schools and deliver the speech which he did last session. This, he thought, would have much more effect than the parading of the flag and any remarks made by the teacher. ## Mr. MONK .- I have done so. Mr. SEDDON said, then the honourable gentleman should go on doing so. He was sure the honourable gentleman's desire was a purely patriotic one -to engender a feeling of respect for our grand old flag. It was well to train their children in the way they should go, and when they became old their respect would grow, as was the case with the honourable gentleman and himself. There was, however, this difficulty : The schools were under the management of the Boards of Education : they could not as a Government go inside the schools; all they could do was to ask the Boards to consider the matter, and they in their turn could communicate with the Committees and the teachers. There should, he thought, be something more than the mere unveiling of the flag. There was nothing so interesting as the flag's history : the history of the flags of nations was interesting from many points of view. While they had the book showing the flags of various nations, it would be well, he thought, if they had the flags themselves in the schools. The cost would be very small, and there should be lectures at fixed periods on the different flags and their whole history. They would be listened to attentively by the youngsters, and would be very much more useful than a great deal of the history they at present learned, which was of no use but to tell of the wretched past, which ought to be relegated to oblivion. As showing the necessity for teaching children about flags, it was quite true that the Governor, on paying a visit to a certain town in the colony-he believed, in the Auckland District-found across the street, beyond an arch of welcome, a string of flags which read, according to the Shipping Code, " Beware of suspicious strangers." His Excellency, having a knowledge of such matters, had a good laugh ; but he (Mr. Seddon) thought that if there had been lectures on the flags, as he suggested, such a mistake would not have occurred. He would refer the matter to the

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ROXBURGH ESTATE. Mr. J. ALLEN (Bruce) asked the Premier, What steps have been taken to comply with the prayer of petitioners who desired that the Roxburgh Estate, near Milton, should be purchased for close settlement ? Mr. SEDDON (Premier) said this estate consisted mainly of pastoral country. The Land Purchase Board did not see its way to recommend the purchase to the Government. The area of the estate was 18,200 aeres. # UNPRESENTED RETURN. Mr. FOWLDS (Auckland City) asked the Go-

vernment. When the return ordered in paragraph 6, page 164. of the Journals of the House for 189s, will be laid on the table: and, when presented. if it will be brought up to date? This return was ordered on the motion of Mr. O'Regan, showing the classification of landed holdings in the colony. He hoped that it was only an oversight that it had not been presented long ago, but possibly it had been left over on the score of expense. He hoped the Government would see their way to present it early, seeing that it was ten years since the previous return had been furnished : and that the return be brought up to date. It was a return of the greatest importance. Only by such a return could they really judge of the success or otherwise of the land-settlement policy of the Government. Mr. SEDDON (Premier) said he saw no objection to the granting of such a return, and he would look into the matter. LOWER ROAD TO SEATOUN. Mr. WILFORD (Wellington Suburbs) asked the Government, Whether they intend throwing open the road below the forts at Shelly Bay, in order that Seatoun and Worser Bay residents may obtain a means of access to their houses ? The Hon. the Minister must realise that it was impossible in bad weather, on account of the impassable nature of the roads, for residents at Seatoun and Worser Bay, who numbered some hundred, to get home, especially in the winter, as the only road was that over the hills past Kilbirnie and through the Miramar Estate. The result was that it was most expensive for those living there in the winter to get into town and home again. The objection to this proposal, when he brought it before the House last session, was that it would in some way allow the public to get near the forts. That objection was altogether an absurd one, as he would clearly demonstrate. The road ran at the foot of the hills, while the forts were on the top, and it was impossible to see the forts from the road, whereas anyone who took a boat could see them. He believed in keeping the forts as secret as possible from the public eye, although it seemed to be a particular policy on the part of the British Government to allow foreign experts to inspect its newest guns, and take photographs of them. There seemed to be no necessity for the precaution in this instance, and if his request were granted it would confer a great benefit on the residents in the district Mr. SEDDON (Defence Minister) said the Commandant was strongly opposed to it. Mr. WILFORD .- He always has been. Mr. SEDDON thought that in a matter of this kind the Government should be guided by their experts; and that had been the reason why this road was closed. If they made a roadway past Shelly Bay, where the Permanent Forces were, the privacy of the place would be done away with. The torpedoes, shells, and mines were there, and he did not see why, when the Government had made a road to Shelly Bay for defence purposes, private property-holders who wished to realise high prices from the sale of their land should benefit by the making of that road and disturb altogether the present advantages of that position for defence purposes. With regard to this road, the Commandant advised the Government not to open it ; and he (Mr. Seddon) was going to follow his advice. Very shortly, however, there would be another Commandant, and when he arrived he should refer the matter to him, and probably the honourable gentleman, if the decision of the new Commandant agreed with that of the old one, would be satisfied. An Hon. MEMBER .- I hope the Premier will give one of our own men a chance. Mr. SEDDON said, No, it would not do to have one of our own men. The Government had asked the War Office, and had had the advice of Lord Roberts, who had himself kindly gone into the matter, and he had made a recommendation, which he should be able to give to the House, he thought, next day. Mr. WILFORD said the Premier had been misinformed, because the road already went past the buildings which the men occupied at Shelly Bay -- they had no privacy there now; and when the honourable gentleman suggested that the opening-up of this road would allow the public access to the barracks and prevent privacy, that was not the case, because the road was there now. Mr. SEDDON said that before any one could get to the Shelly Bay barracks they had to pass a gate, and that gate was kept securely locked. and could only be opened by special favour. if it could be opened at all. Mr. WILFORD said, you could get over it. Mr. SEDDON said that was not the question at all. The road had been made to the Shelly Bay barracks, and it was not used as a public road. It was under lock and key, and there was a

privacy there now that could not exist if it were an open public road. **MILITARY DRILL IN SCHOOLS.** Mr. MONK (Waitemata) asked the Premier, If the Government will make it a regulation of our public school training that the scholars be taught and drilled in the military manual and manoeuvres? He was aware that military drill was prescribed to be taught in the public schools, but was afraid that it was in almost general disuse. This was not a new interest on his part, because, as the House would remember, he had brought it up several times

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the school-children the manual drill, as the best way to defend a country was to train the children to a knowledge of military movements, so that in course of time the whole population of the country would be capable of readily taking part in its defence. The Premier had had a pleasurable trip to Australia on the occasion of the inauguration of the Commonwealth, and he (Mr. Monk) had been informed there that one of the best and most enjoyable features in connection with those celebrations was the parade and manoeuvring of five thousand children, who had been properly trained to move like veterans. And there had been a like impressive display at Melbourne recently, where the boys had earned special encomiums because of the skill with which they manoeuvred. Honourable members were, of course, quite familiar with the way in which our cadets had borne themselves at the different reviews during the Imperial visit to New Zealand, and all these things went to show that we ought to devote more attention to this matter than was at present the case; and if Mr. Brodrick, in the Old Country, would only introduce such a measure for the training of the children in the public schools of Great Britain, in ten or twelve years he would have no difficulty in providing for the defence of the Empire by means of voluntary enlistment. Mr. SEDDON (Minister of Defence) said the Government fully recognised the advantage of drilling and training the boys of the public schools in military drill, and steps had been taken, and so far very successfully, to do that. This system would be continued and extended, to the advantage of the boys and to the safety of the country itself. **DISQUALIFICATION ACT.** Mr. G. W. RUSSELL (Riccarton) asked the Premier, If the Government have promised that the members of any Royal Commission set up during the recess shall be paid a larger sum than is provided by the Disqualification Act; and, if they so propose, will they submit an amendment of the Act named, instead of making the payment by vote under the provisions of the Public Revenues Act of last session? Under the Disqualification Act of 1878, which was entitled "An Act to provide for the Purity of Parliament," it was provided that, in the case of members of Parliament being appointed Commissioners, not more than actual travelling-expenses would be payable to them; but in 1892, by section 3 of the Public Revenues Act, the payment of travelling-expenses was commuted to the fixed sum of £1 per day. A large number of Royal Commissions had been set up lately, and he was not going to express the opinion as to whether £1 was or was not a sufficient payment to members for serving on these Commissions. It was a matter which was open to opinion whether that sum was sufficient, considering that other gentlemen concerned, who were not members of Parliament, were paid the sum of \$3 3s. a day; but the point to his mind was, if, as he was informed on what he believed to be fairly good authority, the members of one of these Commissions were expecting to be paid a larger sum than the £1 per day which was payable by law, then he thought that the Government should, instead of bringing this down as a vote at the close of the session under the Public Revenues Act, bring in legislation so that Parliament should, deliberately and with all the facts before it, be able to understand what was its exact legal position, and be able to deal with the question once and for all. Without introducing debatable matter, he regarded it as of the utmost importance that payments to members of Parliament outside of their honorarium should be limited in the strictest manner possible, so that there could be no possibility of patronage preventing members doing their duty in connection with their membership of that House. Mr. SEDDON (Premier) said there was no doubt that an amendment of the Disqualification Act was necessary. An Act that allowed a newspaper man to be a member of

Parliament, and draw as much from the Government as he liked without being disqualified, while another gentleman who happened to belong to another profession, or to be carrying on business, was unable to receive from the State by way of contract more than £50 per year—was an Act that the sooner it was amended and all were put on the one plane the better. He was not casting any reflection on the newspaper profession or the members of the legal profession. An Hon. MEMBER .- Members of the legal profession, if members of Parliament, cannot draw money from the State. Mr. SEDDON said they knew of cases where members of the House who were members of that profession had made agreements that any business done for the Government should not form a part of the business they had done under ordinary circumstances, and which the Act would not have allowed. At all events, he was of opinion that the time had arrived when there should be an amendment of the Disqualification Act, and when all members should be put on the same plane. At the same time the Act itself and the passing of it was one of the gravest reflections ever put upon the Parliament. It would show, at all events, that so far back as 1879 they were afraid to trust themselves. They must have had corrupt Governments in those days, and to keep them from temptation this Act was passed. The honourable gentleman had asked a question as to whether or not some promise had been given. The Government had never committed the colony to any breach of the Disqualification Act ; but what he said now to the House was this : that if members of Commissions had to visit other colonies, and under circumstances that must entail very heavy loss on them over and above the amount allowed under the Disqualification Act, it was not honest of the country to expect them to devote their time and attention to the service of the State at a personal loss. An Hon. MEMBER .- They need not take the Commissions.

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Mr. SEDDON said, in that case the selection of members would be restricted. At all events, the matter would be considered by the Government. He believed the better way was to amend the law, which was, in his opinion, the straightforward course. But, then, if the Government did that they might be met with the difficulty that this was passing retrospective legislation, which was generally objected to. However, the honourable member having called the attention of the Government to the matter, they would give it their fullest and earliest consideration. # CUSTOMS DUTIES. Mr. WILFORD (Wellington Suburbs) asked the Government, Whether they intend this session further reducing the duties on the necessities of life? Last session he asked the Government at the beginning of the session if they would take the duty off kerosene. He saw that the Government received something like \$59,000 a year through the Customs from kerosene. The Premier informed him that the honourable member for the Suburbs evidently wanted more light, but that there was no possibility at that time of entertaining the proposal. He was pleased to see, however, before the session closed that the Government did take the duty off kerosene, and he claimed the credit of bringing that matter to the notice of the Government. He hoped the Government would see their way to make further reductions this year. Mr. SEDDON (Colonial Treasurer) said he thought honourable members would admit that this opened up a very large question, and at this early stage of the session it was almost trenching on the unreasonable to ask him to commit the Government to a reply in respect to this question. # ANNEXATION OF FIJI. Captain RUSSELL (Hawke's Bay) asked the Premier, Whether a copy of the resolution passed by this House on the 19th October, 1900, recommending that a respectful address be presented to His Excellency the Governor, praying that he will forward a resolution to the Chief Secretary of State for the Colonies in favour of the incorporation of Fiji as an integral portion of this colony, has been forwarded to His Excellency the Governor of Fiji, or the Government of Fiji, and if any reply has been received thereto ? It would be in the recollection of the House that last session a resolution was passed reflecting very seriously on the Government of Fiji, and on the manner in which the Europeans were there governed. A copy of that resolution was sent Home to the Secretary of State for the Colonies, and he presumed that, in common courtesy, a copy of it was sent

to His Excellency the Governor of Fiji, and to the Colonial Secretary and other officials there, who had so badly, according to the resolution, administered the affairs of Fiji for several years past. Well, he presumed that a copy of the resolution was sent to the gentlemen who it was alleged had so misbehaved themselves in Fiji, so that they might be able to answer the accusations which this House had levelled against them. He hoped that the Right Hon. the Premier would be able to tell them that a copy of that resolution was sent to His Excellency the Governor of Fiji, and that there had been an answer received from him or from any of the other officials. When he was informed of that fact, he would take an opportunity of moving that a copy of the correspondence be laid on the table. Mr. SEDDON (Premier) said the honourable gentleman had rightly gauged the situation. The resolution as passed by the House was referred to the Secretary of State for the Colonies, who had sent a reply to that communication. The correspondence was not yet concluded. The Governor of Fiji had in very courteous terms practically been called upon to explain why he had traduced the fair fame of this colony in respect to the treatment of the Maoris; and he might say that the letter which was received from the Secretary of State for the Colonies, to put it plainly, did not concur in the course the Governor of Fiji had taken nor in the speech he had made. That, of course, would be seen later on. He might say that the reply actually made the matter worse, because this colony had been put in the position of a bogey to frighten the unfortunate Fijians. Something had to be done to keep the Fijians straight, and New Zealand was used for that purpose, and the reflection which the honourable member now claimed was contained in the resolution was well merited. He said that the number of deaths and the reduced state of the native population of Fiji in the last few years was something appalling. Any one who had read the letters which appeared in the papers from the pen of a disinterested writer, who was simply on a visit to the islands, must come to the conclusion that this House was well justified in the course that it took. On the question raised, as to changing the form of government of these islands, which was the larger question underlying the whole matter, there were difficulties in respect to that which the honourable member knew; and the Imperial Government, as reported by the telegram sent to the Australian Government, had stated that for the time being nothing would be done. The honourable member, as a member of the Federation Commission, would no doubt be able to tell the House what was the situation at the present time in regard to this matter. Our position was that we were taking from Fiji to the value of about \$365,000 of their products annually, and we were sending them \$43,000 in return. The honourable member would be able to see, from the evidence taken before the Commission, that Australia was taking from Fiji products to the value of about \$73,000, and they were sending there about £165,000 value. That, he believed, was about the relative position of the trade. He said that New Zealand at the present time was supporting and maintaining Fiji, and all they got from Fiji in return was a return trade of less than \$50,000 a year. The honourable member, no doubt, had an opportunity on his Australian tour of meeting gentlemen

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from Fiji, and he had no doubt he had in communication was addressed to the Secretary his possession some correspondence in regard to a letter sent, not by the Governor of Fiji in a constitutional manner to the Governor of New Zealand, to be forwarded to the Premier, but some person occupying an official position had sent to the Premier of New Zealand direct a letter purporting to give the Governor of Fiji's views and containing statements drawn from imagination. But the Premier of New Zealand knew his position, and the Premier of New Zealand treated that communication as it deserved by not taking any notice thereof. When the Governor of Fiji had anything to say to the Premier of New Zealand, and addressed it through the Governor of New Zealand in the proper manner, then the Premier of New Zealand would deal with it. He knew the honourable member had possession of that correspondence; and he might say that there were statements made in that letter which were absolutely false and incorrect, particularly in respect to what had happened in respect to him (Mr. Seddon) sending a communication to

some person in Fiji who had broken the law. He said there was not the slightest foundation for the statement. His communications had been sent to men of integrity, and men in whom he had the fullest confidence, and he had done nothing but what he felt sure the House and the country would uphold. When the whole matter was laid on the table, and when the correspondence was completed, he thought the honourable member would see that it was time we vindicated our honour; and whenever any one assailed the honour of our colony, notwithstanding our political differences, he would have 4.30. the honourable gentleman standing shoulder to shoulder with him in defending our honour as a colony as against those who, without the slightest reason, accused us of cruelty and taking away the lands of the Natives, when, as a matter of fact, we stood out in bold relief as compared with any part of the civilised world as to the treatment of our aboriginal natives. That was the position, and naturally he had given a very full answer to the question. Captain RUSSELL said the right honourable gentleman had not, so far, attempted to answer the question. The question was specific—namely, Was a copy of the resolution passed by the House on the 19th October last, recommending that His Excellency should be respectfully asked to forward a resolution to the Secretary of State in favour of the incorporation of Fiji with this colony, forwarded to the Governor of Fiji, or the Government of Fiji, and whether any reply had been received thereto? Mr. SEDDON assumed that the honourable gentleman had in his possession copies of the correspondence. Captain RUSSELL asked, Then, had any letter been received from the Governor of Fiji, or from any of the Government officials in Fiji. Mr. SEDDON said there had been no reply, because the Government of New Zealand had not communicated with the Governor of Fiji, but with the Secretary of State. The reply they had of State, and the Secretary of State's communication was to us. In the meantime, no doubt, the Secretary of State would communicate with the Governor of Fiji. He was surprised at the honourable gentleman's want of knowledge as to the course of procedure. Captain RUSSELL must still press for more knowledge. The right honourable gentleman had still not yet given a reply to the question, whether any answer had been received from any Government official in Fiji to the communication sent from this colony through the Governor. He only asked the question because he had heard, on what he believed to be good authority, there was a reply sent from Fiji. Mr. SEDDON had said there had been no reply received through the proper constitutional course, and until they received one through that course then no reply had been received. Captain RUSSELL said the Premier would not deny, then, that there had been a reply received, although he did not choose to call it a reply. Mr. SEDDON said the honourable gentleman had asked him the question. "Did Mr. Seddon receive a communication from a certain gentleman?" who, he believed, was an appointee of the Governor of Fiji. The Governor nominated his Council in Fiji, and there was one of these gentlemen who, he believed, held the position of Secretary. Captain RUSSELL. - No. Mr. SEDDON said, Then, if it was not this person, he did not know to whom his honourable friend alluded.

#### # ALLEGED MISCONDUCT OF VOLUNTEERS.

Mr. O'MEARA (Pahiatua) asked the Minister of Defence, If he will cause an inquiry to be held into the alleged misconduct of Volunteers at the Woodville refreshment-rooms on or about the 8th February last? On or about the 8th February the country Volunteers were invited to Wellington in connection with the celebrations which attended the visit of the Imperial troops. On the arrival of the Volunteers at Woodville they rushed into the railway refreshment-rooms there; they took possession of them for the time being, and helped themselves to liquor, cigars, and cigarettes. These were the allegations that had been made by the licensee of these refreshment-rooms, and they were corroborated by more than one railway official. The then Mayor of Woodville consulted him on the matter, and before he communicated with the Premier he (Mr. O'Meara) consulted the licensee, who placed the whole of the facts before him. Some of these brave defenders, who brought disgrace on their fellow-Volunteers, rushed the dining-room. One of their number jumped upon the table and demanded food. The young lady who was waiting on him asked him to desist, and he spat in her face. These were the allegations that were made by the licensee

of the refreshment-rooms and others. He (Mr. O'Meara) immediately communicated with the Premier, <page:244>

full and searching inquiry would be made. From that day he had not heard one word as to who was the culprit, or what the Government were doing in the matter. He understood that the Volunteers were lined up in order that the offending man or men might be identified on their return journey; but they were so much alike when they were in uniform that it was almost impossible, especially for a girl, to distinguish one Volunteer from another, and so the culprits escaped. He hoped that the Premier would make a searching inquiry into the matter. His honourable friend on his right-(Captain Symes)-he understood, was on that train in charge of a corps, and no doubt he would be able to throw some light on the affair. But, even though the allegations were contradicted by his honourable friend, he hoped the Minister of Defence would take the matter up, cause a searching inquiry to be made, and, if the Volunteers had committed what he would say was a despicable crime which they had been accused of, he hoped the offenders would be very severely punished. Mr. SEDDON (Minister of Defence) said that when he said it was a most regrettable occurrence that took place at the Woodville railway refreshment-rooms, and that the alleged conduct of the Volunteers, if correct, was a disgrace to men wearing the Queen's uniform, he was speaking in moderate terms. Immediately the matter was brought under his notice as Minister of Defence-he received a communication from the Mayor of Woodville, and he also received a communication from the representative of the district, Mr. O'Meara -- he sent on these communications to the Commandant, and, as it was alleged there had been a taking of things out of the bar, besides an assault upon the girl by spitting in her face, he placed the matter in the hands of the police, and he did not think he could do any more than that. The police were asked to make further investigation in the localities where these men had gone, and, acting upon the information they received, they pressed the inquiry still further, and it was only on his colleague the Commissioner of Police informing him that there was not sufficient evidence upon which the police could proceed that he desisted from doing anything. All he could say was this: that complaints of that kind brought dishonour and discredit upon a body of men who were deserving of much praise, and if he could find out who had been guilty of this misconduct he would make an example of them, in order to prevent any occurrence of that kind in the future. That was the position. Mr. SYMES (Egmont) asked leave to make a personal explanation, as his name had been referred to. He absolutely denied the exaggerated statement of the alleged occurrence. He said from his personal knowledge he felt certain the refreshment-room-keeper had drawn upon his imagination. He was in a position to see the whole of the Volunteers in one refreshment-room during his stay in Woodville, and he declared that, as far as he knew, the statement was absolutely without the slightest foundation whatever in fact. There was not a word of truth in it, as far as his knowledge went, and he sat behind a counter in the company of Captain Maxwell, of Opunake. The men under his supervision were most orderly. There was one trooper, certainly, whom he heard make use of rather strong language. He was not a member of his corps. He immediately spoke to the man, and asked him if he knew that he was wearing the Queen's uniform. He said, " Captain, I am very sorry ; it was only a joke." All these men behaved in a thoroughly gentlemanly way, with this one exception, in the refreshment-room. Captain Maxwell and himself sat out until nearly all the men left. After that he walked up and down the platform smoking a cigarette while he waited for the train. But before leaving he revisited the room to see all was well, and the barmaid spoke to him in the highest terms of the Volunteers; and he (Mr. Symes) said that he was very pleased, because a number of the Volunteers came from his district, and he knew that they were some of the finest men in New Zealand. There was absolutely no foundation for this sweeping statement. An inquiry was held at the camp also on Sunday, on receipt of the telegram, and it was absolutely denied by all the officers present. and also by the non-commissioned officers who were in charge as section leaders in each case. so that he thought the whole thing was an exaggerated charge. Mr. SEDDON said, in face



of the statement made by the honourable member, he felt impelled to lay the papers on the table. He had wished to keep the matter from being exposed more than could possibly be avoided. Now, however, in justice to the police and others who had to deal with the matter, he felt constrained to lay the whole of the papers on the table. He could not think that such charges could have been made without foundation, and he might, from memory, say that some of the property taken away was actually found in the train. He knew, of course, that the honourable member would not make the statement he had done without good grounds, but the honourable member was only speaking from his own personal knowledge. From the evidence, however, that was before the police - the evidence of the restaurant-keeper, and the girls, also of the railway people - there was not the slightest question that there was some foundation for the allegations made. # RAILWAY RATES IN NORTH AND SOUTH ISLANDS. Mr. SYMES (Egmont) asked the Minister for Railways, If it is a fact that the conveyance of passengers' luggage in the South Island is charged at a lower rate than in the North Island ; also, if goods are carried at a lower rate in Canterbury and Otago than in the North Island ; and, if so, why ? It had been stated, and never contradicted, that passengers luggage in Otago was charged at the rate of 2j. per mile, whilst in Auckland it was charged 4d. per mile. It was also stated that in Canterbury and Otago the rate for goods had been

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reduced by 8d. per ton, whilst in Taranaki and Auckland it had been reduced by 6d. per ton. . Sir J. G. WARD (Minister for Railways) might say that the rates and regulations governing the conveyance of passengers' luggage were the same throughout the colony. There were a number of local rates and regulations governing the conveyance of goods traffic over certain portions of the lines of both the South and North Islands. These local rates were induced by competition and local circumstances. As a result of sea competition there were cheap rates for conveyance of goods traffic between Lyttelton and Timaru, Dunedin and Oamaru, and Dunedin and Invercargill. Similar rates, however, existed on the Auckland and Wellington-Napier-New Plymouth Sections. He might say there was no such thing as differentiation in rates in one district as against another, and there was no partiality shown to any district. The whole of the rates were fixed with a view to doing what was just to all parts of the colony. SANATORIUM FOR MOUNT EGMONT. Mr. SYMES (Egmont) asked the Government, If they will this session take the necessary steps for the erection and proper equipment of a sanatorium at Mount Egmont ? Sir J. G. WARD (Colonial Secretary) said it was proposed to have an inquiry made and a report submitted, when the question of providing and maintaining a sanatorium at Mount Egmont would be considered. # POST - AND-TELEGRAPH OFFICE FOR MORNINGTON. Mr. ARNOLD (Dunedin City) asked the Postmaster-General, If he will make immediate arrangements for the establishment of a post-and- telegraph office in Mornington, and place the same under a competent officer? Twelve months ago he had brought the question of a daily delivery in Mornington before the Minister, with the result that he kindly not only gave them another messenger, but also caused two deliveries a day to be instituted ; and this had been greatly appreciated by the people there. However, the district was rapidly growing. They had now between four and five thousand residents, and the want of a post- and-telegraph office was very much felt. A telegraph arrangement, of course, they had, but it was in a private house, and people did not care to go to a private house to send telegrams, which were frequently of a private nature. Then, again, the telegrams were not always delivered as promptly as they might be. But the greatest drawback was with regard to postal orders or money -orders, as the residents of Mornington had to go all the way down to Dunedin to do their business, which was not only very inconvenient, but also expensive. He hoped, therefore, the Minister would see his way to give a favourable answer to the question. Sir J. G. WARD (Postmaster-General) thought the time had arrived when a post- office savings-bank and post-office should be established at Mornington. The difficulty in the past had been that they had been unable to find a suitable site, although inquiries had been made. There were no Government reserves at Mornington.

However, further inquiries were being made, and if they could get a suitable place he would be very happy to give instructions to have a Postmaster appointed there and a better postal service arranged for. ST. ANDREW'S TELEGRAPH-OFFICE. asked the Major STEWARD (Waitaki) Commissioner of Telegraphs, Whether instructions have been given for the promised enlargement of the telegraph-office at St. Andrew's ; and, if not, when the work will be put in hand ? Sir J. G. WARD (Commissioner of Telegraphs) said the enlargement of the St. Andrew's office provided for a telephone-box, which would encroach on the main road, and the District Railway Engineer had been instructed to erect it in this position if the County Council agreed. The Engineer advised that he was now awaiting the consent of the Council before proceeding with the work. OAMARU-KUROW RAILWAY. Major STEWARD (Waitaki) asked the Minister for Railways, Whether he will endeavour to arrange the time-tables on the main south line and the Oamaru-Kurow Branch so that passengers from the North bound for stations on the branch line can be transferred from the down express to the Kurow train at Pukeuri, and thus avoid the loss of a day now incurred ? Since this question had been placed on the Order Paper the honourable gentleman had been good enough to send him a reply, in which he stated, as he (Major Steward) understood it, that the department would be quite willing to make the arrangement asked for provided there were unanimity on the part of all persons interested. Well, it was absolutely impossible to obtain complete unanimity in almost any matter, and he would ask the honourable gentleman to make the change if he were convinced that a large majority of the residents in the district were in favour of it. He would suggest that the honourable gentleman might take into consideration the feasibility of making the two trains dovetail by shortening the time of the stoppage of the express at Timaru. Seeing that there was now a dining-car on the train, there did not appear to be any necessity for a stoppage of twenty minutes at Timaru. If the time for the stoppage at Timaru were shortened by ten minutes he thought the matter could be arranged. A delay of five or ten minutes in arriving at Kurow, he thought, would not be objected to; and the connecting of the trains would prove of great advantage to passengers from the north, who could then be transferred at Pukeuri Junction, and so save a whole day. Sir J. G. WARD (Minister for Railways) said there would be no difficulty so far as the Railway Department was concerned in detaining the Kurow train at Pukeuri as suggested, provided the persons served by the train service desired the

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connection to be made and were unanimous in regard thereto. The experiment of connecting these trains as suggested was made at the desire of some of the residents in 1889, but roused such opposition from a portion of the people who used the train that the connection had to be abandoned, and the former service, similar to the present, was reverted to. If it could be shown that there was a unanimous desire on the part of the residents along the line from Kurow to Pukeuri for the evening train from Oamaru to be detained so as to make a connection with the express from Christchurch, the matter would be arranged. FAIRLIE RAILWAY-PLATFORM. Major STEWARD (Waitaki) asked the Minister for Railways, Whether, in view of the great inconvenience to passengers consequent on the unprotected state of the railway-platform at Fairlie, he will give directions that the erection of a verandah (promised last session) be immediately proceeded with? A similar question had been put to the honourable gentleman last year, when he was good enough to promise that this shelter should be erected. The locality was greatly exposed in the middle of winter, and for several days past the railway-platform had been under snow. As the Hon. the Minister might know, the weather at Fairlie was often very severe in the winter-time, and it was highly necessary that some protection should be accorded to passengers. Sir J. G. WARD (Minister for Railways) said that the verandah at Fairlie had been promised last year conditionally. In reply to a question by the Hon. Major Steward in the House on the 13th July last year, he had stated that "the work was included in the department's list of works, and if the House gave sufficient appropriation to enable this work to be done it would be carried out." This work, in common with many others, aggregating a cost

of over £200,000, had to stand over, and give way to more pressing requirements. He could only tell the honourable member that if he could get authority for this work, among others to be gone on with this year, he should be only too glad to have it done. # RAILWAY SPARK-ARRESTER. Mr. MASSEY (Franklin) asked the Minister for Railways, Whether he will consider the advisability of offering a bonus or reward for an efficient spark-arrester to be used on the rail- ways of the colony? He thought the Minister would admit the importance of this question, because there were hundreds -he might say thousands-of settlers throughout the colony whose properties were situated close to the line of railway, and who during the dry summer months were subject to constant annoyance and anxiety, and even to loss, on account of fires caused by sparks from the railway-engines. The matter was a very serious one, and he thought, if people with an inventive turn of mind could be induced to take this matter up, the result might be an invention which would overcome this very serious difficulty. Sir J. G. WARD (Minister for Railways) said the question was a very important one, and the department was fully alive to the necessity for fitting its locomotives with the best-known ap- pliance for the suppression of sparks, and at the present time was about to make exhaustive experiments. The Grand Trunk Railway Com- pany of Canada were now using a spark-arrester which was said to be satisfactory, and parti- culars were being obtained of the same. The Locomotive Superintendent was also in cor- respondence with the chief mechanical engi- neers of the sister-States upon the same subject. and it was considered that no good purpose would be served by offering a bonus. About eighteen months ago & statement was made in one of the English papers that the department was offering a bonus for a spark-arrester, and the result was that they were inundated with the most crude and unworkable proposals from a large number of amateurs in England. Aus- tralia, and New Zealand, but not a single pro- posal was received from any reputable engineer- ing firm. He could assure the honourable member the engineers were very anxious to have an efficient spark-arrester, and it was felt that the only way to get an effective one was by making experiments by the depar :- ment, and ascertaining what was done in other countries, and so adopting the best spark- arrester that could be got. There had been experiments made with spark-arresters in the colony, and in every case they had proved unsatisfactory. The department was doing its best, and hoped to have before very long the best and most up-to-date spark-arrester that could be got. PETONE STATION AND HUTT RAILWAY. Mr. WILFORD (Wellington Suburbs) asked the Minister for Railways, When Petone may expect a start to be made in the erection of a railway-station there ; and when may the resi- dents of Petone, Hutt, and Wairarapa expect that the straightening of the line from Welling- ton to Lower Hutt will take place ? He might tell the Minister that thousands of people were interested in the answer to this question. Its importance was recognised not only by people in this part of the district, but people throughout the whole of the Wairarapa were concerned in the quick transport of goods and passengers from Wellington to their districts. He wished to say further that it seemed the Government in the past had been lax in regard to this import- ant suburb of Petone. There were over three thousand inhabitants in that suburb, and some of the principal manufactures of the colony were carried on there. There was also a general progressiveness and up-to-dated- ness about this little city which was almost conspicuous by its absence in all other country. When the Hon. the Minister con- sidered the advisability of erecting a palatial railway station on the site of the present " Whareparera " he should consider the ad- visability of shifting to some other locality the cattle-yards which had been placed by the Gear Company at the head of Jackson's Creek.

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There was no real reason why those yards should not be shifted round to the company's own property, and the whole of the stock should go into their own works vid the Hutt Park Company's railway, worked in conjunction with the Government. This would divert the whole of the stock and traffic, and would do away with the necessity of driving this stock through the populous parts of that growing suburb. The residents of his constituency also desired to know when the Government would com- mence the straightening of the

Hutt Railway- line. Sir J. G. WARD (Minister for Railways) said in reply that drawings had been prepared, and that when funds were available the work would be gone on with. If the House gave authority for the necessary buildings and station at Petone he would be delighted to have them erected as soon as possible. The importance of the other question he recognised ; but, as the honourable member would see, it was a very large work, and would require consideration in connection with the whole of the railway policy. It was far too important for any individual Minister to make a promise to the honourable member upon, be- cause it was one of those questions that must be taken into consideration by the Cabinet as a whole in connection with the allocations of moneys for general railway expenditure. He agreed that the Borough of Petone was fully up to date, and it would not be its worthy member's fault if it were allowed to remain in the background. # MILK-VANS. Mr. E. G. ALLEN (Waikouaiti) asked the Minister for Railways, If he will cause a special an to be attached to the north train arriving at Dunedin at 1.10 p.m. for the purpose of conveying milk to the various creameries and cheese-factories situated between Hampden and Dunedin, so as to obviate the present system of carrying milk in the same vans with rabbits and sundry goods ? Sir J. G. WARD (Minister for Railways) said a return of the traffic carried by this train was being obtained, and the necessity of allocating a special van to the train would be considered as soon as the return was to hand. He would tell the honourable gentleman that if it was warranted he should be very glad to favourably consider it. # MISS ANNETT. Mr. T. MACKENZIE (Waihemo) asked the Government, Whether their attention has been called to the serious loss sustained by Miss Annett, teacher, Otago, through the dastardly actions of some miscreant, and also to the Otago Education Board's resolution in that connec- tion-namely, "That Miss Annett be reasonably compensated for the loss she has sustained "; and, if so, will they favourably consider the propriety of placing the sum of \$70 on the esti- mates for that purpose? This question was one, he ventured to think, that would certainly command the sympathy of the Ministry and House. It was the case of a young lady teacher in Otago who had suffered very bad treatment. This young person was a teacher of ability and promise, and enjoyed an irreproachable character. She was appointed to a school at Rongi- hera. There was in that district a family of bigots of evil reputation, and they resolved that this girl should be driven from the neigh- bourhood, because it had been discovered that she was a Roman Catholic. The teacher was subjected to odious indignities that could not be mentioned in that Chamber. With commendable courage she had endured them until her home and school were set on fire, and her property, including an organ and several valuable articles which she possessed, was destroyed. The police were able to pretty nearly trace the crime to the person whom the whole neighbourhood felt persuaded had carried out the villainous work, but were not successful in sheeting it home; but no doubt existed in the minds of the people there, nor in the minds of the police, as to who had committed the dastardly act. The point was that these people had succeeded in subjecting that respectable young woman to these indignities and loss, and had carried out their threat to drive her from her home and her school-because she had to search for another school, and he doubted whether the school she now had was as good as the one in question-and she was out of employ- ment for some time, and suffered considerable loss. The Education Board, not having power to compensate her, passed a resolution asking that the Minister place a sum of \$70 on the estimates to compensate her for pecuniary loss, and he hoped that the Minister would grant that. He would like to emphasize the point that in a free colony like New Zealand it should be possible for a young woman to follow the occupation of a teacher without annoyance. It should be our boast that women and children should be able to go unmolested anywhere. But in this case the teacher remains uncompen- sated ; the rascals are not punished, but were satisfied with the result they had attained. He thought that this was a case where compensa- tion should be granted, and he urged the Go- vernment to grant the only reparation now within their power. Mr. HALL-JONES (Minister for Public Works) said this matter did not come within the province of the department to deal with. It was a matter of administration by the Board, and had only been

brought under the notice of the department by statements that had appeared in the Press and the question placed on the Order Paper. He was sure that every member of the House would regret that anything should occur of the nature indicated by the honourable member for Waihemo. It seemed to him, however, that it was a matter more to be dealt with by petition than for a sum to be placed on the estimates without the Government or the House having the facts before them. Of course, he had no reason to doubt the statements made by the honourable member, but the proper course was to lay the matter before the House by petition. The matter would then be inquired into, and after

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they were in possession of all the facts they would be in a position to make a recommendation.

**REGISTRATION OF LAND TRANSFERS.** Mr. HOGG (Masterton) asked the Government, Whether the fee of £1 is still exacted for the registration of land transfers ; and, if so, whether they have obtained advice respecting the legality of this charge? He had put a similar question to the Minister of Lands that day twelve months ago. He asked the Minister then whether he was aware that the fee of 5s. previously charged for the registration of transfers had been increased to £1 1s., and, if so, would he endeavour to reduce or extinguish it. The Minister on that occasion agreed that the charges on account of land transfer might very fairly be made more reasonable. He stated that under subsection (2) of section 81 of the Land Act of 1892 the department apparently had no option but to make this charge; that 5s. of the amount charged was paid to the Land Registrar, and 16s. to the Public Account. He promised then that he would look into the matter and see if it was not possible to reduce the charge to .5s., the amount previously charged. The subsection referred to said, - "There shall be paid for every such license, or every instrument, or for any transfer thereof respectively, a fee of twenty-one shillings for the lease, and registration thereof." He thought, from the language of the clause, it was perfectly evident that this fee of £1 1s. was not simply for the registration, but was intended to cover the cost of a document. The opinion that he then expressed was indorsed by gentlemen connected with the legal profession who happened to be in the House at the time. He would like to know whether the Minister had made inquiry, and whether he could see his way to discontinue this fee. Mr. DUNCAN (Minister of Lands) said the fee of £1 1s. was paid for the registration of the transfer. Of this, 16s. was paid to the land revenue and 5s. to the Land Transfer Office. The matter had been under consideration, but so far nothing definite had been done. There was no doubt as to the legality of the charge. The matter, however, was one that required further consideration. Mr. HOGG pointed out that there was no document connected with the transfer beyond the memorandum of transfer, and it already had been paid for.

**LIABILITY FOR WORKMEN'S WAGES.** Mr. E. G. ALLEN (Waikouaiti) asked the Government, If it is intended to amend the Mining Act so that in the event of a gold-dredging company going into liquidation the directors of such company shall be personally responsible for the payment of any workman's wages that may be due up to the time of liquidation ? A case had been brought under his notice lately where a dredging company had gone into liquidation, and the contractors for the dredge had a lien over the dredge and all the plant at liberty of purchasing within a short time two the time of the liquidation, and the consequence was that the men who were engaged working on the dredge were not paid, and there were no funds to pay them with. He asked the question with the object of fixing the responsibility of paying the wages on those who employed the men. Mr. McGOWAN (Minister of Mines) said that security was given under the Mining Act, and also under the Workmen's Lien Act, by which wages took precedence over all other claims ; and he thought it would be a very dangerous procedure to adopt at the present time the honourable member's proposal to make the directors of a company liable for wages. For instance, the director of a company might be out of the colony, and during his absence the company might go into liquidation, and in that case it would be a most unfair principle to introduce to make a man liable for that over which he had no control; whereas, under the law as it at present stands, a dredge or a mine and the machinery are the first charge for the \-----

payment of labour-a workmen's lien having precedence. He did not think it would be wise to introduce legislation in the direction suggested by the honourable member. ## RAILWAY THROUGH PAHIATUA ELEC- TORATE. Mr. O'MEARA (Pahiatua) asked the Govern- ment, If they will defer making inquiry as to the cost of a railway through the Pahiatua electorate until such time as proposals are submitted offering to construct an electric tramway, which will not run parallel to the present railway-line ? There was a syndicate at Pahiatua which desired to construct a line through the district. He understood there was another syndicate in Masterton which desired to open up the Pahiatua electorate by means of a narrow-gauge railway. In putting the question his object was to ask the Minister to defer making any pledge until proposals were put before him respecting the making of this light railway. Mr. HALL-JONES (Minister for Public Works) was pleased to hear of the great interest that was being evinced in the opening-up of the Pahiatua district. It reflected great credit on the settlers, and also on the members who represented the constituencies in the neighbour- hood. In reply to the honourable member, he had to say he would certainly obtain all possible information before making any promise in the matter. WORKMEN'S HOMES AT KHANDALLAH OR CROFTON. Mr. WILFORD (Wellington Suburbs) asked the Government, Whether they propose pur- chasing property at Khandallah or Crofton for subdivision into workmen's homes? He asked this question last session, though not in the same form, and received an answer with which he was not satisfied, and he now wanted to know if the Government still intended to dally with the matter. The value of land was going up, and, unless the Government took the oppor-  
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properties in the areas he had named, it would not be in their power to purchase them at no distant date. There was an excellent oppor- tunity at present to purchase properties in Crof- ton and Khandallah at prices that would be ad- vantageous both to the Government and to the people who would be settled on the land. The City of Wellington was congested. No land for workmen's homes was available in Wellington. He understood an offer had been made by a syndicate, and also by an owner, at Khandallah and Crofton of land that was easy of access, and that could be profitably acquired by the Govern- ment at the present time. Mr. DUNCAN (Minister of Lands) said there was an offer of about forty acres of land pre- sently before the Land Purchase Board, situ- ated near Khandallah, which would be inspected shortly. If the land was suitable, and within reasonable walking-distance of the factories at Kaiwarra and Ngahauranga, a recommendation would be made by the Land Purchase Board to the Government. The train services on the Manawatu Railway-line were so timed as to be quite unsuitable for workmen engaged in Wel- lington. At the present time, therefore, unless the train service was altered, it would be of little use to purchase land there for workmen's homes. It was a matter, however, that might be reme- died, and perhaps the Wellington and Mana- watu Railway Company would see its way to run a train for workmen. At any rate, the question had not been lost sight of by the de- partment, and, although no steps had been taken in the matter up to the present time, the officers of the department had not lost sight of it. Mr. WILFORD said the answer of the honourable gentleman would be a capital one if the settlers travelled into Wellington by the Manawatu train, but, as a matter of fact, they would come down the hill and get the train at Kaiwarra. ## GORGE BRIDGE. Mr. O'MEARA (Pahiatua) asked the Minister of Lands, What steps he has taken in connec- tion with the re-erection of the Gorge Bridge ? Last session he understood the Minister of Lands was going to take steps to carry out the recommendations of the Commission. Nothing had been done, however, but he sincerely trusted that the question, which was really one of colo- nial importance, would now be taken in hand and settled without delay. If the reply of the Minister was not favourable, he would have to bring the matter before the House again, and he certainly thought the Government should construct the bridge as a colonial work. Mr. DUNCAN (Minister of Lands) said a Commissioner was appointed in May, 1900, to hold an inquiry as to the apportionment of the cost of reconstructing the bridge, and on his re- port being received a Proclamation was issued in

October. 1900, authorising the Manchester Road Board to construct the bridge, and to collect a portion of the cost from ten adjoining local bodies. A sum of \$1,500 was also promised by the Government; but the Manchester Road Board had made no move to commence the work, and nearly all the local bodies objected to contribute. It had been decided, therefore, that as soon as the plans of a suitable structure could be prepared Government should call for tenders, and do the work at the cost and expense of the local bodies, as provided by sub-section (10) of section 114 of "The Public Works Act, 1894." The local bodies all shirked the responsibility of attending to the bridge, and, evidently, if it was to be constructed at all, the Government must take it in hand and do the work, and collect the money as, best they could. He might say that, with the exception of the honourable member, no one had sent him any communication from either side of the bridge during the last twelve months. # MORNING SITTINGS. Sir J. G. WARD (Colonial Secretary) moved, That until further ordered this session, on two of the days set apart for Government business only, this House do meet for the despatch of business at half-past ten a.m. ; that on the first day for morning sittings only orders of the day shall be taken : and, further, that on those days no business shall be taken after half past ten p.m., at which hour the House shall adjourn. Any Standing Orders that may prevent this being given effect to to be suspended during the time such order is in force. Mr. MASSEY (Franklin) thought the House was entitled to some explanation with regard to this motion, and he was sorry the Minister for Railways had not seen fit to give it. The position appeared to him to be this : that the House at present met at half-past two p.m., and what was proposed was that on two mornings in each week the House should meet at half-past ten a.m. He supposed that on such mornings the House would adjourn at one p.m. for lunch: so that the effect would be that the members would be working two hours and a half more in the early part of the day than they were doing at present. He did not object to that under certain circumstances. Then, they came to the other part of the proposal-that no business should be taken after half-past ten p.m. Did that mean no new business ? If it did, then he ventured to say that what was proposed was worse than the present system. Sir J. G. WARD. - " At which hour the House shall adjourn." Mr. MASSEY would like the motion to be clearly stated. If it meant the House would rise at half-past ten p.m. - which was, he thought, what was proposed-it was worthy of a fair trial. If it meant that sometimes a number of Bills would be put into Committee, and that they would have to be taken through before the House adjourned -and that was continually being done at present-he would vote against it. Sir J. G. WARD said the Government, in attempting day sittings as against night sittings, were doing what they believed many members desired. The proposal in the resolution-he was sorry there was any doubt in the member for Franklin's mind about it-was

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quite clear that the House should meet at half-past ten o'clock on the two days referred to, and should rise at half-past ten p.m. ; the resolution said, "and, further, that on those days no business shall be taken after half-past ten p.m., at which hour the House shall adjourn." That was the clear and definite intention. It would, he hoped, enable members at the end of the session to return to their homes as fresh and vigorous and as able to carry on their respective private work as on the day they opened Parliament in Wellington. Mr. WILLIS (Wanganui) asked whether this would not interfere with Committee-work. Sir J. G. WARD said it was not the intention that Committees should sit at all on those days. He thought the proposal should be given a fair trial ; no doubt some details would have to be met as they arose. Motion agreed to. WORKERS' RIGHT OF APPEAL BILL. Mr. PALMER (Ohinemuri) .- This is a very short Bill, and it will not take me very long to explain it to the House. There are only four clauses in the Bill. The 1st clause is the Short Title, the 2nd is simply a reference to the interpretation clause, and the 3rd is really the executive clause of the Bill. The 4th clause is merely a consequential clause to the third. The principle of the Bill is this : It is a fundamental principle and maxim of law that wherever there is a wrong there should be a remedy. Now, very often the law-courts inflict a wrong to a person, and it is right that person

should have a remedy if he possibly can get it. The Courts, as I am aware, have inflicted a wrong upon one person mentioned in this House- Lillywhite - and he probably will have his remedy, or may get some consideration from the Government ; but there are other persons who perhaps have no remedy at all. Their only remedy is by way of appeal. It is a condition precedent to an appeal that the appellant must give security or deposit money before being allowed to prosecute the appeal. If, however, a man has no money, or no one to go security for him, although he may have had a wrong inflicted on him, he has no remedy at all-he has to put up with the wrong. There is only one way left by which such a person may have his remedy, and that is if he makes himself a pauper. The law recognises that it is not fair to deny justice to any man, and if he has no money he is allowed to apply in forma pauperis-that is, if he has not \$25 exclusive of his clothing and the subject-matter then in dispute. Very few people of the class I mention here can lay their hands on \$25. I think it is unfair to say to any man that he must declare himself a pauper before he is allowed to proceed to get his remedy. The object of this Bill is to allow that class of people whom I have mentioned to get their wrongs remedied without having to make themselves paupers. Under this Bill the whole of the facts of a case have to be stated by a solicitor, and have to be submitted to counsel, and he has to give his opinion as a professional man before the Court will allow the person to proceed with his appeal. It is not intended to allow any one the right of appeal unless there is some solid ground for appeal. I think every safeguard has been taken to prevent frivolous appeals. I beg to move the second reading of the Bill. Mr. HERRIES (Bay of Plenty) .- I think this Bill goes a little further than the honourable gentleman intends. He has alluded to the system of appeal in forma pauperis ; but it appears to me that by this Bill those who are to take advantage of it will be put in much the same position, in forma pauperis, as against other litigants who are possibly in the same position, as far as pecuniary matters are concerned, as themselves. I will take, for instance, a farm-labourer, who may be suing his employer- a small farmer-for wages. The judgment goes against him, and he can appeal without putting up any security at all, though he may be pecuniarily in just the same position as the small farmer who employs him. If the judgment goes against the small farmer, the latter has to put up the money to appeal. Now, I fail to see why the very fact of one man working for wages should give him any advantage as a litigant over the man who employs him. I could quite understand the honourable gentleman introducing a Bill to put people on an equal footing-if they had a certain amount of money, to put them on an equal footing in that way-but I do object to the principle of saying that, because a man is working for wages, therefore he should have special advantages over a man who may be equally impecunious. Take a small contractor, whose wages-men are probably just as well off, if not better off, than he is. Well, they will be allowed the advantage of making the appeals without putting up any security, while the unfortunate contractor, who may be poorer, will be obliged to put up the money for the appeal. I cannot see the equity and right of that. I am, as much as any one else, quite prepared to give the worker his fair share, but I do not see that we ought to give him any more than his fair share from the people of this country. Our small farmers are just as much entitled to consideration as the workers in the towns, and more so. They work harder, and the men whom this colony has put on the land for the purpose of making homes for themselves are entitled to just as much consideration ; yet they are to be penalised, as compared with the wage-earners in the towns. I say that sort of legislation is a drawback to this colony. If the honourable gentleman brings in a Bill to say that any one who has not got sufficient funds to put up the money for appeal shall have this advantage, I will be prepared to agree with him. If he were to put them all on a level, and stipulate that those who have not a certain sum of money should not be obliged to put up the money for an appeal, I could understand his action ; but I cannot understand this arbitrary distinction between a man who is drawing wages and a man who is simply impecunious. It seems to me it is in a sort of way pauperising



the wage-earner. It is giving him an advantage which, so far as I understand, he has never asked for. We have never had a petition before this House to say that the wage-earner should be put at an advantage before other people in this respect. I say it is an unfair position to put the wage-earner in, and I do not think any honest man would care to take up that position. If the honourable gentleman were to bring in a Bill to lessen the law-costs, that would seem to me a proper thing to do -to lessen the charges the solicitors make and to lessen the charges the lawyers make in conducting these appeals. But the honourable gentleman, if I might be allowed to say so, took another tack. He wants to reduce the amount of money lodged as security for the costs of appeal, so that the lawyers who appear on the appeal may possibly be able to scrape more money out of the case. I do not say that is the honourable gentleman's intention, but it might be suggested that the legal people might get more out of the unfortunate litigants than But I think this Bill is they would otherwise. going a little too far, and, as far as I know, it has not been asked for by the workers. If it had been asked for by the workers we would readily consider it. I object to having the workers put on a different footing from workers who are equally hard workers, and more so than a man who works for wages. I say a small farmer, especially in the dairying industry, is equally entitled to this privilege, if it is given to the workers, as any man who works for wages. Mr. BOLLARD (Eden) .- Sir, I may say at once I disapprove of this Bill. While it provides a remedy for a worker if he feels aggrieved and goes to the Court of Appeal, on the other hand, as pointed out by my honourable friend the member for Bay of Plenty, it imposes upon the employer, who may be a poor man, although an employer-he has got to find the money to conduct his own case. Now, I would like to give an illustration of what this Bill means in the law-courts. I knew a case tried in Auckland before the Supreme Court where a worker sued a public body, and he succeeded. The public body appealed, but before they were allowed to go before the Court of Appeal they had to lodge in the Supreme Court £170 to pay the costs of the worker. The public body went to the Court of Appeal, and the Court of Appeal reversed the decision of the Judge of the Supreme Court, with this result: that they had to pay all the costs, amounting to \$500, and the £170 that was lodged in the Court to pay the costs of the worker was all monopolized by the lawyers except \$10, and the public body did not receive one penny of costs when they succeeded in the Court of Appeal. Now, Sir, I think that is not right. If the Court had impounded the £170 to await the decision of the Court of Appeal, then the defendants, who succeeded in the Court of Appeal, would have had something to pay the costs with. I believe in fair-play. I believe in a worker having every advantage that can be given to him fairly, and if he has a good case he will get people to support him ; but I fail to see why he should have special privileges like that. That is the reason why I object to this Bill. Mr. R. THOMPSON (Marsden) .- I would like to call the attention of the House to clause 4, which provides that an appeal by a worker shall operate as a stay of execution or proceedings. Now, I might point out that if this Bill were passed a person who was known to be worth nothing might under this measure give notice of appeal for the purpose of levying blackmail upon the other party, because, as has just been described by the honourable member for Eden, the employer, whoever he might be, would be put to the cost of preparing for the Appeal Court, and then the other party is not bound to appear. He has nothing to lose, and there are no means of getting costs from him. I think the House should certainly pause before passing a Bill of this kind. I believe it would prove a very good measure for the lawyers. It would encourage litigation of a very dangerous class-a class of litigation that might result in the ruin of one client by another who had nothing to lose. I certainly think that the Government or the Minister of Justice should have this Bill looked into before this House passes it. Mr. MASSEY (Franklin) .- I think, with the last speaker, that we must pause before passing what seems to me to be a very important Bill- and I am sorry the Minister of Justice is not present to give us a lead in this matter, because to the ordinary lay mind the matter is somewhat involved and complicated, as legal matters generally are. I think, in the absence of the Minister of Justice, that the Minister of Lands or the Minister for Public Works should tell us whether

the subject has been considered by Cabinet ; and, if so, what action they propose to take in the matter. As I understand it, the Bill provides that a worker-who, according to the interpretation clause, is an individual employed in connection with manual labour - may appeal from the lower to the higher Courts without giving security for the costs. It seems to me to be a very peculiar proposal. It appears to be legislation of a very one-sided character. It shuts out from the advantages proposed every other class in the community than the one defined as worker. It shuts out the farmer, and I suppose it shuts out even members of this House. I presume the honourable member for Ohinemuri has given the matter due consideration, and there may have been individual cases of hardship ; but I think we should legislate for the general good of the community, and not for cases of an exceptional character. In fact, I consider this Bill is class legislation of the very worst kind, and I, for one, intend to oppose it. Mr. G. W. RUSSELL (Riccarton) .- I think it is a matter for regret that the House has not got a lead from the Treasury benches with regard to so important a matter as this. I do not think it comes within the scope of the Minister of Justice: I think it is much more a matter on which the House should ask for a lead from the Minister of Labour. This is distinctly a labour Bill, and I pre-

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sume it is brought in by the honourable member for Ohinemuri at the request of certain ; labour sections. If so, I think the request is entirely confined to the workers in that part of the colony. I am not aware of any agitation of this kind having been set up in any other part of the colony, and I am not even aware that this Bill is the result of any special request from the workers in the electorate which the honourable gentleman represents. I think that the honourable member for Franklin, Mr. Massey, correctly described this Bill as class legislation. I have never known a more complete instance of class legislation being introduced into this House than the Bill now before it. Let me refer, in the first place, to what I think is the incorrectness of the Bill. The title is " An Act to provide for Workers the Right of Appeal." Sir, every worker in the colony has the right of appeal already, and it is a mere farce to describe this Bill as one giving the worker the right of appeal. What this Bill proposes to do is to give the worker a great advantage over the man whom he is suing, in connection with any appeal he may make. And, again, the preamble goes on to state that the rules governing the practice of the various Courts " are oppressive, inasmuch as they preclude the workers from access to the superior Courts by way of appeal, except under conditions as to giving security for costs which are prohibitive in the case of workers." Why, Sir, the experience of most of us has been this : that any worker who has a sound case can almost invariably obtain some member of the legal profession who is willing to prosecute his case in the higher Courts, and, if necessary, to advance the costs. The remarks of the honourable gentleman, in introducing the Bill, about the worker being compelled to plead in forma pauperis are mere claptrap. There is absolutely nothing to justify such a statement on the part of persons seeking to pursue legal claims in the higher Courts. If the honourable gentleman wants to carry out what he professes to be endeavouring to do under this Bill, why does he not go the whole hog, and propose that every worker shall be entitled to go into any Court in the colony without paying any costs or fees at all ? That would be a logical position to take up. But what he asks for is that a worker desiring to appeal in the Supreme Court, or in the Appeal Court, if you please, shall be able to go there without depositing any security as to the costs that might be awarded to the other side. It by no means follows that the employer who is going to be attacked in the Appeal Court is in any better position financially than the worker. In fact, I think I should be correct if I were to say that in a very large number of cases the operatives who are engaged in factories are better off than the men for whom they work. The tendency of our labour laws in some respects at the present time is really to divide the colony into two classes - the large capitalistic companies and the workers ; whilst small men who are employers very often have less money for the upkeep of their families than the workers themselves. Now, what is the position under this Bill ? This Bill proposes that a man desiring to

appeal against a judgment of the Court shall be able to go to either the Supreme or Appeal Court, and set the whole of the machinery in motion, without giving any guarantee as to the payment of costs if he is unsuccessful in the action. Thus the person whom he is attacking in the higher Court must go and employ counsel, and support his position in the Court of Appeal, without guarantee of payment of his costs. In that Court I think the fees are probably too high, and in the Supreme Court I think the fees are also too high. Now, if the honourable gentleman were proposing that the fees in the Courts should be reduced, I would be prepared to support him in that proposal ; but in this Bill he goes so far as this: that when the person who is being attacked by the appellant has obtained judgment-won his case -and the costs are cast upon the other side, he then has to pay the whole of his legal expenses and recover nothing. Now, I would ask this House, as a body of practical business men. are they going to support legislation of that kind? I have always sympathized with all labour laws that are in the direction of ameliorating the condition of the worker : but I say. if this kind of thing is going to be proposed. it simply makes the whole of our labour legislation ridiculous, and it will be one of the first means by which the whole fabric of our labour legislation in this colony will come down. If the labour legislation of New Zealand is to be maintained, it will be only by being just, fair, equitable, and such as carries with it the common-sense of the community. But if you are going to pass labour laws which are inimical to justice and fair-play, before long the whole thing will tumble down. Mr. MORRISON .- The Labour party does not want a Bill like this. Mr. G. W. RUSSELL .- I quite agree with my honourable friend the member for Caversham, who is ten times more entitled to speak of the wants of the workers than the honourable member for Ohinemuri. The honourable member for Caversham represents a constituency where the workers are predominant, and, as we all know, he has the complete confidence of the workers, and I feel sure that if any proposal of this kind were desired by the workers the honourable member for Caversham would be in a position to emphasize the claim. But what is the fact ? Why, that this advanced legislation for the workers comes from a gentleman of the legal profession, who represents a constituency which is apparently the only one in the colony that has asked for this proposal. I certainly think the House will be only doing justice to the mass of the workers of the colony if it kicks out this hybrid measure at the first opportunity. when the division on the second reading is taken. Captain RUSSELL (Hawke's Bay) .- I am with those honourable members who say that on a question of this sort we ought to have an expression of opinion from the Government. In former years it was the duty of some member

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of the Ministry always to attend the sittings of plaintiff, the widow of the deceased, on the ground of the negligence of the shipping company - the House on private members' nights, and no Bill of any importance whatever-I believe I am pany -- a verdict of \$250 or \$300. The case was right in saying no private member's Bill-was most keenly contested, and the time within which application for a new trial should be re- allowed to pass through the House without an expression of opinion from the Government as received was allowed by the defendant company to whether or not it was a desirable Bill to put to lapse without any notice for a new trial being given. Consequently, the defendants, the ship- on the statute-book. But we are past all that now. I suppose it is because of the number ping company, could not get a new trial ; but what they did was this : They moved the Court of years during which I have, unfortunately, been in opposition that I have to disagree with to set aside the verdict of the jury in favour of almost every man who has spoken on this Bill. the plaintiff, and to enter up judgment for the My honourable friend the member for Riccarton defendant, on the ground that there was no said that this was intended for the benefit of evidence of negligence, though the jury had the working-man. I think he is mistaken. I found that there was-a special jury of practical men, men in every way better qualified to decide do not think this Bill which has been introduced is at all in favour of the workers, or that it than the Judge was upon these particular facts. will be beneficial to the working-man in any way. The Judge, after argument, entered up

judg- I do not think I need dwell upon the anomalies ment for the defendant, and set aside the verdict obtained by the plaintiff. The plaintiff of the Bill, or upon the anomaly of the high- paid artisan or skilled mechanic who goes to wished to appeal to the Court of Appeal against law with the village blacksmith or the cobbler this decision of the Judge. She was a widow who is his employer, and takes advantage of the without means, and the rules of the Court re- quired security for a large sum before she could provisions under this Bill; but I would draw appeal. She had obtained judgment with costs attention to the fact of how very few appeals in the Supreme Court, and vet before she could there are from the lower to the higher Courts in appeal to the Court of Appeal, after having won this colony which are successful; and yet here is a direct inducement for some poor wretched her case, against the decision of that single man who gets into the hands of an unscrupu- Judge, security or cash amounting to over £100 lous lawyer, or who is himself of a litigious was required of her. The consequence was that frame of mind, to go through the Magistrate's no appeal was made, and the people who lost Court to the Supreme Court, and then, because their case by the judgment of the practical men who formed the jury won their case by the he gets nothing there, thinks he can get some- decision of the Judge alone. But this Bill thing by going to the Appeal Court, and he carries his case there. After a man has carried would afford no relief in a case like that. There his case from the Magistrate's Court to the are a great many anomalies at present in the Supreme Court Code of Civil Procedure, and I Supreme Court, and thence to the Court of Appeal. he will not fail to have a solicitor close would like to see an effort made by some com- on his heels, and all the money he has left after petent person-say, the Minister of Justice - to his struggles in the law-courts will be mopped do away with these anomalies. I dissent from the proposition of the honourable member for up by the solicitor who led him from one Court to another. This is a direct blow aimed at the Hawke's Bay that no legislation should be initiated in this House except through a Minis- position of the working-man, who is induced to go on with appeals by this wretched Bill to his ter. uitimate certain misfortune. Mr. NAPIER (Auckland City) .- Sir, this is lead from the Minister, and that it was the a very crude and ill-considered Bill. I quite think that the honourable gentleman who in- custom of the House for a Minister to attend on troduded it intended it to be beneficial, but I private members' nights and tell us what was feel sure the effect of passing such a Bill would the mind of the Government on any legislation proposed by private members. What does it be disastrous to the class for whom the amend- matter to us what the mind of the Government ment of the law is proposed. There is, how- ever. some need for reform in the direction of may be if we think a thing is right and ought preventing the exaction of security before appeal to be made law? Does it matter to us a straw what the Premier or any member of the Minis- in certain cases under the Supreme Court Code. I will give an illustration of what I try may think if this House desires to reform 8.0. mean-a case that occurred in my the law ? own practice a short time ago. Reform is re- quired in consequence of the extraordinary legislation exists in this House ; and it should powers given to Judges under the existing law of reversing the verdict of juries. The case to not be necessary, though it may be a tradition, which I allude was an action brought by the for members to take what is termed a "lead " widow of a lumper against a shipping company, from a Minister, or to form their opinions as to and the shipping company obtained leave to get whether a particular measure is right or wrong a special jury. Now, the special jury in this merely because a Minister says the Government are inclined to favour it or to look upon it with case was composed of professional men, highly educated men, who brought to the consideration disfavour. Sir, I regard the right of initiation of the case a great amount of care and intelli- of legislation which is now vested in private gence. and they brought in a verdict for the members as one of the most sacred rights we .... Captain RUSSELL .- I did not say that. Mr. NAPIER .- He said we ought to get a Captain RUSSELL .- It generally does. Mr. NAPIER .- I say, Sir, that the power of

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possess, and I should be sorry to see the freedom of action of the House interfered with in the manner

suggested by the honour- able member for Hawke's Bay. I prefer the existing method of the Government leav- ing private members severely alone to intro- duce any measures they may think best, and then let the good sense of the House decide whether any proposed measure is worth passing There are a number of very into law or not. serious defects in the Bill, which, if it went into Committee, I should have to comment upon and to endeavour to have remedied ; but, as I think there is no probability of the Bill going into Committee, I will not weary the House by referring to them. I will simply say this: I think that all the benefit sought to be obtained by this Bill can be obtained under the existing law in cases in which such benefit is desirable. By applying to a Judge in forma pauperis a person may appeal by merely paying a certain amount of disbursements. I feel sure the class of workers defined by this Bill is far wealthier than some other classes of the community, and it would therefore be an unjust discrimination in their favour if it were to pass. I am opposed to class legislation. All citizens should be equal before the law. At the same time, I hope that at some future period a Bill will be intro- duced to remove existing anomalies and many blemishes in the existing Code of Civil Pro- cedure. Mr. COLLINS (Christchurch City) .- Sir, I agree with everything that has been said by honourable members who have so far opposed this Bill. But, Sir, there is one point to which I wish to draw attention, and which seems to me to be a most serious point to be considered in connection with this Bill. The object of the Bill, as stated in the preamble, is to pave the way for a worker to be able to apply to the Appeal Courts without giving any security for the ordinary costs incurred by so doing. Now, it has been suggested that this Bill is to be read in conjunction with our labour laws. Sir, I fail to see that this Bill has any bearing on our labour laws at all, and it is really a most serious matter. So long as the appellant is a worker-it does not matter what the nature of the case is-he is to have the opportunity of ap- pealing to the superior Courts. Is this the way to troat the law of our country? If the Bill were to apply to labour matters only it would, no doubt, limit it to some extent ; but even then I should feel bound to oppose it, because once we begin to deal with our labour laws in this manner we discredit them. When the honour- able member for Hawke's Bay was speaking he almost voiced my opinion when he said that in this measure there was really a subtle ondeavour to injure the labour legislation of the colony. That is my own opinion. But the Bill does not refer merely to questions of labour. If a person is a worker as defined in the Truck Act the Bill applies to his case, and as defined in the Act of 1891 a worker means a person in any manner employed in work of any kind, or in manual labour. A worker may, for instance, be cominitted in the Magistrate's Court, and under this Bill he would have the right of appeal without lodz- ing security for costs. Let him be committed for assault, and this Bill would give him the right of appeal without any such security. Let him be committed for libel, and this Bill would equally give him the right of appeal with. out lodging security for costs. I ask the honour- able member in charge of the Bill, Is he in this slipshod fashion prepared to open the Appeal Courts simply because the appellant happens to be a worker, irrespective of the charge upon which he may have been con- victed ? Simply because he is a worker, is he to have the right of going to the Appeal Court without giving such security as must apply to other persons ? Sir, a more monstrous pro- posal was never suggested on the floor of the House, and I trust members will not consent to sending it into Committee. Mr. TANNER (Avon) .- Sir, I do not think the honourable member who has introduced this Bill will feel flattered by the remarks that have been made up to the present time, and I am unfortunate enough to be compelled to join with those who have already spoken. When I first looked at the Bill, being in a manner misled by the captivating title, I was under the impression that it would give facilities to a workman to recover his wages in perhaps a more speedy and efficient manner; but on examining it I find that every statement made by preceding speakers is absolutely borne out. One has but to think for a few moments as to the effect of such a measure and be will find that we are asked to privilege a particular class of the community in a manner which bas never been heard of. It is not a question of the recovery of wages, though incidents have occurred of late which show that this system under which our workmen recover wages at present is not so perfect as we imagine. But that is

beside the question. If it had been a Bill dealing with such a subject it would command a considerable amount of attention and support, but, as the thing stands, one can see it may be the means of working untold mischief. A worker, simply because he is a wage-earner, may be the owner of a wretched dog which worries half a flock of sheep, and if he is cast in damages he is to have a right of appeal without depositing any security whatever. The Bill places him in a position in every respect in which he can fall back on his privilege to the detriment and disadvantage of any other person who is pitted against him in the law-courts in a style which I am sure will never be allowed by this House, and which would be discountenanced by the bulk of outsiders. Take the case of a wage-earner having a bicycle : in the course of his peregrinations he runs down an elderly lady. and leaves her half dead on the road ; he is traced, and after a while identified : a case is brought against him, and he is cast in damages : he can appeal at once without the formality of giving security or depositing costs. The Bill only wants turning round and looking at from two or three points of view and the House will reject it at once. It is preposterous, and makes

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confusion more confounded, where we desire | the Bill should not be passed. I say it is & measure that ought to be passed, so far as simplification. Mr. PALMER (Obinemuri) .- I must thank justice is concerned. honourable members ; I had no idea when I introduced the Bill that it would get so much abuse. There is a proverb which says that Allen, E. G. " You never throw stones at a tree unless it has Arnold good fruit on it." There must, therefore, be Colvin something good in the Bill, or it would not Ell have had to endure so much "stone-throwing " ; Flatman and I am more satisfied with it than I ever was Fraser, A. L. D. Lawry before, notwithstanding the treatment it has received and the unconscientious misrepresentations it has had. Take, for instance, the honourable member for Avon : he spoke of a bicyclist Allen, J. knocking down an old lady in the street, and he Atkinson said the man would immediately appeal if cast Bennet in damages. Nothing of the kind. The honourable member has not looked at the provisions of Buddo the Bill. It was for that very reason that I was Carroll particular not to allow a man to appeal at once Duncan unless he had an excellent case. A solicitor has Fraser, W. to get an affidavit and a report of the facts, and Graham on those facts counsel has to give an opinion Hardy that the case is a good one and ought to go to appeal. Mr. HUTCHESON .- That is where the lawyers come in. Mr. PALMER .- The lawyers come in in the same way in a case of in forma pauperis, and if the law is wrong in this respect it is wrong detain the House long in introducing this short in the other, and that law has been the same since the time of Henry the Seventh. The member for Christchurch City (Mr. Collins) referred to the criminal cases. This Bill has nothing to do with criminal cases. I never expected that the honourable member for Auckland City (Mr. Napier) would admit that any clause 3 of the amending Act of 1899 omitted one in the House could draft a Bill except himself. We have had some experience of his Bill drafting in this House. He quoted a case in #cc-zero the Supreme Court where the verdict of the jury was set aside by the Judge. There was another case beside that mentioned by Mr. Napier in which a verdict of the jury went for the plaintiff against the City Council, and the Judge again upset the verdict of the jury. Of course, I expected the chaff about the lawyers. In fact, I rather like it. I got the most of it from the Opposition, and naturally a great deal of it reflected on the Opposition lawyers. The honourable member for the Bay of Plenty and the honourable member for Franklin raised the point that any person could appeal if this Bill were passed, and it would lead to frivolous appeals, and that this Bill was one-sided. They are wrong. According to this If he has Bill he must have a good case first. a good case, why should he be denied the right of appeal? If the law-courts have injured a man, why should he not have an opportunity of getting justice, and have the right of appeal ? I feel I have done my duty in introducing this Bill. I do not mind it being thrown out. I intend to carry it to a division. In introducing the Bill I did not say it was a labour Bill. Had I brought it forward as a labour Bill I

would have asked that it be referred to the Labour Bills Committee. I see no reason why The House divided. Ayes, 20. Millar Hall Hall-Jones O'Meara Heke Steward Symes. Hogg Tellers. Laurenson Palmer Stevens. McGowan Noes, 29. Parata Herries Pirani Houston Russell, W. R. Hutcheson Tanner Lang Thompson, R. Lethbridge Thomson, J. W. Massey Willis. McGuire Tellers. Monk Morrison Collins Russell, G. W. Napier Majority against, 9. Second reading negatived. COUNTIES ACT AMENDMENT BILL. Mr. BUDDO (Kaiapoi) .- Sir, I shall not amend measure. In the session of 1899 a Bill was passed with a clause in it providing for an alteration of the boundary of the Selwyn and Ashley Counties, owing to the change in the course of the River Waimakariri, generally understood to be permanent ; but unfortunately to define the local authorities referred to. Clause 2 of this amending Bill is simply to provide for the omission, and to allow this particular clause in the Act to become operative. When that is done, Sir, the intention of the Act of 1899 will be carried out, and the local authorities will be able to do an act of justice to several settlers who have no roads, and are in a most unfortunate position with regard to the counties, as they are prevented from paying their rates to the local body which should provide them with roads. The other clause of this amending Act is clause 3, and it is considered necessary to protect the River Board from any difficulty that might arise through the alteration in the boundary. Clause 3 will be found to effectually protect the South Waimakariri River Board, which gives its opinion thus: "At a meeting of the Board the members present unanimously agreed to the alteration of the boundary, and considered that clause 3 of the Bill containing the proviso was unnecessary " ; but, as one of the Road Boards insists on this safeguard, the proviso is there, and if any difficulty should occur the proviso will meet it. I move the second reading of the Bill. Bill read a second time. RABBIT NUISANCE BILL. Mr. HOGG (Masterton). - Sir, this Bill is precisely similar to the one introduced last

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session, which, I am pleased to say, met with a good deal of approval from members on both sides of the House. It is very brief in its nature, and it has simply a couple of operative clauses, and its design is to improve the Rabbit Act of 1882. At the time when that Act was framed the rabbit nuisance was threatening to be very injurious to our pastoral interests. It was found necessary to pass legislation of a somewhat drastic character. Fortunately, since then, methods of dealing very effectively with the rabbit nuisance have been discovered, and in many parts of the colony which at that period were suffering severely from this plague the rabbits have almost disappeared. The result is that there is no longer any necessity for oppressive and drastic legislation of a somewhat un-English character. Now, Sir, the object of this short measure is to bring the Rabbit Nuisance Act into conformity with the rest of our statutes. I believe the penal provisions which I wish to have altered are entirely distinct from those of any other statute in operation in Great Britain or her colonies. In that respect the law is entirely unique. My design is to enable the adjudicating Magistrate to weigh the evidence placed before him, and to perform his proper functions as an administrator of the law. As the Act stands now, a penalty can be sued for by an officer of the Stock Department, and the Bench is not allowed to be guided by the evidence. If the opinion of the officer prosecuting is that his mandate has not been carried out, no matter how overwhelming the evidence to the contrary may be, a conviction must follow. Now, Sir, it may be wrong to assume that the officer will be vindictive or unjust ; but where is the necessity for taking out of the hands of the Magistrate the judicial functions that he is placed there to exercise? It is simply use#cc-zero an insult to every Magistrate in New Zealand that he should occupy the Bench and be liable at any time, on the opinion of a prosecuting officer of the Stock Department, to have his own judgment entirely overruled and set aside. I have known of cases in the past in my own district where highly respected settlers-representative men, and Justices of the Peace-have resigned their offices and appointments on local bodies because they have been convicted and fined on the opinion of an Inspector. It is to save people from running such risks that I wish to have the law altered in a way that I think will commend itself to every reasonable member of

the House. The judicial power in all cases under that or any other statute should be placed in the hands of the adjudicating Magistrate before whom the case is tried. The Magistrate should have the right to weigh the evidence, discriminate between what is worthless and what is reliable, and give his verdict accordingly. If he is not thought fit to be intrusted with that power he is not fit to hold it. It is a monstrous thing that the man who undertakes to prosecute should have the right of his own opinion to convict. That is the position now. The time, I think, for giving to a prosecutor such extraordinary power as this and for drastic legislation of this kind has gone by. It can hardly be assumed that land-owners are so determined to injure themselves by perpetuating the rabbit nuisance that they would conspire together and endeavour to mislead the Bench and every one else. On the contrary, I think, from what I know of the character of our settlers, big and little, in New Zealand, they would be incapable of doing anything of the kind, and I regret very much that we should have this insinuated as one reason why the Act should not be interfered with, and why this drastic provision should still remain. If a negligent settler neglects to keep the rabbits on his property from increasing, so far from his neighbour supporting him they are more likely to assist in his prosecution. I believe our farmers and settlers would never dream of adopting a position of antagonism to the officers who are endeavouring to administer the law for their benefit, and such a statement, I think, is an imputation against the character of a very valuable class of producers in this colony which is both unfair and unjustified. I am not actuated by any desire whatever to injure the department, and I can speak very dispassionately. Since I brought this matter prominently before the House a year ago, I am not aware that there has been a prosecution-at all events, there has scarcely been a prosecution in my district-and singularly enough, with the disappearance of prosecutions, the rabbits themselves seem to have disappeared. The section of the original Act to which I should like to call attention is section 8 :- "Any Inspector may serve or cause to be served upon any one or more of the owners of any private land on which he believes there are rabbits a notice in writing, in the form or to the effect set forth in Schedule A hereto, requiring the immediate destruction of the rabbits on such land." Then, section 9 says :- "If, immediately upon the service of such notice, such one or more of the owners upon whom the same is served do not commence to do all such acts, deeds, matters, and things as in the opinion of the Inspector may be necessary to destroy the rabbits on the land mentioned in such notice in the shortest time possible, and having so commenced do not continue such action until such rabbits are destroyed, each of the owners upon whom such notice has been served shall be liable to a penalty of not less than one pound nor more than twenty pounds." You see the opinion of the Inspector must prevail, no matter what evidence may be to the contrary. A man may, after he receives notice, have expended any amount of money in poisoning his land. He may be able to bring before the Court plenty of evidence to show he has done his level best to comply with the wishes of the Inspector ; yet if the Inspector says, "In my opinion, he has not done all these deeds, acts, matters, and things," the Magistrate is absolutely helpless. He must convict, and the man is convicted of an offence against the law. The settler may be one of the most law-abiding men in this colony ; and I am pleased to think that our settlers generally desire to

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obey the law. They do not wish to be convicted of offences against the laws of the country, either with regard to the destruction of rabbits or anything else; but why should they be placed in this position that, through the action of one man, who may happen to be unfriendly-I do not say vindictive -- they are liable to be convicted, and are bound to be convicted if he goes into the witness-box and says, "In my opinion they have not done everything I think they should have done." Before I sit down I should like to say that I trust the Minister of Lands will not oppose this, or any measure of the kind. I believe it will remove a great amount of friction between the officers of his department and the settlers in some parts of the country. It seems to me so reasonable that I cannot understand why the Minister should do otherwise than support it. I think some years ago he was exactly



of my opinion in regard to the necessity for altering the Rabbit Nuisance Act in the manner proposed, and I hope he has not changed his opinion simply because his position may be altered in this House. There is no reason why a man, whether a Minister or a member, should not adhere to his convictions if they are just and reasonable : hence I trust the Minister, instead of opposing the Bill as he did last session, will be found assisting to have it passed into law. Mr. DUNCAN (Minister for Agriculture) .-- Mr. Speaker. I am just of the same opinion now about this Bill as I was last year, that is, I do not think it is required. At the time when this Act was passed the rabbits were overrunning the country, and it was necessary to have a stringent measure in order to be able to cope with the nuisance. We know that until the end of time you will find men who are negligent, and the man who is negligent in this matter of keeping down the rabbits is a menace to the whole district, and in fact to the whole colony. Now, with regard to a Magistrate not having the opportunity of deciding -- the Magistrate always decides on the evidence. If it is found the owner of the land has been neglectful then the Magistrate must convict, but he need not inflict a penalty of more than \$1, and the head of the department will take very good care to inquire into all those convictions, and to see whether they are necessary or not, and if any Inspector or any agent should bring men into Court and get convictions that are unnecessary, that Inspector or agent will get a very short shrift from the department, and they know it. An Hon. MEMBER .- You have no power. Mr. DUNCAN .- I have power to dismiss any man in the department to-morrow. An Hon. MEMBER .- But not a Rabbit Board ? must have heard of it. He also lived in the Mr. DUNCAN .- Not a Rabbit Board ; but how many Rabbit Boards are there ? Where is there one ? An Hon. MEMBER .-- In Hawke's Bay. Mr. DUNCAN .- Well, I am not aware of it. I am of opinion that the law at the present time is working fairly well, and that is shown by the absence of petitions and complaints. That proves that it has been working satisfactorily during the last year at any rate, and that no one has been improperly convicted. In fact, I think I might challenge the honourable case, even of the worst kind, in which any man was convicted who was not really delinquent in the matter of the suppression of this nuisance. I have never yet known one who has been summoned and convicted and who has not neglected to keep the nuisance down. Never one ! I have seen a petition or two come into this House upon the subject, but when they have been investigated it has been shown on every occasion that the nuisance was prevalent on the man's property, and so the conviction was got. The day of malicious convictions I think is past. I am not enamoured very much myself of the Bill, but I would just point out this, that in all classes of the community there are always persons who are negligent. This is one of those cases in which a man if he is negligent creates a nuisance, if he is not made to obey the law. He could take a man over his run and show from his point of view that the rabbits are not there. This has been done time and again. A man may have rabbits plentifully on his land, but if he sends his shepherd ahead with a squad of dogs, he may take the most conscientious men in the district around with him and they would not see a rabbit, and, if he is summoned, they can go into the Court and say they did not see a rabbit at all. That is a case of what can be done, and it has been done. I think there is no occasion for this Bill ; but it should go to the Stock Committee, which should take the evidence of people who are acquainted with this sort of work, and let them pass their judgment upon it before it passes into law. Therefore I move, as an amendment, That the Bill be referred to the Stock Committee. And if they sanction this Bill I would be quite prepared to accept it. I will not move any amendment to the Bill beyond that. If the amendment is carried, and the Stock Committee approve of it, I will accept it ; but if the House rejects the amendment I will withdraw further opposition to the Bill. Mr. W. FRASER (Wakatipu) .- I desire to compliment the honourable member in charge of the Bill for the moderate manner in which he introduced this measure. The Minister of Lands says there is no feeling in regard to this clause in the country. Let me tell him that there is no clause in any Act on the statute-book on which there is as much feeling as there is on this one. I am continually moving among the settlers of the country, and know what I am talking about. The honourable

gentleman country, and most of his life has been spent in a district where rabbits are a pest, and he must know that it has always been a grievance to the settlers that, rightly or wrongly, all an Inspector has to do is to go into the Court and say, "this man is not doing his work properly," and it mattered little whether it were true or not, judgment must be entered up against the man. That is a state of things that has never appealed to my sense of fairness. I was

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expecting the honourable member for Masterton ! to have told the House that this measure of his was not a new one. In fact, it is not ; and what he is endeavouring to do just now is to re-enact what was the law in 1881. In 1881 an Act was passed through this House to deal with the rabbit question. It was the first Bill put upon the statute-book which gave the General Government of this colony power to administer that Act. Formerly it was administered by elective Boards. In that Act you will find no such provision as is to be found in sections 9 and 10 of the Act of 1882. But I know why the Act of 1881 was altered. It was because the gentleman in charge of the Rabbit Department at the time urged upon the Government the fact that he had found great difficulty in obtaining convictions, and unless he got this arbitrary power conferred upon him he could not administer the Act properly. The House listened to the arguments, and passed the Act of 1882, but ever since they passed it there has been a great deal of feeling on the subject, and, as far as I can, I will do my best to stop it by repealing these obnoxious clauses. The Hon. the Minister said that there is nothing to prevent a settler getting his neighbours or other people to go over his land, and then to come to the Court and declare they saw no rabbits on the property. That, however, does not prevent the Inspector bringing a reliable witness to support his testimony. Surely we can trust our Magistrates. They have discernment enough to weigh the evidence, and will give credence to the one side or the other according to the nature of the evidence that is brought before them. I think it is not right to say that a man may go into Court, and that simply on his inside a settler must be fined. I have known the case of a man who occupied an area of land adjoining a large area of Crown land which was swarming with rabbits. The man cleared his land over and over again ; but it was like pouring water through a sieve, for as soon as he had cleared his land from rabbits it was overrun again, and he could not possibly keep it clear. Was that man to be punished ? Sir, I quite agree with the Minister that, taking it on the whole, from the creation of the department to the present day, the Inspectors and the agents, as a rule, have endeavoured to do their duty impartially. There have been cases cited to me I do not know with what truth—where injustice was alleged to have occurred. I say, Sir, it should not be possible for that injustice to take place, and I am confident that, with the knowledge Magistrates now have of the requirements of the case, they will see that justice is done, that the object of the department is upheld, and that people will not be allowed to hoodwink them and keep rabbits on their land when they ought to destroy them. I will support the Bill, but I say it is simply re-enacting the Act of 1881, which, to my mind, was a better Act than that of 1882. Major STEWARD (Waitaki) .- Sir, circumstances alter cases, and I strongly suspect that the position which the honourable gentleman who is now Minister for Agriculture occupies necessarily influences his opinion with regard to the proposals of this Bill. I think he is speaking rather from the point of view of the department over which he presides than from the point of view he would take were he himself a private member. Sir, I recollect full well when the honourable gentleman was with me at public meetings at Kurow, where strong complaint was made of the working of the Act which the honourable member for Masterton is now seeking to amend, and, unless I am mistaken, the honourable gentleman, when a private member, held somewhat different views in regard to the drastic provisions of the law to those which he now entertains. He may perhaps reply that he has now better information on the subject, owing to the position he holds ; but I would like to say that circumstances have altered in another respect, namely : in that whereas, when the House passed the drastic legislation we are now seeking to modify, the rabbit nuisance was a very formidable matter in many districts it is not now.

Canterbury, it is a matter of fact that in most of those districts it has now ceased to be at all a formidable matter. As an instance. I may say that it has practically almost disappeared in the Kurow district, and, in so far as that part of the country is concerned, at any rate, there is not now justification, whatever there may have been in 1882, for the extraordinary departure from the ordinary process of law which is taken in the Rabbit Act. The ordinary process of law is that the Magistrate or the presiding Judge decides upon the evidence brought before him, to the best of his ability, according to the weight of that evidence. Now, we have in this case the extraordinary provision that, no matter what evidence is adduced before the Magistrate, he must put it all on one side if it is contrary to the opinion expressed by one witness—namely, the Inspector. Surely the Magistrate can be trusted to judge of the value of the evidence brought before him, and it is resented by the settlers as an extraordinary departure from the usual process of law. that they should be put in the position that any evidence they can themselves give or produce weighs not as a grain of sand against an expression of opinion on the part of one officer of the department. I think the honourable gentleman who brought forward this measure has shown that there is strong necessity for the amendment he proposes. The Minister for Agriculture has certainly, in my opinion, not advanced arguments to the contrary, or sufficient grounds to justify the House in maintaining the arbitrary provisions of the Act of 1892. The honourable gentleman said that if this Bill were referred to the Stock Committee, and that Committee approved of it, he would be willing to accept it. I would point out that it was referred to the Committee last session, and received its approval in so far as the proposal now before us is concerned. It is true the Bill was not reported to the House, but the reason for that was that it was sought, at my instance, to incorporate certain other matters in the Bill which there was not time thoroughly to thresh out. For that reason the Bill of my honourable

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friend was hung up. But, so far as the proposal now before the House is concerned, I can assure the House it received the approval of the Stock Committee. If the mover of the Bill will take my advice. I would suggest, seeing that this is the case, he should accept the Minister's offer, because, no doubt, the Stock Committee will do as it did last year. It is early in the session, and the honourable member runs no risk of losing his Bill. If he does not see the matter in that light, and decides to proceed with the measure without referring it to the Stock Committee, I shall certainly vote with him : but it is for him to consider whether it would not be the wiser policy for him to accept the Minister's offer, and refer the Bill to the Stock Committee. Mr. HALL (Waipawa) .- I wish particularly to draw the attention of the Minister to the remark made in which he expressed the opinion that the Rabbit Acts of New Zealand were working satisfactorily. I suppose the remark he made was based on his experience of the South Island. Mr. DUNCAN. - And the North Island. Mr. HALL. - I can tell the honourable gentleman this: that when he visited my electorate for some one or two days there were three or four deputations of people within the rabbit district of Hawkes Bay—the bush district especially - who wished to interview him and point out several things - Mr. DUNCAN .- Why did you not introduce them ? Mr. HALL .- I will tell the honourable gentleman why : he came without giving sufficient notice, and went through the electorate like a streak of lightning, and nobody could corner him up. I can tell the honourable gentleman, if he will give me the opportunity of introducing those deputations, I will do so, because I can assure him my life has been anything but happy during the last twelve months in respect to this very question, and I can point out where the trouble is. The Minister of Lands is a fair man, and when he gets a grasp of the situation he will. I am sure, be ready to concede what I say. In the first place, the State is the owner of very large areas of forest reserves all along the foot of the Ruahine Ranges. Along these ranges there are small settlers. Yet the grant to assist in clearing rabbits in that district is small compared with the grants given to other districts. Some \$150 was given in that case, whilst some hundreds were given in other cases. I advise the honourable gentleman to give a larger subsidy, and see that those reserves are cleared. because the present position

acts prejudicially to those settlers who live in the neighbourhood of the reserves. I know of a settler who lives alongside Crown lands there who has been brought again and again before the Magistrate, and the Magistrate has had no option but to fine him. Mr. DUNCAN .- Not during the last twelve months. Mr. HALL .- I can assure the honourable gentleman that the evil is just as intense now as it was then. If the honourable gentleman will come to my district I will give him proof that there are several other ways in which the Act should be amended so as to act more fairly with small settlers. Cases have occurred in which it was shown that a settler had done all that he possibly could to keep down the rabbits, yet he was brought before the Magistrate and fined again and again. The Minister should endeavour to remove any injustice. I invite him to visit my district, and I will prove to him the truth of every word I have uttered to-night. I hope he will assist in passing this Bill and having justice done to the settlers, in giving the Magistrate the option of fining or not, as he thinks proper. Mr. J. W. THOMSON (Clutha) .- The Minister says there is now not much occasion for this Bill. I am quite aware that there have not been many prosecutions lately. This is owing partly, perhaps, to the fact that there are not so many rabbits as there used to be, and also, apparently, to the fact that the officials have been instructed to interfere as little as possible. But our present Act is wrong in principle, and therefore the settlers are anxious to have it amended. A settler who is taken to Court on a charge of having rabbits on his land is bound to be fined. He cannot escape, even though he leads evidence to disprove the charges made. Just to show how absurd the law is, I may refer to a case which, in February last, came before the Court at Tapanui. The Stock Inspector and Rabbit Agent appeared in support of the charges made. After these two gentlemen had given their evidence the counsel for the defendant said that, according to his interpretation of section 11 of the Act of 1890, now was the time for the Magistrate to say what the fine should be, and that he, as counsel, would lead evidence with the view of mitigating the fine. The Magistrate agreed with counsel's interpretation, and he fixed a minimum of \$25 and a maximum of \$35. He said that the evidence for the prosecution justified him in fixing on these sums. He said that if the defendant should make out a good case, then he would deduct the £10, making it £25. Now, just look at the absurdity of the position. The Stock Inspector and the Rabbit Agent had given their evidence, and the defendant and his witnesses were present to give theirs ; but before taking the evidence of the defendant and his witnesses the Magistrate said what the fine would be. That is certainly altogether wrong. It is not in accordance with common-sense. The evidence for the prosecution ought to have been followed immediately by the evidence of the defendant. The Magistrate, with the whole of the evidence before him, would have been in a position to give a verdict that would have met the justice of the case. However, the defendant at last gave his own evidence, and he brought witnesses to support his contentions. The Magistrate said the defence had been a good one, and that the penalty would be reduced from \$35 to £25. It almost appears from the evidence that there was no case. At least, the probability is that, if the case had been gone on with from the begin-

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ning to the end before any fine was mentioned, it would either have been dismissed or the fine would have been smaller. Nothing of this kind could happen under the Bill before the House. The case is to be heard from beginning to end before any verdict is given. That, undoubtedly, is the right course to take. If this Bill passes, the verdict will be in accordance with the whole of the evidence. Mr. FLATMAN (Geraldine). -- I wish to compliment the honourable member who has introduced this Bill, because I consider it is far more liberal than the present Act, inasmuch as it governs the fine according to the area held by the offender. At the same time I think the honourable gentleman might accept the suggestion of the Minister of Lands and refer the Bill to the Stock Committee. An Hon. MEMBER. -. He will never see it again. Mr. FLATMAN .- I am given to understand that the Hon. Major Steward, who suggested that the Bill should go to the Stock Committee, is a member of that Committee, and he has explained that the Bill was

late last session, otherwise it would have been reported to the House. But it is early this session, and I have no doubt that the honourable gentlemen who compose the Agricultural Committee will take every precaution to see that the Bill is considered and reported to the House again at an early date. In any case, if the honourable gentleman does not accept the suggestion, I will vote for the second reading of the Bill, because I think it is in the right direction. But, while speaking on this question, I would like to suggest that the Magistrate adjudicating in all cases of this kind should be a Stipendiary Magistrate. There might be Justices of the Peace who sit upon the bench, and who may, in some way or another, be interested with the offender; and, whether their judgment is correct or not, it might be inferred that it was biased. I would like to see the honourable gentleman, when his Bill is in Committee, agree to amend it in the direction of providing that a Stipendiary Magistrate only shall be the adjudicating Magistrate in these cases. I shall support the second reading of the Bill, and I trust there will be no great opposition to it. Mr. BENNET (Tuapeka). - Sir, like the honourable gentleman who has just sat down, I shall support this Bill-not that I have any fault to find with the Inspectors, because I have never had the slightest trouble with them during all the time the Act has been in operation; but I have been asked by my electors to secure some amendment of the original Act. It is admitted by one and all that the Act is un-English in the extreme, and if any proof is required it has been furnished by the honourable member for Clutha in the case mentioned, where the Magistrate convicted before hearing evidence for the defence, but agreed to reduce the fine if defendant could prove that he was doing all he could to keep the pest down; which he did, and the fine was reduced. This clearly proves that the Magistrate considered he had no option in the matter. I do not think the law is a right one. So long as the law remains as it is it matters little what both sides say, because the Magistrate is bound to fine. He may fine more or less, according to circumstances, but fine he must. The Minister of Lands last session made some very strong remarks as regards farmers giving evidence. I am not going to repeat that, and I have no doubt the Minister has reached a different frame of mind now. I hope he will support the Bill; and I trust the honourable member in charge of the Bill will insist on a division being taken, for if sent to the Stock Committee he will have seen the last of it, as was the case last session. Now there is not the same necessity for it, and I think the interests of the people should be consulted, and the Government should give way. Mr. McGOWAN (Minister of Justice). - I just wish to say a word or two, Sir, in order that the honourable gentleman in charge of the Bill may have an opportunity of meeting the arguments of the Hon. Minister of Lands. None of the previous speakers have met the arguments of the Minister when he objected to the Bill. In order to gauge the Bill and its effect just now, we must remember that the present Rabbit Act was the result of the previous Act not being stringent enough. It was found that the destruction of rabbits was not effective under the previous Act, and the result was that it was found necessary to introduce a Bill which was more severe. I admit, myself, that the present law is too severe, and it is possible that the time has now arrived when it might be made a little easier. Let us look at the position: Under the law in regard to the rabbit question, the decision does not rest on the amount of evidence to be brought forward by the Inspector and by the settler. An Inspector might have seen rabbits, and perhaps might have somebody with him to give evidence that he had seen rabbits, on a certain farm. I do not say the farmer is likely to do it, but I can very well understand that at a certain period of the day they do not fly round the open country, and any settler might take any person over his farm and he would not see a rabbit there, and this man would be able to truthfully swear that he had been over the settler's land and had not seen a single rabbit. Now, if it was a question of evidence whether there had been rabbits on the farm, the Magistrate would be bound to give his decision in favour of the evidence of the greater number, who had seen no rabbits. It is only in order that there should be some attempt made by those gentlemen who understand this question thoroughly to meet the difficulty the Minister of Lands referred to that I mention this matter. There is a difficulty there, although I think it would be easy for the Stock Committee to suggest such an alteration in

the present law as would remove the very harsh measures that appear to obtain under the Rabbit Nuisance Act at the present time: because, in addition to being harsh, I think they are somewhat unreasonable, and it should not be in the power of any one man to fine a settler \$20 or \$5 or whatever amount he thinks fit.

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That is the position under the present Act. If an Inspector now states that there are rabbits on a farm, it does not matter how much evidence the settler or the farmer may bring, a conviction must follow ; and I think, therefore, there should be some alteration of the Act. Whether it should be exactly on the lines of this Bill introduced by the honourable gentleman, or by an amendment of the present Act, I am not prepared to say; but I think, at any rate, something should be done. However, I would like to see that particular argument met. Captain RUSSELL (Hawke's Bay). - I had intended making use of identically the same argument as has just been used by the Minister of Mines. I shall come back to that presently. I agree with what was said by the honourable member for Waipawa up to that part of his speech wherein he dwelt upon the want of appreciation on the part of the department of the necessity for protecting the outlying settlers in the Hawke's Bay District from the incursions of rabbits from the Ruahine and Kaweka Ranges. The principal part of the injury suffered by settlers in the remoter districts is caused by the infliction of having to keep the rabbits down under the penalties prescribed by the Act ; which rabbits, to a considerable extent, are bred on Crown lands. At the same time I am bound to say, while I am very strongly in favour of every man having his own freehold, and not being interfered with by the Government, I hold also that when there is conferred on a man the right of having his own freehold it is his duty to protect his own land. And all this outcry about the incursions of the rabbits ought to be modified, for if a man has the freehold of his property vested in himself he ought to be compelled to protect his own property. Before the proposed Bill should be restored to the lines of the Act of 1881 I think it would be as well to refer it to the Stock Committee. I realise that apparently there is a consensus of opinion in the House in favour of repealing sections 9 and 10 of the Act of 1882, and substituting something else in their place. But, before we give our consent to the repeal of these two clauses, I think there ought to be a better case made out by the opponents of these clauses than has been made out so far. The only argument I have heard to-night-and I have listened attentively to the debate-the only argument against the sections was that put forward by my honourable friend the member for Clutha with regard to some case of alleged hardship in connection with some prosecution for neglect to destroy rabbits in his own district. Now, we all know that in the case of every Act upon any statute-book there may be mistakes made, and the individual be liable to hardship ; but a solitary case of hardship should not induce us to repeal an Act. Now, what are the facts ? As was pointed out by the Minister of Mines, up to the year 1881 the rabbits had increased and increased, and had so spread in New Zealand that they were a serious menace to the principal industry of the colony. In the year 1881 a Rabbit Act was passed, and that Rabbit Act failed in its intent: it did not succeed in reducing the number of rabbits. The consequence was that in the year 1882 a more drastic Act was passed, giving powers absolutely autocratic to the Inspectors ; and it is, if I may judge from the debate we have listened to to-night, a rebellion against submission to the principle of autocracy rather than against the prosecutions which have taken place under the Act. I realise how proper it is that we should always hold sentiments and defend ourselves against autocracy. It is right to feel that men in all parts of the country should be able to produce evidence on both sides of a question, and be able to fight their battle out before an impartial Court ; but, at the same time, the circumstances connected with the administration of the Rabbit Act are entirely different, or almost entirely different, from those of every other Act. To begin with, unless prompt and energetic action is taken, the spread of rabbits goes on at a pace which is almost inconceivable to those who have never witnessed it. From seeing two or three rabbits in a district, if that district is simply neglected, in the course of three or four

months you will probably see ten or twenty, and in the course of another three or four months you will probably see two or three hundred. Therefore there is urgent necessity for immediate action being taken for their suppression. Sir, any evidence that can be produced by the Inspector on the question of rabbits is direct and positive evidence. The Inspector, more accustomed to looking for rabbits than any one else in the district, travels through the country, and discovers, by signs which are imperceptible to all but the accustomed eye, that there are rabbits in the neighbourhood. He tells the owner of the land, "I have seen signs of rabbits on such-and-such spur or hill, and if you go there with poisoned grain, or with dogs, you will find the rabbits there, and you will be able to check them at once." Very well : it is right, as the honourable member for Masterton says, to believe that the stockowner, as a rule, is a truthful man, and naturally wishes to keep rabbits down on his property ; but, at the same time, there is no denying this fact : that some are extremely suspicious and neglectful in this respect, and, unless pressure is put upon them, will not take steps to destroy the rabbits or keep them down at an early stage in their development. The consequence is that when an Inspector says, " I have seen traces of rabbits in such-or-such a place," a man who has not been in that locality where the rabbits are is prepared to go into Court and swear he has not seen a rabbit on the ground. But that is merely negative evidence. He may even take his friends over that part of the country in which the rabbits are and may say, " My friends did not see any rabbits there, and therefore there are no rabbits." That, Sir, is purely negative. Rabbits were not seen, but they may have been near. The Inspector, on the other hand, says deliberately, and in so many words, "I have seen the rabbits there, and it is urgently necessary that you should take steps to keep them down." As to the argument of honourable members that this matter should

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be left entirely to the discretion of a Magistrate, I myself would prefer to agree to that if that course were equally effective ; but promptness is the essence of the business, and when a Magistrate is sitting in some up-country district witnesses would very probably have to be brought from all parts of the district to swear that there were no rabbits, and some two or three weeks might elapse before any action could be taken. But, on the other hand, directly the Inspector goes into Court there is no longer delay. There is no bringing evidence one way or the other. He goes and swears positively, "I saw the rabbits there." Now, if you read clauses 9 and 10 you will see that this Bill proposes to remove from the Inspector the power of saying whether it is essential that there should be prompt steps taken to subdue the rabbits, and to leave it to a man who is not an expert, though he may be a very good lawyer or a sound Magistrate. This man possibly knows nothing of the subject of how best to cope with a sudden spread of rabbits, but his mind may be swayed by innumerable witnesses who will be brought to prove that they did not see any rabbits, whereas there can be very probably only one Inspector or Agent who has visited the place, and who can swear that he did see rabbits. It is the easiest thing in the world to bring many witnesses who did not chance to see any rabbits, and everybody who has been in a Magistrate's Court will know that the weight of evidence means to a great extent the number of witnesses. If so, what will be the use of the Inspector and Sub-Inspector swearing that they saw rabbits, if the defendant brings six or eight honourable men to swear that they did not see any ? I am bound to say the finding would have to be in favour of those who did not see the rabbits. To my mind the question is of such importance that we ought not to pass this Bill unless it is shown that grave hardships have occurred under the Rabbit Act of 1882. Well, we have heard of no hardship, or but of just one. Even the honourable member who introduced the Bill was obliged to say that in recent times there had been no prosecution whatsoever. Then, if there have been no prosecutions, where is the reason for repealing the Act? It has been proved that under the Act rabbits have not increased, but that they have so far diminished in number that it has been unnecessary to prosecute : in fact, that the Act of 1882 has done what it was intended to do—checked the rabbit pest. Is it reasonable to suppose that Inspectors will deliberately set to work to annoy people ? I do not believe it

for an instant. That they are liable to errors of judgment-undoubtedly. That cases of hardship occur now and again- yes. Even feelings of dislike to certain persons are, at any rate, possible. But that there is a wilful, deliberate desire on the part of any Rabbit Inspector to do other than his duty, and to quarrel with a whole country-side, I do not believe. My argument has, then, led to this conclusion : that the existing law has proved to be salutary ; it has been proved that nobody . can say that injustice has been perpetrated under it ; it has positively been proved that prosecutions have ceased-a convincing proof of its efficiency. That being so, I confess I cannot see why this Bill is wanted. There is just another point I would like to illustrate : Unless we have a drastic law-a law that is absolutely so strong that people will not be able to struggle against it- there will be danger of supineness, and in all probability the rabbit pest will again increase. I will give a reason for that opinion. In former days scab was prevalent all over New Zealand. and for years and years there was local administration which utterly failed to exterminate the pest. Then by degrees more vigorous action was taken, and the scab was cleaned in almost every part of the country, but remained apparently ineradicable in the Provincial District of Marlborough, where the local authority held it to be absolutely impossible to eradicate the disease. The evidence received by the Stock Committee showed the most culpable negligence and the most extraordinary misbehaviour on the part of some flockowners. Their conduct with regard to the scab was such that. unless I had heard it myself, I could scarcely have conceived it possible. One man whose run was divided into two parts -- one of which was cured of scab-simply because rain came on during shearing, turned his scabby sheep among his clean ones rather than re-muster. That was one instance. I believe, Sir, that the same sort of thing will go on with respect to rabbits unless care is taken to prevent it. It was said to be impossible to eradicate scab; but when a stringent Act was passed dealing with scab, and the power was taken from the local Boards and arbitrary power vested in Government officials, the country was cleared of scab in less than two years. Heaven knows I am not an advocate for allowing a central Government to control anything if it can be avoided: but, under the stringent administration of the Government, the scab disease, which had defied local management for a decade, in two years was eradicated. Then, I think, we have an instance of this in connection with the rabbit -. For years they remained as they were, or increased, but since a stringent Act was passed. under which no injustice has been done- or, at least, under which none has been proved to have been done -- the rabbit nuisance has been pretty well cleared off. Since Why on earth should we repeal an Act 8.30. which has done that which it was intended to do? Sir, I am sorry that the Minister has agreed to any other course than to do his very best to uphold his department. Whether the Stock Committee will agree to this Act, repealing an efficient one, as it appears to me, without rhyme or reason, I cannot say : but I am a firm believer in the incontrovertible logic of facts, and the facts are that the Act of 1882 has proved a success. Little hardship and no injustice has been shown to give reason why it should be repealed ; so I shall vote again -! the Bill. Mr. J. ALLEN . Bruce) .- It is hardly possible for a member from the South-coming as he

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does from a district where this question is a | 1882. If the Minister finds, in the course of a burning question-to hold his tongue upon it, especially after what has been said by the honourable member for Hawke's Bay. It is true that only one case of hardship has been mentioned here to-night. That case should be sufficient, without bringing forward special cases, to show that there are grievances in the South. The case mentioned by the honourable member for Clutha is only one case of hundreds where there has either been direct injustice or a belief that there has been injustice. It was because, throughout the southern districts, there has been such an outcry against the administration of the Act of 1882 that the Minister himself last year had to give notice to his Inspectors to ease off. The reason why there have been no prosecutions during the last twelve months is only this : that the Minister has given such instructions that the Inspectors have been much more lenient. Those are the facts. There are hundreds of



cases, and the prosecutions have only eased off during the last twelve months. The Minister himself admits that the reason they are easing off is that the Act was felt to be so grievous a burden to the settlers in the southern districts that he had to instruct the Inspectors to take a little more care in their prosecutions. Rightly or wrongly, there is a widespread belief that the Inspectors are not in all cases fair with respect to the administration of this Act. I do not say it is true, but I have heard it from farmers that they are under the impression that the Inspector picks out one man and prosecutes him, and leaves another and does not prosecute. Whether that is so or not I have no absolute proof ; but I have heard it often and often, and so, I suppose, has every member who comes from the southern districts. But that ought not to be possible. The amendment suggested in this Bill will remove this. Now, there is another argument - that is, the argument first of all touched upon by the honourable member for Wakatipu, and which has also been spoken of by the Minister of Mines and the honourable member for Hawke's Bay. That is the argument that the Act of 1881 contained no drastic provisions such as are in the Act of 1882. Sir, the Act of 1881 was only given one year's trial, and it was tried at the very initiation of the Government dealing with this rabbit difficulty. One year's trial was not sufficient to prove whether it would work or not. Then we had the Act of 1882, which was a very drastic measure, and from that day to this that Act has been administered, and, Sir, the rabbits have not gone. The rabbits are with us still. We are told they have been on the decrease, and I know they have decreased somewhat. An Hon. MEMBER .- You are farming them in the South. Mr. J. ALLEN .- I am sure that if you ask the Inspectors they will tell you there are fewer rabbits there now than there were eight or nine years ago when there was no rabbit-freezing carried on. At any rate, I say, Sir, we ought to revert to the Act of 1881, and try a period without these drastic provisions in the Act of few years, that a wrong step has been made, he can very soon repeal the amendment we now propose to make. But, I venture to say, he will find no wrong step has been made, and that by repealing the Act a great grievance will be removed from the farmers. To say that the farmers are worse than the rest of men, as I understood the Minister to say, in regard to their producing evidence before the Court, is to treat the farmer in a manner that he certainly does not deserve to be treated. Why are we to assume that a farmer will produce false evidence before the Court? Sir I think it is wrong to suggest that such a thing is even a possibility. Then the member for Hawke's Bay says that the evidence of the Inspector is positive evidence. Let us admit it is positive evidence, and that the evidence of everybody else who goes on the land and says there are no rabbits is not positive evidence, and I will ask members what value the Stipendiary Magistrate would put on both sides. Will he not place more value on the evidence he believes to be positive than on the evidence he believes to be negative ? No doubt there are cases of injustice to particular farmers. I am sure some cases of the kind have come to the knowledge of the Minister-cases in which the evidence of the Inspector is about as false as any evidence could be. I have heard of cases in which an Inspector has given evidence before the Magistrate that he has seen rabbits on a farm, when, as a matter of fact, he was never on the farm at all. In such cases as those, surely it is right for a man calling himself a Britisher, in a British community, to be allowed to bring contradictory evidence if he has it sufficiently strong and sufficiently positive to show that the evidence of the Inspector is not worth taking. At least, it is common British justice to allow a man to have a say, and under the law as it exists to-day the farmer has no say whatever. If the ipse dixit of the Inspector is all the Magistrate wants, and if he is bound to find on such evidence, such a state of things, I can assure the House, will not long continue in New Zealand, for it has amounted almost to a revolt on the part of the farmers, and those honourable members who come from the South know it. Men's tempers are hard to restrain. I have tried myself to keep men quiet who have been under the impression that they are resting under an injustice, not at the hands of the Magistrate, but at the hands of the Inspectors, and that sort of thing cannot continue. Now, I wish to say to the member for Masterton that I hope he will stick to his Bill, and that he will stick to the Bill in this House. We know what the move is -- to send the Bill to

the Stock Committee. If it goes to the Stock Committee it will be "on the stocks " there, and nothing else will be heard of it, and I hope he will not consent to any such a process I heard the Minister making his as that. speech, and I am bound to say I came to the conclusion that he was very half-hearted in his objections to the Bill. He is a just man, and sees the justice of the amendment which the

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honourable member for Masterton is trying to make, and he could not say anything very strong against it. Therefore, not desiring to take the extreme step of giving the Bill six months, he suggests a roundabout way of putting it on the shelf, which is to be done by means of the Stock Committee. Then, the Minister of Mines got up and asked us to answer the arguments of the Minister of Lands, which I think are not very difficult to answer ; and after saying that he immediately proceeded to praise the Bill, and said it was a just measure. When we have the Minister of Mines supporting the Bill, and the Minister of Lands only half-hearted against it, it should have a fair chance of going through if the honourable member sticks to it. I hope he will. I have supported him always in the Bill, because I know what the injustice is, and because I know what my constituents and the constituents of neighbouring constituencies think of the Act as it is. I am quite certain, unless some reform is made, there will be a very serious time for any one who upholds the present Act. I hope something will be done-not to injure the work that is being done by the department-I do not think this will. We have had twenty years' experience of the rabbit nuisance and the way we are dealing with it, and with this experience it will be safe to so alter the Act as to remove what is a gross injustice. I am quite certain, having had these matters with us and having been dealing with them for so long a time, there is no farmer now so foolish as not to attempt to get rid of the pest. It may be some are not very keen about it, but I am certain that under the amended Act they could be brought to book. I hope the honourable gentleman will stick to his Bill. Mr. E. G. ALLEN (Waikouaiti). - I come from a district that is moderately infested with rabbits, and there is a strong objection to the Act as it is at present, and I am frequently brought into contact with the farmers and with the landowners generally. I know what I am talking about, as I have an interest myself in land in the electorate of Waihemo, and have a personal knowledge of the rabbit-pest. The Act, if amended as proposed, will not lessen the destruction of the rabbits at all, but it will certainly protect many settlers who are liable to be unduly prosecuted under it. It has been mentioned in this debate that there are not very many cases of hardship that have been brought to light on account of prosecutions under this Act. We hear of a good many cases. I know, Sir, of one case, that of Mr. McGregor, who resides on the Otago Peninsula, who was brought before the Court and heavily fined for having rabbits on his ground. There are rabbits on nearly every acre of the ground on the peninsula, but not in such numbers as to do a great deal of harm. No doubt there were some on this gentleman's land, but he only had a few acres, and he was singled out and, it was considered, wrongly summoned by an Inspector named Johnson, who, I am glad to say, is now out of the service. However good he may have been in his youth, he was then very short-sighted, and could not possibly tell a rabbit from a cat running about. was asked to bring Mr. McGregor's case before the Government, and I did so, and I endeavoured to get it inquired into, but for some reason or other the Government did not think fit to hold an inquiry. The man had to suffer and abide I should like to by the decision of the Court. point out that the interest of the settler is not to encourage these rabbits. The interest of the settler is to keep them down. One would think that all of the settlers were rabbit-farmers, and wanted to protect the rabbits. It is nothing of the sort. Even if there were no Inspectors,- which I should be sorry to see,-most of the settlers would, for their own interest, do what But in the they could to keep down the pest. case of a man who has three or four hundred acres of very poor hilly land, he could get more off that land if he encouraged the breeding of rabbits than if he ran sheep on it. The land would perhaps only carry 150 sheep, and at the price rabbits are now bought for freezing purposes he could get far more profit from his land with rabbits than if he ran sheep on it. In such cases the Inspector is invaluable. I think, however, it might be a very

good idea in such cases that if a settler were allowed to securely fence in his land with a proper rabbit-proof wire-netting fence he should be free from the provisions of the Act. The Otago newspapers lately have been full of protests against the arbitrary powers that the Inspectors now have, and there is no doubt from one end of the country to the other. where rabbits exist there is a strong objection to the harshness of this particular clause in the Act giving the Inspector such power. I hope the second reading of the Bill will be carried. It is not a new Bill ; it has been brought before the House from time to time. It is a moderate amendment of the Act. The intention is simply that the arbitrary power shall be taken out of the hands of the Inspector and placed in the hands of the Magistrate, and I think that should be done. The Inspectors and agents in my part of the country, at any rate, are very fair and reasonable, and perform their difficult duties well. They feel their great responsibility, and I am not sure but they are more lenient under the present circumstances than they would be if their powers were not so arbitrary. Mr. LANG (Waikato). - It seems to be an extraordinary thing that the portion of the statute which this Bill is designed to amend should have been allowed to remain so long on the statute-book, and I hope the amendment will become law. The only members of the House who have spoken against this Bill-and a large number of members have spoken-are the Minister of Lands, the Minister of Justice, and the member for Hawke's Bay. Perhaps I am wrong in saying that the Minister of Justice spoke against the Bill. That honourable gentleman, if I understand his remarks aright, explained why the Minister of Lands opposed the Bill; so that actually there were only two members of the House who opposed it. and,

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therefore, I think the member for Masterton ought to feel very proud at the manner in which the Bill has been received, and I hope he will take it through the House, and not accept the suggestion to send it to the Stock Committee. Arguments were brought forward by the Minister of Lands against the Bill which, I think, every member will admit were not very forcible. In the first place, he said the amendment was not required because the clause was seldom enforced. Then, if it is so seldom enforced, it is not very necessary to have it on the statute-book. Then he admitted that the Magistrate had no option in the matter but to impose a fine when the case was brought by the Inspector, but he said that he might inflict the minimum of £1. But I would point out that it is a great hardship to the settler to be brought before the Magistrate and fined even £1 for no fault whatever of his own. As far as referring the Bill to the Stock Committee is concerned, I would point out that last session a similar Bill to the present measure was sent to the Stock Committee, and that that Committee passed the very amendments that have been proposed here. Therefore it seems to me a waste of time to send this Bill to a Committee composed of the same members as last session, and who were occupied with an exactly similar Bill. An Hon. MEMBER .- They are not the same. Mr. LANG .- There may be a few exceptions so far as the Committee is concerned, but the Bill is the same. I would like to point out to the House a feature of the present Act which has not been mentioned. I would like to read two lines from the present Act, which state that an Inspector shall have power to do such things, and take all such measures as to him may appear proper or necessary to insure the destruction of the rabbits on the land. That means, that the Inspector, if he likes-and it is quite possible that he may do it sometimes out of ill-will-may make the settler clear off his land and other shelter that he has provided for stock. Mr. DUNCAN .- You have never heard of an Inspector doing anything of the kind. Mr. LANG. - I have known cases in which it has been done, and where the shelter has been ordered to be cleared off the land, and where such action was altogether unnecessary. The provision has proved very irksome to the owners of property, and under the present law it is useless for the unfortunate settlers to attempt to defend cases. Even if they were to bring a whole army of witnesses to prove that they had no rabbits on their land it would have no effect, according to the present Act, as against the voice of the one Inspector. It is to the credit of the Inspectors that for the most part they have not very strictly enforced this provision, more particularly in the part of the colony that I

have the honour to represent; but I hold that it should not be in the power of any one man to enforce such a law, or, rather, that any one man's word should be taken as against that of any number of people whose word is as equally reliable. Mr. CARNCROSS (Taieri) .- Sir, I heartily approve of the Bill introduced by the member for Masterton, and I hope he will take the advice so often tendered by the honourable gentleman now occupying the position of Minister of Lands, and "stick to his Bill." Sir, if this Bill leaves this Chamber and gets buried in a Stock Committee, I think that is the last we shall see of it. Mr. MASSEY .- Why should it be buried in a Stock Committee ? Mr. CARNCROSS .- We do not want it buried at all. We want it to reach the statute-book, and I am afraid it will have a very poor chance of reaching the statute-book if it is referred to any Committee. The Act as it at present stands is a most tyrannical one. There is no other Act in existence under which the mere statement of one man is allowed to overwhelm any amount of evidence brought on the other side. Many of us know of Court cases, over and over again, where any amount of evidence has been adduced by farmers to prove that they had done all that was possible to eradicate rabbits, but, because the Inspector was on the land and saw a few rabbits, the Magistrate had no option but to enforce the Act and inflict a fine. The Act is most tyrannical, and is a disgrace to our statute-book, and I say it has been too long there. I congratulate the honourable member on bringing forward this measure, and I hope the House will carry it through by a good majority. Mr. HOGG (Masterton). - Sir, I intend to make my reply as short as possible. I am exceedingly pleased with the character of the debate on this Bill to-night, and I may simply say that I intend to accept the advice tendered to me to take a division on the second reading, and ascertain from the members who are present in the House whether they wish the Bill to pass into law or not. To send it to the Stock Committee, where it has been already dealt with, would be simply a waste of effort and a waste of time, and my own impression is that it would never find its way back to this House again with the slightest chance of being passed. In consequence of that I ask now that a division, if necessary, be taken, and 10.0. I therefore move the second reading of the Bill. The House divided. AYES, 36. Allen, E. G. Morrison Fraser, W. Allen, J. Graham Napier Arnold Guinness (')Meara Parata Hall Bennet Russell, G. W. Bollard Hardy Herries Steward Carncross Hornsby Collins Tanner Thomson, J. W. Colvin Houston Laurenson Willis. Eil Field Tellers. Lawry Flatman Millar Hogg Fowlds Monk Lang. Fraser, A. L. D.

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NOES, 10. Buddo McGowan Tellers. McGuire Lethbridge Carroll Duncan Russell, W. R. Stevens Thompson, R. Hall-Jones PAIRS. For. Against. Mackenzie, T. McKenzie, R. Majority for, 26. Bill read a second time. Mr. HOGG (Masterton) moved, That the Bill be committed this day week. Mr. DUNCAN (Minister of Lands) moved, as an amendment, That the Bill be referred to the Stock Committee. Amendment negatived, and Bill ordered to be committed this day week. # CEMETERY TRUSTEES VALIDATION BILL. Mr. DUNCAN (Minister of Lands), in moving the second reading of this Bill, said he did not think there could be any objection to this measure, which would have the effect of removing a good deal of friction in regard to the working of certain clauses of the Cemeteries Act. Clause 2 was as follows :- "The appointment of any Road Board as trustees of any cemetery heretofore made or purporting to be made under section 45 of . The Cemeteries Act, 1882,' is hereby validated." He thought these local bodies were more likely to be in a position to carry out the duties of trustees of cemeteries than nominated men. They are men that are generally held in repute by the residents: they are elected to these positions, and this is a matter that comes immediately under their supervision. Then, clause 3 says, - "The appointment of the Rotorua Town Council as trustees of the Rotorua Cemetery is also hereby validated." There is no other body to take charge of this than the Rotorua County Council, because the trustees have vanished almost one by one, and they are on the ground to look after this matter. Then, clause 4 provides that- "Such validation shall in all cases be deemed to extend to the date when the appointment was made, and to all acts and proceedings (if otherwise lawful) done under such appoint-

ment." Clause 5 is as follows : - " Where any cemetery trustees have been appointed under the said section by the name of the Corporation, or of the Mayor, Councillors, and Burgesses of a borough, or of any similar name, such appointment shall be deemed to mean the Council of the borough, and shall not be invalid by reason of such misnomer." So that, instead of having these trustees appointed, where these boroughs are prepared to take their place we think they are the better body to carry out the Act. We do not intend to interfere with any one so long as the work is carried out satisfactorily, but we think it is necessary that a change should be made, and it is in the interests of the public that these changes should be made. I therefore propose the second reading of the Bill. Motion agreed to. # LOCAL AUTHORITIES INDEMNITY BILL. # IN COMMITTEE. Clause 2. "(1.) It shall be deemed to have been lawful for any local authority to expend, directly or indirectly, during the financial year ending the thirty-first day of March, one thousand nine hundred and two, out of its funds, any sum or sums of money in fitly receiving their Royal Highnesses the Duke and Duchess of Cornwall and York on their visit to New Zealand. " (2.) For the purposes of this Act 'local authority ' includes the Council of any city or borough or county, and any Road Board, Town Board, Harbour Board, and Education Board." Mr. COLLINS (Christchurch City) moved to insert, after the words " Harbour Board, " the words " Drainage Board." Motion agreed to, and clause as amended agreed to. Bill reported, and read a third time. # REFERENDUM BILL. ADJOURNED DEBATE. Mr. SEDDON (Premier). -- Sir, I desire, in reply, to state that the member for Hawkes Bay did me an injustice, inasmuch as he stated I was not serious in respect to the passing of this measure. Sir, it is a strange thing, but nevertheless true, that that has been said about nearly every Bill that I have had charge of, and that has been placed on the statute-book. It was said about the Old-age Pensions Bill that I was not serious. It was also stated in respect to the Women's Franchise Bill. The fact is, if you want to urt a Bill through, according to the dictum laid down by the member for Hawke's Bay, you must not appear to be serious. Any Bill I want for the future to be amongst the slaughtered innocents I will treat seriously, and endeavour to convince the member for Hawke's Bay that I am serious, and then he will consider it his duty to oppose it. It is lamentable that such a state of things should exist. At the same time I can only say that I have often felt we have not had the necessary machinery where there were questions that ought, in my opinion, to be referred to the people - questions on which we were evenly divided in this Chamber, and which in another place a small majority supported. Where one, as it were, has to force the legislation through, the question might be referred to the people, and in that way the difficulty would be got over : but there was no machinery provided for its being done. If the Bill passes and becomes law, we need not then hesitate as to how to act. The member for Hawke's Bay made one of the speeches that are characteristic of him, and in keeping with his life as a politician. He is He is always afraid. He is always nervous.

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always afraid to trust the people. He said, if this Bill passed we should have measures in an incomplete state. We should have them referred to the people, and the people would know nothing of them. Now, I say, in making such a statement, he does a great injustice to the people of the colony. The fact of the matter is that, so far as I can see, the great majority of the people of the colony are as well posted in what is going on, and have their individual convictions just as firmly fixed, as any member of Parliament. To say that on some of the large questions now engrossing the public mind the public do not possess convictions, or that if certain questions were referred to them they would not know what to do, is not giving the people of the colony that credit to which they are entitled. There was something in the honourable member's contention that probably at the end of the session a Bill might be hurriedly passed, and such a measure would have to go before the people. Under the Bill as it was brought into this Chamber it was provided that it should be in the second session, after there had been a recess, and time had been given for reflection and the education of the public mind on the subject. I say that the matters I

referred to in introducing the Bill-I do not want to recite them again-are matters upon which the public mind is fully made up. There is the question of the elective Executive, Bible-reading in schools, any interference with the Education Act, the question of Federation, and the disabilities of women - all these are questions which the public mind is prepared for if you remit them to the country to-morrow. That is my contention. If there are other questions that could be referred to the people, and if there was a danger of the people being caught, that would be a very good argument against use#cc-zero the proposal. The passing of this Bill would not affect it. It would enable this House and the Parliament to know whether the matter should be referred to the people. I am referring now to resolutions, not to Bills. As regards resolutions, which are, of course, included in the Bill. I say that in respect to those resolutions it would be very good argument against the passing of a resolution under which, by this legislation, the same would have to go to the people, and, that being the effect, it would be a good reason for not passing the resolution. It would, of course, prolong the matter, and the public mind could in the interim be educated. Rather than lose the Bill. I would accept an amendment to make the reference in the second year. I do not want to go too fast. We want to do what is reasonable. Then, there was a question raised by the honourable member for Riccarton : he mentioned a matter that I omitted-namely, the election of members of the Legislative Council. He to some extent agreed with the honourable member for Hawke's Bay that the Legislative Council now does not represent public opinion, or that it would be an improvement if the Legislative Council were made elective. Coming from a Liberal, I was surprised at that statement, and it proved to me that the honourable member had made himself conversant with what is going on in the other colonies. He must know now that the safeguard of the Conservatives-of the monopolists-of those who command power by means of wealth -that their power in the Commonwealth is owing to their position, and the absolute impossibility of men who are endowed with the greatest gifts our Maker can bestow on man having an opportunity of doing that which he says would be an improvement in respect to the Legislative Council. What was the cause of the Darling trouble ? What was the cause of the deadlock in Victoria ? What has kept that colony back when all the others were going ahead but the fact that there is an elective Legislative Council in Victoria. Can the honourable gentleman point out one statesman in the whole of Victoria during the years of progress in the other colonies-one statesman of broad views, and head and shoulders above his fellows -- a man of liberal views, and one who towers above others in the estimation of the people ? Can he point me out one ? Can the honourable gentleman show where, in respect to its legislation, Victoria is in advance of New Zealand or New South Wales? No; it is behind both. And that is where you have an elective Legislative Council. If the honourable gentleman would only look at what has occurred during all these years in the neighbouring colony of Victoria, it would be an object-lesson to him. Mr. MONK .- Trust the people. Mr. SEDDON. - You are not trusting the people there ; you are simply giving the power into the hands of a select few. There is a great deal as regards the Hare system of election. Whilst that might be an improvement, we must take matters as we find them, and be guided by results where the experiment has been tried. And if we contrast the two colonies of Victoria and New South Wales-in the one there is a nominated Chamber, and you have reforms and more rapid progress made than where there is an elective Legislative Council. I say, whilst there are difficulties, which we all admit, in respect to our present system of nomination, still you get clearer and closer to the ideals of the people and to their wishes than under another system which the honourable gentleman would urge upon the colony. I will only say, if the question of an elective versus a nominated Council were before the people, I know what their verdict would be. The honourable member himself must admit that, with all our faults and drawbacks, our present Constitution is really the best, and it is proved to be the best because we have passed the most progressive legislation. We have given greater facilities to the people ; we have promoted greater happiness and prosperity. There is no freer country or freer people in the British Empire than you have here in New Zealand. Then, when the honourable member finds, as

he must find, that what has been desired by the people has been attained under our present Constitution, I ask why there should be urged any change in the Constitution. It may be enough to make a change when the necessity arises.

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Captain RUSSELL .- Apply that to the referendum. Mr. SEDDON .- I say we are not going on beaten tracks at all. I repeat here that you may safely trust the people. All this anxiety, all the dangers that have been foreseen during the last ten or twelve years by the honourable member for Hawke's Bay, and those who think with him, and those who have all these cares, worries, and anxieties, and who have had the sleepless nights-I think, if they are honest, they will admit that they had no good reason at all for all their cares and worries, and that they have simply had a nightmare-a bad dream has disturbed their sleep and has caused them, as I have said, great anxiety when there has been no necessity for it at all. The question now is, shall this Bill be read a second time. I feel sure that it will be. I do not suppose even that the House will be divided upon the Bill. Let us, I say, place the machinery upon the statute-book, and when the time comes for the exercise of the machinery the responsibility will be upon those who, in another place, if they reject measures, so, on the other hand, it will rest with us if we too reject them. We all know this: that we ourselves have to go to the fountain-head-the people-every three years. What danger can there be in sending a question to the very people who are our judges, and asking them to guide us by giving their opinion upon the subject ? I trust this Bill will be passed, and I with confidence submit it to the House. Bill read a second time. POLICE OFFENCES BILL. Mr. McGOWAN (Minister of Justice) .- It is not necessary to say much in regard to this Bill. Last session we had a similar Bill, but in consequence of the opposition of certain gentlemen we had to drop it. I may say at once I am informed by the Police Department that it is absolutely necessary that such an amendment should be made. The Bill itself is exceedingly simple! The law as it at present stands is such that the police are not able to obtain a conviction in regard to insulting and abusive language, owing to the interpretation of what is a public place ; and the proposal is to introduce the word "or " next after the word " public place." I take it that most members are familiar with and remember the Bill of last session, and there is no real difference between this Bill and that one. I therefore beg to move the second reading. Mr. WILFORD (Wellington Suburbs) .- Last session an attempt was made by the Minister of Justice to introduce this measure and to pass it, and I did my best on that occasion to frustrate the attempt ; and I intend on this occasion to oppose to the utmost this insidious little measure of his. This is a Bill which deals with a matter apparently of little importance, and from the few remarks the Minister addressed to the House in moving the second reading one would almost be led to suppose that every one had had an opportunity of discussing it : but I hope before I have finished to give the honourable member some facts and figures which will demonstrate even to him that it is a Bill which all members ought to do their very utmost to reject. It is a Bill fathered by the Minister at the suggestion of the Commissioner, to give the police a power which they have not got at present ; and it is a Bill to allow the police some extraordinary powers, and to give them opportunities, as far as these offences are concerned, which it is inadvisable that they should possess. The Minister suggested that it was merely the introduction of the word " or " into a section of the Police Offences Act of 1884. Now, if the word "or" had been introduced into another section, dealing with obscene language, I would have supported the introduction of the word "or " ; but the introduction of that word alters the whole scope of the section that the honourable gentleman proposes to amend, as it gives a power to the police which it is quite inadvisable that they should possess. Would the Minister believe that such a case as this has occurred : that in the North Island, not many miles from the district he has the honour to represent, the police, under this clause in the Police Offences Act, recently arrested two men on a charge of burglary ? I might tell the Minister that the police, if they suspect a person of a crime, take advantage of this section of the Police Offences Act in order to hold in their clutches any persons who they think are guilty of a crime

until they can get evidence to use against them. Sup- posing a man is suspected of the crime of burglary or of murder, and the police have got no direct evidence against that man in reference to that crime-they get a warrant and arrest him on the charge of having no lawful means of support, or under the vagrancy clauses. Perhaps the man has €150 in his possession. but they drag him in under that section of the Act. because it gives them a power which nobody can He is arrested, held in charge. controvert. perhaps released on bail, or perhaps not ; and during the whole of the time the police have got him they keep him there, hoping to obtain witnesses, after conducting what might be called a fishing examination, which may enlighten them with reference to some other charge. The effect of that power in the statute has been most pernicious in many ways, and the intro- duction of these clauses will, I hope, be met by honourable members with the strictest opposi- tion. Now, let me tell honourable members- those who have not had an opportunity of studying this branch of the law -- that at the present time if a man is found guilty under the Police Offences Act of obscene language he has got to be imprisoned. There is no option. The Magistrate in dealing with the matter has got to imprison a man, though whether the sen- tence be a long or a short one is at the discre- tion of the Magistrate. The Magistrate has no option but to imprison, and every Magistrate in this colony, from the Bluff to the North Cape. has practically asked the Government, through the Press and from the Bench, to introduce a qualification into this statute to allow him the option of fining or imprisoning. But there is

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no possibility of it. We see ridiculous decisions given by the Magistrates in the Court and by different Justices of the Peace; we see these decisions standing one alongside another. A man is brought before the Court for assault upon his wife, we will say, and the Magistrate fines him \$2 or \$3 as the case may be ; while a sailor who comes a-hore for the first time and gets drunk and makes a fool of himself, and makes use of some obscene language, and comes before the Court for the first time, is imprisoned. The wife-beater and the brute receives a fine of 15s., or 51. or £2, as the case may be. Now, if the Magistrates have any power at all they should have also a discretionary power. They should have the right of saying whether a first offender who has been found guilty of using obscene language should be fined or imprisoned, as the case may be. If the Hon. Minister had taken that clause from the Bill which was introduced last session by the honourable member for the Grey. I would have supported him in that alteration. But what is this Bill going to do ? It is going to enlarge the powers of the police in regard to offences alleged to be committed. The Hon. the Minister, in introducing this Bill, says it is impossible to get a conviction for using obscene language. I tell the honourable member that, unfortunately for this colony, his statement is absolutely incorrect and contrary to fact. If honourable members read the papers of this colony they will see, unfortunately, that there are convictions for obscene language. There is no ditheulty in getting convictions for obscene language in this colony. You see a man arrested at, perhaps, 2 or 3 in the morning .- he has been found about the streets drunk and disorderly. He does not know what he is doing at that time in the morning, but he is run in on a charge of using obscene language. In the morning he is brought up before the Magistrate and charged, and when he is asked for an explanation, or how he pleads, he says, " I was drunk, and I do not know what I was doing." Well, that is no defence for any crime, and quite rightly too, because if drunkenness was a defence for any crime it would be a defence in every case. This man has before, perhaps, been a respectable. hard-working man, who has never been before a Court in his life : but he is found guilty of obscene language within the meaning of the Act. on the evidence of a constable, the only person who heard the language, and that man has to go to gaol. He is marked as a gaol-bird, and there is no possible way open to him to clear his name of that black mark. Now, I object to the principle of the Bill altogether. I consider that if the Magistrates of the colony are to have any power at all, they should be given this discretionary power of fining or imprisonment. But not only does the Hon. the Minister propose to introduce that clause in this Bill, but he



further extends the scope or power of the Magistrate of sending men to gaol, and creates a new offence by allowing an offence to be complete if it is "within the hearing of people passing by in any public place." If it is within the hearing of people passing by, it is a perfectly just provision, and to my mind the Legislature in introducing that condition into the clause wisely foresaw the strength of that condition so far as the penal effect of the Act is concerned. Now, Sir, let us just have a look at it. The condition is, that he is found guilty of using obscene language in a public place. The law says, if he is found using obscene language in a public place, within the hearing of people passing by, that he shall be found guilty of an offence, and most assuredly he should be. But the objection that the Minister has attempted to meet is this: A man is charged with using obscene language in a public place when there is not a soul about-when nobody's ears are shocked by the words he uses. Now, the Act says that the language must be used in a public place within the hearing of persons passing by. If these people hear the language and are shocked by it, then the Magistrate takes into consideration that fact in dealing with the evidence ; but if it takes place in a public place at a time when nobody is about, the same punishment is not meted out as is meted out to the individual who grossly shocks the sense of refinement or dignity of ladies in a public place-such as the Queen's Wharf. on a day when there might be a public reception. It is all very well to say there are no degrees of a crime. To my mind there are degrees and extenuating circumstances which should affect the Magistrate's decision in giving judgment. I object to the principle of this Bill altogether. In our gaol at the present time there are two men whose case has some bearing on this point. They were travelling through this city. and they were arrested in two different bedrooms in an hotel at about one o'clock in the morning. Two constables were stationed at the doors of their rooms, and they broke into the bedrooms of these men and arrested them. When they were arrested they asked what they were charged with, and they were told that the charge was that they had no lawful visible means of support, as defined by the Act of 1884. They were searched, and upon them was found a large sum of money-about \$160 in cash. They were charged with having no lawful visible means of support, and were not allowed to go free, although they had this sum of \$160 upon them. On the contrary, they were detained, and they were informed by the police, " Oh, we are going to make some other charge against you later on." When they appeared in Court their counsel suggested that it was a ridiculous thing that they should be charged with having no lawful visible means of support, seeing that they had \$160 in their possession. This the Magistrate agreed with, and the police withdrew the charge. The police then said, " Oh, we are going to charge them with a burglary said to have been committed at Lyttelton." When the charge came up in the Court the police said there was no evidence to adduce, and the charge was abandoned ; but they jumped round and charged these two men with quite another offence altogether. Now, Sir. the machinery of the law is not set up and is not to be invoked for this kind of purpose at all. It is for us to jealously guard those

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persons who get into the clutches of the law. We should take every care that men who are charged with any offence are properly and fairly dealt with; and it is the duty of the Crown to protect these people, and give fair justice to the man who has done wrong. Now, let me point out one other matter to the honourable member : The definition of " public place " in the Police Offences Act of 1884 is a wrong one. Under that Act, if there is a man found guilty of using obscene language in a public place, he must be imprisoned ; but, according to the by-laws passed by the Government in respect to railways, if a man makes use of obscene language in a railway-carriage, he can be fined. If the offence is committed anywhere else than in a railway-carriage he must go to gaol. Now, Sir, that is a ridiculous thing. Under the statute, by the authority of which our railway by-laws are made, one particular by-law has been framed which provides that obscene language used in a railway-carriage is an offence which may be punished by the infliction of a fine ; whereas if a man stands off the platform on the street, and makes use of the very same words, he must go to gaol for it without being allowed the option of a fine. Is not the law "an ass " sometimes ? Is it

not an absurdity that a man can use obscene language in one place and only get fined, while if he does so in walking across the street he has to go to gaol for it. If the Minister will go to work and amend the anomalies that exist in the Police Offences Act of 1884, instead of trying to create new offences to give the police more power, he will do a great deal of good. I would like to ask what is the necessity for this Bill. The police have got power enough. Now, would the honourable gentleman or honourable members believe that such a case as this could possibly occur : We will say a policeman is walking on his beat at night, and he picks up a drunken man and takes that drunken man to the station. He sets that man to sweep out the station before he goes into his cell ; but when he comes back he finds that that drunken man has gone, walked out of the front door because there has been no particular hold on him. The policeman then decides he has got to find somebody else to take the drunken man's place. He then goes along the by-ways and finds a man sleeping in a packing-case and says to him, " A drunken man has got away from me. Will you take his place and plead guilty to drunkenness in the morning?" The man agrees to do that, and the case comes on in the morning. The man standing in Court is charged with being drunk, and to the great surprise of the constable he says, "Not guilty." The constable, however, goes into the witness-box and says, " I arrested the accused ; he was drunk and incapable." The result is, the man is fined 5s., with the option of twenty-four hours. The constable says to the man, " You deserved it ; you did not keep faith with me." I say the police have too much power as it is. If a policeman goes into the witness-box and says that a man has been drunk in the streets, it will take five outsiders to make a Magistrate believe the policeman is telling an untruth. I need hardly say that I know, to my own knowledge, that there are scores of men in the Police Force, headed by that estimable man Inspector Pender, who would scorn to tell an untruth, and whose word I would believe against any number of other people's oaths: but, unfortunately, there are men who are black sheep ; and I shall do my best to prevent any further power being placed in the hands of such men. I regret that there are honourable members who promised to be here to assist me in opposing this Bill, who are not in their seats to-night, and I say if those members are going to allow it to become law simply because it is fathered by a Minister it is a very regrettable thing. I shall speak further upon this Bill in Committee, and if I can hinder its peregrinations through this Chamber-if I can prevent this Bill passing its second reading I shall do so. I trust that the Hon. the Minister will adopt the suggestions of the honourable member for the Grey, which have gone through the Statutes Revision Committee, and then he will have the support of every right-thinking man in this House. I trust that he will take a hint also, even from me, that there are anomalies and discrepancies in the present Police Offences Act which should be remedied before he starts exploiting some new field. Mr. HERRIES (Bay of Plenty) .- Sir, the honourable gentleman who has just spoken has pointed out a great many anomalies in the Police Offences Act, but, in my humble opinion as a layman, he has hardly touched the point in question in this Bill. What this Bill proposes has nothing to do with obscene language. It has to do with insulting language calculated to provoke a breach of the peace. Obscene language, as the honourable member will know, is treated in Part II. of the Police Offences Act, where the definition of a "public place" is a very much enlarged one. In the clause to which this amendment refers the definition of a public place is a very narrow one, and that is the reason why the honourable member for the Grey last year brought in a Bill in which the definition of a public place was enlarged. That is a matter upon which we can all agree. We can all agree that on a steamer or on a race-course, where a number of people congregate, if a man uses insulting language, or language calculated to create a breach of the peace, he should be dealt with. But what I complain of is, that this amendment does not do what it proposes to effect. The definition of "public place" is still kept in the narrow sense, and the effect of the amendment will be, that any person who "uses any threatening, abusive, or insulting words or behaviour in any public place, or within the hearing or in the view of passers-by, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, will be liable to a penalty not

exceeding five pounds." It may be open to a great deal of doubt as to whether the words "public place " do not govern " passers-by." I should say it would be held that passers-by must be in the public place, and public place is still in the

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narrow sense to which the member for the Grey objects. I do not know whether the Hon. the Minister intends that a man in his own house may use insulting language, and if persons in the street hear it, that he may be brought up before the Magistrate and dealt with, whether he was using it to passers-by or to persons in the house. If that is the intention of the Hon. the Minister, I certainly object to it. But I have always been led to understand that a man's home is his castle, and I think a man can use insulting language to persons there as much as he likes, and if he is heard by passers-by he should not be pulled up and prosecuted for it, as it has nothing to do with the public at large, and the persons aggrieved have their own remedy. That is a matter the Minister has not apparently looked at. It seems to me that the word "or" does not do what the Minister intends it to do. He intends, as I understand it, to make it liable to prosecution to use insulting language in a public place in the larger extension of the word, in the same way as obscene language, and that was what the honourable member for the Grey also intended to do. But the addition of the word " or " does not alter the definition of " public place." It only says that this thing may take place in a public place-in the narrow sense of the word-or in the hearing of the passers-by. It does not say where these passers-by are to be. Therefore, I do not think, as far as my humble judgment goes, that the alteration will effect what the Hon. the Minister designs it to effect, and I believe it will have ulterior effects which the Minister does not seem to have foreseen. Now, with regard to clause 3, I think that is a very dangerous clause to put in the hands of any policeman. I would ask the honourable member to read it carefully,- " Section twenty-six of the principal Act is hereby amended by the addition of the following subsection :- " (4.) Who habitually consorts with reputed thieves or prostitutes, or persons who have no visible means of support."" Under that almost anybody could be arrested. 11.30. Now, I should like to ask what a " re- puted thief " is. I say that if a man consorts with a convicted thief he has no right, and I say that no man has a right to be called a thief until he has been convicted. A reputed thief does not exist under our Constitution. No man should be called a reputed thief, and no man should be called a thief until he is con- victed of that offence. Therefore I say that the words "reputed thief" have no right to be put on the statute-book. It is contrary to the English law. Then, what evidence will be given to convict a man under this new clause? We shall have the evidence of a constable that he has seen the unfortunate man consorting with what he calls reputed thieves, or with persons who have no visible means of support. It seems to me that you have first of all to prove that the people he consorts with are reputed thieves, or that they have no visible means of support. That will depend on the evi- dence of a constable. Then, how can they prove that a man habitually consorts with them ? It is putting the liberty of perhaps an innocent man under the control of a police- man. I protest against clause 3, as putting the liberties of a man whom the police may have a "down " on at their mercy ; and, even if he is innocent, a man has always hanging about him the fact of having been brought into a Police Court for an offence like this. I trust the Minister will reconsider the full meaning of the clause. It is with no captious spirit I am alluding to the matter, but I really believe it will have a further - reaching effect than he is fully aware of. Mr. CARNCROSS (Taieri) .- I am not going to speak to the merits of the Bill at present, as I hope we shall have the benefit in Committee of the opinions of legal gentlemen as to its meaning and effect. It seems to me we are widening the powers of the constable very much : there may be excellent reasons for doing so, and I am prepared to listen to argument on the question. I have risen to speak in reference to the remarks of the member for the Suburbs concerning the condition of the law at present in reference to its dealing with persons charged under the Police Offences Act. He mentioned the case of a man who, using obscene language in a railway-carriage, would escape with a fine if proceeded against under the by-law,

but if he were proceeded against under the Police Offences Act the Magistrate would have no option but to dismiss or imprison the man, there being no discretion to meet the case with a fine. This has been a long-standing blot on our legislation, and the Minister should avail himself of this opportunity to bring an amendment into the Act to meet this condition of affairs. I have many times known cases where men have been charged with obscene language under the Act : possibly it may have been their first offence, and the Magistrate is very unwilling indeed to send them to gaol and brand them as gaol-birds, but he has no option. What is generally done is to convict the man and order him to come up for sentence when called upon, which is merely a burlesque, and an extremely unsatisfactory method of dealing with the case. I think the Minister of Justice should avail himself of this opportunity of amending the Act, so that the Magistrate should have the option, when a man comes before him charged with using obscene language, of punishing him by fine, and should not be compelled to convict him and discharge him, ordering him to come up for sentence when called upon. A very simple amendment would meet the case. In a Bill proposed last year, section 4 reads as follows :-- "Section twenty-four of the said Act is amended by inserting at the end of line three thereof the words 'or to a penalty not exceeding twenty pounds.' " I hope the Minister will engraft this desirable amendment on his Bill ; but if he does not I or some other member will move in that direction. and I hope he will support it. Mr. G. W. RUSSELL (Riccarton) .- I should

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like to say, while I think the member for the Suburbs has spoken with a knowledge of the criminal class gained in Court practice, there is another side to the question-what I would call the side of the general public. I sympathize with the Bill the Minister has brought in, because it represents what the general public desire in connection with the vagrant classes dealt with by the Police Offences Act. Referring to what the member for the Bay of Plenty said regarding " reputed thieves," I should like to draw the attention of the honourable gentleman to the fact that the new clause that the Minister is now proposing proceeds exactly on all-fours with the Act we are now amending. The 3rd section of the Bill before us proposes to add subsection (4) to section 26 of the Act. Now, in subsection (2) the expression " reputed thieves " is twice used. Hence, the Bill now before the House is strictly correct. Those of us who have watched cases in large cities from time to time have seen it frequently happen that Magistrates have great difficulty in convicting persons who are of notoriously bad character-who are really persons continually living on the prostitution of women. In so far as the Minister proposes to reach this class, by making men vagrants who consort with bad characters, even though they may have money in their pockets, he has my sympathy. The man may have €100 or \$150 in his pocket, yet that very money may have been obtained from sources of the most immoral character. The Minister proposes that the question shall not be decided merely on the possession of money ; but it puts the law in this position : that if a man habitually consorts with persons who are reputed thieves, as per subsection (2) of the law now in force, and with females of bad character, that shall be an act of vagrancy, and render the person liable to imprisonment exactly as if he came under subsections (1) to (3) of section 26. While the member for the Suburbs gave us a very eloquent address containing a great deal of matter not pertinent to the question, it contained also some remarks that I regretted to hear, especially in the reference which was made to the police. My idea is that, in the position we occupy as lawmakers, we ought to be extremely careful in saving anything which may render the public less regardful of the men who are responsible for seeking to carry out the law. As regards Judges, Magistrates, and police, we ought, as far as possible, as legislators, to uphold their authority in the eyes of the public. My honourable friend the member for Wellington Suburbs, of course, from his very large professional practice, is frequently placed in opposition to the police in Court work. I can quite understand that he feels keenly at times that these men somewhat strain the powers given to them. While I would never for one moment, either in Parliament or outside, support the police where

they have exceeded their duty, I may say that in this Bill I think we are only giving the police what has been proved to be a necessary power to put down this most dangerous class of the community- the men who have money in their pockets and yet are the most awful scoundrels-men who are preying upon the community; and so far as the Minister goes in that direction I shall support him in every possible way. With regard to the necessity of bringing the definition of "public place " into line with the proposal of the honourable member for the Grey, I agree, although I think the honourable gentleman went a little too far last year. If an amendment is proposed when the Bill is in Committee to enlarge the definition of " public place " ~ as to meet the objections raised, I shall be disposed to vote for it. I rose for the purpose of saying that I shall support the Bill, because I shall always support anything which goes to put down the dangerous criminal class who, keen of wit and in many cases men of education, live in a most diabolical manner upon the community, and yet succeed in keeping themselves out of the clutches of the law. These proposals go a little nearer towards reaching this class, and in so far as they do that I think they deserve the support of the House. Mr. COLLINS (Christchurch City) .- I want to draw attention to an omission in this Bill of a somewhat important character-so important that I think it far outweighs the proposed amendment of the Police Offences Act suggested in this Bill. Honourable members who represent city constituencies will probably know that in every city there is a class with which the law at present has entirely failed to adequately deal. The records of the Magistrate' Courts in our large cities will bear out this fact : that there is a disreputable and altogether incorrigible class of persons who are known as habitual drunkards and lewd characters. Speaking for the city which I represent-and speaking not only as a representative but also as a Visiting Justice to our gaol-I can assure honourable members that these are the most troublesome cases we have to deal with. I will not mention names, but a number of names could be mentioned of men and women who have had a hundred, a hundred and fifty, or even two hundred convictions for drunkenness. As the law at present stands, these characters are repeatedly brought up before the Magistrate, and the severest sentence which can be imposed upon them is three months' imprisonment. After they have served a term of three months' imprisonment they are scarcely liberated before they again come before the Court-probably within twenty-four hours of their liberation-and they are sentenced, perhaps, to forty-eight hours. In a few days they are again arrested, brought up, and sentenced to seven days, and then they are brought up a third time shortly after their liberation, and are sentenced to three months. An honourable member says they prefer to be in gaol. That is not so certain. They are never satisfied till they are out of gaol, and they are remarkably ill-behaved in gaol: but, unfortunately, when once out of gaol they have absolutely no command over themselves. They are absolutely lost to all sense of decency and self-respect ; they are a perpetual and continuous menace to the morality of our towns:

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and they are recognised as pariahs on local : that has long called for further power on the society. I want to ask the Minister if he will ! part of the Magistrates, and I ask the Minister to agree to the insertion of a further clause in this Bill, to give the Magistrates that Bill to give the Magistrates power to deal with : power. this particular class ; for every Magistrate wishes able member for Christchurch City has just been to have the power to at least send these persons to gaol for a period of, say, twelve months if necessary. Under present circumstances the terms of imprisonment are simply sufficient to cultivate, on the part of the convicted, a huge another amendment in this Bill, an amendment, and immediately they are liberated they proceed to gratify that thirst : and the methods mentioned which will give Magistrates the option of fining instead of compelling them to imprisonment by which they obtain the means to gratify that thirst are as discreditable as they are hurtful to prison in cases of obscene language. The member for the Suburbs has already enlarged on the community. I ask the Minister if he cannot help us to rid our cities for a time of this not take up the attention of the House in disreputable class. Furthermore, this class pursuing that

point. I may only state that goes to swell very largely the criminal statistics during the last ten years I have sat as a Magistrate of the colony, and I say it is altogether unfair that in the town I have the honour to represent, that our records for drunkenness should be increased by convictions of men and women of this and time after time I have allowed men to escape altogether rather than send them to gaol particular class, who perpetually oscillate between the pavement and the gaol. I could for obscene language. Firemen and sailors off ships who have given way to that language name half a dozen individuals who are the cause almost of all the trouble in this respect which we all know they have a habit of using come before the Court, and then there is no in our city Police Courts and our local gaol. option but to imprison them or let them go They are the most troublesome class to deal with in gaol, and they provide a large amount altogether. Under these circumstances, I do not mind saying that I have always let them off of work for the local Magistrates' Courts ; and rather than send them to gaol and put a therefore I would ask the honourable gentleman criminal brand on them. I remember a case to at least give very serious attention to this little while ago where a Magistrate sent a man point. I would point out that they are mostly to gaol for nine months for using profane and dissolute women, who disseminate the most foul and loathsome diseases in our cities ; and it is in obscene language : and I say that the sentence was a monstrous one. I find in the Police the interests of the social, the physical, and the Offences Act of 1884 that it provides that if a moral condition of the people that I ask that man prints and sells obscene and impure literature the Magistrates should have enlarged powers to punish he is liable to be punished by twelve send these persons to gaol for a longer period months' imprisonment. Now, I say that twelve than three months. It may be urged that the years is not a long-enough sentence for that gaol is not the proper place for such characters, offence. At the same time, if a sailor comes and that these people should be sent to in- ashore and gives way to that language which ebriate homes; but I say that this particular sailors sometimes use, he also is liable to twelve class would destroy the reputation of any inebriate home that might be established. months' imprisonment, and the Magistrate does not have an opportunity of fining him. I certainly can understand the value of an inebriate certainly think this is a very wrong state of things, home for persons who are desirous of re- and I only hope that the Minister of Justice gaining that health and strength which will see the wisdom of carrying out the suggestion so strongly urged by the member for but these persons are of a disreputable taint- the Suburbs. The Bill itself provides for two lawd persons as well as hopelessly incorrigible things: It provides that insulting and obscene drunkards -and it would be useless to send such persons to an inebriate home. Frequently the Salvation Army would take charge of these is within the hearing of passers-by. I know people, and sometimes the officers from the Samaritan Home have applied for them to be about a month ago, a man was brought brought into their charge; but invariably the officials of these institutions have to admit that they cannot control and bring about beneficial results so far as this class is concerned. They must be sent to places where they can be detamed and sufficiently controlled, and there is Magistrate was unable to punish him as he no other place where that can be so well done deserved, because he was in his front garden, as the gaol, which is the proper place for undisciplined persons of this class. I again appeal to the Minister to add some amendment to this Bill which will enable this class to be properly dealt with. And my remarks apply to every other city in New Zealand besides the one I have the honour to represent. It is a matter Mr. LAURENSEN (Lyttelton) .- The honour making an appeal to the Minister to give certain enhanced powers to the Magistrate in connection with a certain class of offenders. I am going to ask the Minister to put this, and at this late hour of the night I need language in any public place shall be punished. able -- and not only in a public place, but if I remember, the necessity for that provision. fore a Magistrate's Court on a charge of using vile and obscene language in his front garden. It was plainly heard by scores of ladies and gentlemen passing by at the time; but the and it was not a public place within the meaning of the Act. I say that it is very necessary that that class of offence should be

provided for. This Bill provides for doing away with this anomaly, and I think that is a step in the right direction. In reference to the second part of the Bill, which enables the police to deal with a  
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certain type of vagrants, some people are very much afraid of this being made an instrument of oppression ; but, on the other hand, it is necessary that the public should be protected from the class that this clause is aimed at. think that a man who habitually consorts with known rogues and prostitutes ought to be dealt with, and this Bill provides for that class of offence. I think the member for Riccarton was rather hard on the member for the Suburbs in saying that he referred to the police in derogatory terms. The member for the Suburbs criticized the Bill, and he pointed out at the same time that as a class the police were performing their duty in an excellent way, and he referred to the police of this town in very complimentary terms. All that he said in the other direction was that it would be dangerous to give some individuals of the Police Force the enlarged powers contained in this Bill. I do not think the enlarged powers in this Bill are dangerous powers, and I think, as a rule, the police can be trusted to carry them out in a Therefore I shall support prudent fashion. the Bill on the second reading, and I trust that when it goes into Committee the Minister of Justice will agree with the excellent suggestion by the member for Christchurch City in reference to dealing with habitual drunkards, and also with my suggestion that Magistrates should have the option of fining as well as of imprisoning for obscene language. Mr. GUINNESS (Grey) .- The Bill before the House is one that I do not think ought to be adopted in its present form. I agree with those honourable members who say that some amendment of the Police Offences Act is necessary. I can see no objection to clause 2 of this Bill, which proposes to insert the word " or" in subsection (29) of section 3, because that certainly enlarges the definition of the offence of using threatening, abusive, or insulting words, or behaviour in a public place, "or," as the amendment proposed to be made reads, " within the hearing of persons passing by." I can see no very strong objection to that, but I think, Sir, that this clause requires amendment in the direction of enlarging the definition of " public place." It is very restrictive at the present time, and the object that influenced me in bringing in a Bill to amend this subsection last year was this: that a person was enabled, according to a decision of a Judge of the Supreme Court, to stand on a railway-platform and make use of the most threatening, abusive, and insulting words to another person with the intention of getting this other person to commit an assault, and using those words not only in the presence of men, but also of women and children ; and, although the Magistrate held that the words were used, -and the Justice convicted the person of using them, still, because they were used on a railway-platform the Judge of the Supreme Court reversed that decision, and decided that it was not a "public place" within the definition of "public place" as defined by and referred to in this section 3. Now, I do think that the honourable member should also amend section 3 with regard to the definition of "public place," and adopt the definition that is given in section 18. Part 11. of the Act, which refers to the use of indecent language. The definition of " public place " there is considerably enlarged, and I think the Minister, if he will look into the matter carefully, will see it would be a wise alteration to make. I cannot agree with him that section 26 of the Act should be extended. In my view of the reading of that section, I think the police have ample powers at the present time. if not too great powers, with regard to arresting a person whom they may suspect of being a vagrant-a person without any lawful visible means of support. This 3rd clause of the Bill extends that definition to persons who consort with this class of people. So, you see, you give the police the right to arrest persons and put them into gaol if they suspect that these persons are consorting with or are habitually seen in the company of reputed thieves or prostitutes, or persons without lawful visible means of support. In my view of legislation I cannot agree with the honourable member for Riccarton, or the mover of this measure, that section 26 of the Police Offences Act should be enlarged in the manner proposed in this Bill. Therefore I shall be found voting against the proposed alteration in the definition of the offence of

vagrancy. With regard to the further amendment which I propose, and which I am glad to see so many honourable members agree to, and which I hope the Minister of Justice will adopt—that is, in section 24 of the Act, where a person is liable to imprisonment for any term not exceeding one year for making use of indecent or obscene language in a public place or within the view or hearing of any person passing thereby or residing in that place .. there the power is limited entirely to 12 months imprisonment with hard labour. Now, many instances can be mentioned which I will not take up the time of the House by mentioning, because members can well understand that on the spur of the moment, under the influence of drink or passion, some one may make use of indecent or profane language which he the next moment would be very sorry for, and when he is brought up by the police and the charge is proved against him he cannot deny it, and the Magistrate has no option but to send the man to gaol with hard labour. Now, if the honourable member would adopt the amendment I propose—give a Magistrate the option, in a case of that sort, of a substantial fine in lieu of imprisonment—an alteration would be made which would enable a Magistrate to administer the Act in a way he is not able to do at the present time. The Hon. the Minister must know that many Magistrates will not give effect to this section. They do not want to make a first offender a gaol-bird, and therefore they let him off, to come up for sentence when called on or something of the sort. I think it would be much better to allow a Magistrate to sue a person, and administer the Act in a way we should like to see it administered. Those are the points I particularly wished to draw the

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Minister's attention to. I hope he will not succeed in passing section 3, though I see no objection to section 2 of this Act. Then, I hope he will enlarge the definition of a public place, and that he will give a discretionary power to Magistrates to sue as well as to imprison for the use of profane or indecent language in a public place. Mr. McGOWAN (Minister of Justice). - Sir, from the debate which has arisen on this Bill, I see it was scarcely wise on my part not to make my speech on the second reading. I would now rise, in a very few words, to place the whole position before honourable members. In regard to clause 2 of the Bill, which the honourable member for the Grey agrees to, I will quote the subsection of the present Act, which it is intended to amend. It reads as follows : -- " Uses any threatening, abusive, or insulting words or behaviour in any public place within the hearing or within the view of passers by, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned." The new clause 2 introduces the word "or" after the words " public place," and I do not know why any member should object to that word being so introduced. Now, in regard to section 3, that section provides for the addition of the following words : "who habitually consorts with reputed thieves or prostitutes or persons who have no visible means of support." Now, just let me read the previous clause, subsection (3) of section 26 of the principal Act- " Who wanders abroad, or places himself in any public place, to beg or gather alms, or causes or procures or encourages any child so to do." Now, to my mind, that is a very much more severe clause than the one now proposed to be added. It is made a crime here to ask alms, and we know in some cases people are obliged to ask alms. I think it very necessary that a provision such as the one proposed in this Bill should be made, as the police feel the want of such a measure as this in order that they may do the work which this House wishes them to do. They are only carrying out the measures that are passed here, and this House in its wisdom should produce measures that will operate for the good of the many in the community, and not for the few. The honourable member for the Suburbs very loudly and very lavishly spoke about the powers of the police, and all the time he was dealing with an imaginary case, and not with a case of every-day life. I was sorry to hear the honourable gentleman make such a statement with regard to public officers, because I have a very high opinion of the honourable gentleman personally. There is no need to say a word more about that, and I am sure he himself will be sorry he ever made such a statement about public officers who are not in a position to defend themselves. It was a statement no honourable gentleman in this House should make when the



officers are not present to defend themselves. Mr. WILFORD .- What public officers ? Mr. McGOWAN .- You mentioned two police- Mr. WILFORD .- What two policemen did I mention ? Mr. McGOWAN .- You did not mention any names ; if you had, no doubt some one would have been here to take up the cudgels on their behalf. Mr. WILFORD .-- Which of my statements do you refer to ? Mr. McGOWAN .- I am not here for cross- examination, and if I were I do not know that you would get much change out of me. Experience has shown that the amendments proposed here are absolutely necessary. Now, in regard to the suggestions made by the honourable member for the (irey, I will have no objection to any amendment this House in its wisdom may put in in Committee ; but at the same time we must not forget this fact : We know, in regard to obscene and abusive language, how easy it is for a man of means to pay a fine, but for the same offence a poor man might not have the money to pay the fine, and the result is that in the one case a man gets off by paying the fines, and in the other case, for the same offence, a man has to go to gaol because he cannot pay the fine. The honourable gentleman cannot deny that fact. Then, the honourable member for Christchurch City (Mr. Collins) mentioned a very important matter, and it is just one of those matters that every one who likes to see a community in a proper state and progressing in every direction feels sorry to see, but at the same time I think it is one of those questions that require consideration. If the honourable gentleman had fairly considered the matter he would see that, when this class of people are arrested for drunkenness, it would be manifestly unfair because of that offence to punish them for something else, and it would be punishing them for something else if, when arrested on a charge of drunkenness, they were to be sent to gaol because they are bad characters and should not be let loose on society. These are matters that require the careful consideration of the whole House. I think the changes proposed here are reasonable, and when the Bill is in Committee I shall be quite prepared to accede to the proposals mentioned by the honourable member for the Grey. I think they are reasonable. I therefore beg to move the second reading of the Bill. Mr. WILFORD (Wellington Suburbs) .- Sir, may I be allowed to make a personal explanation ? Mr. SPEAKER .- Have you been misrepresented by the last speaker ? Mr. WILFORD .- Absolutely and totally. The Hon. Minister in charge of the Bill, with a great deal of unnecessary warmth and a great deal of apparent candour, has suggested that in my few remarks, which were made by me in an altogether nonchalant style, I imputed to some two members of the Police Force - some two members that must have existed in his imagination more than in reality-some wrong-doing. The honourable gentleman says I spoke too loud. It seems to me I did not speak loud enough. The honourable gentleman could not

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cases that might occur, but I never suggested during the whole of my speech on the Bill any wrong-doing of any particular constable whatever. In fact, I went out of my way to say that, so far as the police officers of this colony were concerned, I was of opinion that they were good men, and that in the last two or three years they had considerably improved, and were governed by a man in Wellington-Inspector Pender-who had the admiration and esteem practically of the whole colony. The honourable gentleman has gone off at a tangent in a way quite unexpected of him, and I feel sure that when he hears my remarks he will at once admit he was absolutely wrong in what he said. The House divided. AYES, 36. Allen, E. G. Hall Palmer Arnold Hall-Jones Parata Russell, G. W. Hardy Bennet Russell, W. R. Bollard Hornsby Lethbridge Seddon Buddo Carncross Massey Stevens Jarroll McGowan Symes Tanner Colvin McGuire Mackenzie, T. Willis. Duncan Field Tellers. Millar Monk Collins Flatman O'Meara Fowlds Laurenson. Fraser, A. L. D. NOES, 5. Tellers. Guinness Lang Herries Wilford. Napier. Majority for, 31. Bill read a second time. The House adjourned at twenty minutes past twelve o'clock a.m. #