

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=305></url>

LEGISLATIVE COUNCIL. Wednesday, 9th October, 1901. Tariff - Miners' First Reading - Commonwealth Rights Fee Reduction Bill-Shops and Shop- assistants Bill-Rabbit Nuisance Bill. The Hon. the SPEAKER took the chair at eight o'clock p.m. PRAYERS. FIRST READING. Maori Antiquities Bill.

COMMONWEALTH TARIFF. The Hon. Mr. T. KELLY asked the Minister of Education, Whether he will, as soon as possible, procure and lay on the table of the Council "The Tariff Act, 1901," of the Parliament of the Commonwealth of Australia ? It was very obvious that the tariff passed by the Commonwealth would to a large extent affect the people of New Zealand ; and therefore it was desirable that, as soon as possible, the Tariff Act now before the Parliament of the Confederation should be obtained, to enable them to judge what was the policy of that Parliament, and what special industries in New Zealand would be injuriously affected by import duties levied on our produce. The Hon. Mr. W. C. WALKER would have great pleasure in seeing that, as soon as possible, the tariff as passed by the Commonwealth Parliament would be laid on the table. MINERS' RIGHTS FEE REDUCTION BILL. The Hon. Mr. REEVES moved, That the Council do now go into Committee on this Bill. The Hon. Mr. BOLT said, When this Bill was before the Council last he moved for a return showing the amount contributed to the revenue through miners' rights in various places in New Zealand. He felt it would have an important bearing on the Bill. His own impression was that the Bill was of very trivial importance, and that it was questionable whether it should be put on the statute-book. He thought, if the Council got the return he moved for it would be a guide to a considerable extent in deciding whether the Bill was worthy of the attention of the Council or not. He did not know whether the Minister could tell them when that return would be presented. The Hon. Mr. W. C. WALKER said the return had been laid on the table.

<page>266</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=306></url>

what was the opinion of the Government in regard to this Bill. He did not know what was the fee at the present time. An Hon. MEMBER .- Ten shillings. The Hon. Mr. T. KELLY said, Of course this would affect the revenue, and the Government ought to give the Council some direction in the matter. The Hon. Mr. W. C. WALKER said that, as the Government was challenged to say a word or two in this matter, he could only say that miners' rights had been a moot point for many years, and he was not at all certain whether it was to the advantage of the districts in which these miners' rights were collected that the fee should be reduced or not. He was not going to object to this Bill on the present occasion, because he believed his colleagues in the other House had voted for it, and he had not himself sufficient knowledge of the ins and outs of the mining question to say whether the rights should be commuted to 5s. or not. He remembered very well when the endeavour was made, some years ago, to commute these charges altogether upon mining. It was urged that it was not in the interests of mining, nor in the interests of the districts; that certain works were required to assist miners. All these charges went to the local bodies, who had got to do certain things, and they were only crippling the local bodies in the work required to open up the country for the very purpose of mining. He remembered all that. He remembered looking at it from the point of view of the ordinary settler, who had either got to pay his freehold price for land that he bought from the Crown, or from the point of view of the lessee of the Crown, who paid so-much a year for the occupation of the land, that he was not able to see very much hardship in the payment of these charges on behalf of men who were not improving the land from a permanent point of view, but absolutely depleting it of the harvest there was in it. He must say for himself he had never very much sympathy with the view that these miners should not pay all they were asked to pay, because they were really depleting the land of all that could ever be got out of it. But still a policy was adopted in regard to certain charges,

which were re-mitted in a certain part of the colony, and not remitted in another. He believed the parts of the colony where these charges were re-mitted had suffered to the extent that they had not now got as much money to spend on local objects, roads, and other matters as they had before, and therefore he was not at all sure whether this amendment was in favour of the mining districts or not. At all events, he was not prepared to stand in the way of the Bill if the Council thought it a right Bill to pass. The Hon. Mr. T. KELLY said he saw by a return on the table that in 1900 "the revenue derived from these fees was £3,800." As all these fees went to the local bodies, he would like to know what the local bodies themselves thought about it. At present, local bodies received about £1,900 a year, and he thought that sort. Therefore he hoped some case would be shown why it was justifiable to reduce the revenue as was now proposed. That was the objection to it. He would be sorry to deprive the local bodies of this sum of money, which, as he had said, he thought could be very usefully employed in opening up tracks, et cetera, on the goldfields. The Hon. Mr. McLEAN said he would like the honourable gentleman, when he was replying, to give the Council some information about it, in order to justify the passing of the Bill. The fees paid for miners' rights are local revenue, and when you reduced those fees you considerably reduced the local revenue. He might say that this Bill was passed hurriedly through the other House, and he thought that in the Council they should have a little time in order to see what the people had to say about it. They had hardly had proper notice of the provisions of the Bill. When the last proposal was made to reduce the fee for miners' rights there was a considerable outcry against it. The Hon. Mr. REEVES .- Where? The Hon. Mr. McLEAN said an outcry was raised by certain local bodies. This Bill not only affected one place, but it affected the whole of the colony. The Hon. Mr. REEVES said, No; it did not affect Auckland. It only affected the South Island. The Hon. Mr. McLEAN said he thought the honourable gentleman should agree to allow the measure to remain over a few days, and thus allow the people to say whether they approved of the fee being reduced or not. He did not wish to oppose the Bill if it was the wish of the local bodies that it should be passed, but he must say that he did not think that 10s. a year was a very great sum to ask the miners to pay for the damage which they did to the district in which they conducted their mining operations, more especially when the mining came into conflict with agricultural settlement. The Hon. Mr. REEVES said this Bill had been handed to him from the other place, and it had been gone through very carefully by the Goldfields Committee of the other House, and had been approved of and passed by the House of Representatives. In 1895 the miner's right was 5s. A year or two afterwards it was increased to 10s. That struck him as being a hardship to the miners. His honourable friend the Minister of Education had mentioned that the miners did a certain amount of damage to the ground. They really did nothing of the kind; because the ground that the miners worked was not fit for anything else, as a rule, except for mining, and he thought the honourable gentleman ought to know that himself. With respect to the abolition of the gold duty, he thought that was the biggest mistake that the Parliament of New Zealand ever made. The provision with respect to miners' rights at the present time did not include the North Island. He might mention that the North

<page>267</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=307></url>

small thing that a man should be asked to pay 10s. instead of 5s., but in many instances very great hardship was caused by the higher fee, and he was sure that if the miners' rights fee was reduced to 5s. a very much larger number of miners' rights would be taken out. It was purely a local matter. The Bill had been before the other House for the last two years, and no protests were made by the local bodies, and, in fact, he could safely say that the local bodies were in favour of the reduction, for the simple reason that, instead of there being, as was now the case, a large number of men working who did not obtain miners' rights, these men would not run the risk of not taking out miners' rights for the sake of paying 5s., and therefore the number of miners' rights taken out would be largely increased. An Hon. MEMBER .- Ought

not this Bill, in the ordinary course, to go to the Goldfields Committee ? The Hon. Mr. REEVES said he thought it ought to go to the Goldfields Committee, and, if the Council would agree, he would move, That the Bill be referred to the Goldfields Committee. Motion agreed to, and Bill referred to the Goldfields Committee. SHOPS AND SHOP-ASSISTANTS BILL. The Hon. Mr. JENKINSON said that, in the absence of the Hon. Colonel Pitt, he had been asked to take charge of this Bill. He begged to move, That the Bill be read the third time. The Hon. Mr. FELDWICK begged to move by way of amendment, That the Bill be recom- mitted, for the purpose of adding the new clause standing in his name on the Order Paper. He might state that he brought forward this amendment knowing perfectly well what he was talking about. When the Bill was brought up for the second reading he mentioned that in a certain town in Europe there existed a rota of chemists ; and his honourable friend the leader of the Council mentioned that in a large city in South America there existed not only a rota of chemists but also a rota of doctors, and that these rotas were daily mentioned in the morning papers. He might mention that there was a messenger then present in the Council who had occasion to obtain medicine for him in the City of Wellington. He went to four chemists' shops once (and to one chemist's shop twice) in the middle of the night, and before he could get that prescription filled it occupied him two hours in running about. Now, he said it was a fair thing, in order to meet cases of this sort, where life and death might be concerned, that some one or more chemists' shops should be open by day and night, as specified in this amending clause, which he proposed to put in the Bill if the Council agreed to his motion for recommitment. It was all very well to talk about holidays and half-holidays, but if they were to be granted at the cost or at the risk of human life it was not proper, and he thought if the chemists looked at the thing in a proper spirit they would that one, two, or even three chemists' shops ought to be open in every large city, so as to be available for the public at any hour, day and night. The chemists carried on a large and profitable business-they often, he supposed, got 2s. 6d. for what was actually not worth 3d. ; but at any rate it was their chief duty to be humane, and to study the lives and interests of the public. Doctors, they assumed, were the guardians of the public life, and of all our interests in that way, and chemists ought to be equally as available as doctors were. He thought the extra clause he had drafted would fairly meet the case; if not, possibly a verbal amendment or two might better fit it for the purpose : but all he asked for in the present instance was that they should go into Com- mittee for the purpose of considering this new clause. The Hon. Mr. T. KELLY said that, with regard to this proposed amendment, he had no objection himself. Virtually it was, or ought to be, an amendment of the Pharmacy Act of 1898, and should not be included in a Shop- assistants Bill. And, besides that, there were certain duties given to the Pharmacy Board to make regulations, and if this amendment were made there was no machinery provided, or power to enforce the by-laws. Neither was there any power in the Pharmacy Act, and therefore, so far as this proposal went, it would be a dead-letter even if it were put in the right place. Under the Pharmacy Act the Pharmacy Board had power to enforce their by-laws, but, as he had just pointed out, if this clause were added to this Bill there was no power to enforce it. He therefore would advise his honourable friend to report progress, so that a clause could be clearly drafted to provide in a proper manner what he wished to effect. The Hon. Mr. SHRIMSKI said, although there was no power to enforce it, there were several chemists who were residing on the pre- mises, and who would be only too willing to sell to the public if they were permitted to do so at the hours when other shops were closed. But it was ridiculous, by passing this law, to close the shops of all the chemists, seeing that it would be done at the expense of the suffer- ings of human beings, in order that these few people might have a holiday. He had had sad experience of the inconvenience of this sort of thing in Wellington. In a case of sudden ill- ness he was nearly run off his legs in trying to obtain some medicine, and, after a great struggle and the loss of a couple of hours, he was directed to a chemist's private house, where he asked the gentleman to oblige him with the medicine. This gentleman, who lived at the top of Willis Street, came down town to his shop, and gave him the medicine he wanted ;

but in the meantime the person who required it might have died. He did not think they should lightly support a Bill which was really at the expense of the public, and they ought to take care that, in a business of this kind, certain shops should be kept open for the good of the public at the time when other shops of that

<page>268</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=308></url>

all be closed at the same time. The Hon. Mr. McLEAN did not agree that this was properly an amendment of the Pharmacy Act. The difficulty he saw about this proposed new clause was the want of power to compel the Pharmacy Board to do this. It was very easy to compel it by putting a clause into this Bill that it should not only be lawful but incumbent for the shops to be open at all hours. He thought it would be a very good thing that two shops should be kept open in Wellington when the others are closed, one at Te Aro end and the other at Thorndon. If that were done there would be no objection to the others shutting up the whole day. It would probably be as well to go into Committee and see if they could not put in a provision to meet the case. He was as anxious as any one to see chemists get their holiday like other people, so far as it could be settled ; and he thought it might be so arranged that certain shops should be kept open while the others are closed. It should not be necessary to keep the shops actually open during the night ; it should be sufficient that some one slept on the premises. He hoped the Council would go into Committee to see what they could do in this matter. The Hon. Mr. JENKINSON hoped the honourable gentleman would withdraw his amendment, for, as the Hon. Mr. T. Kelly had pointed out, it was not an amendment which should go into this Bill at all. It was quite nonsense to put it in a Bill the object of which was to give the people employed in chemists' shops a weekly half-holiday. The honourable gentleman wanted to include in the Shops and Shop-assistants Bill an amendment to make it imperative to keep open chemists' shops day and night. If that was done the Government should subsidise them, and the State should pay them for the extra expense these people would be put to in keeping their shops open at night, in lighting, and the remuneration of the people whom they employed. He thought it was a libel on New Zealand to say its people were continually running around for medicine. Judging from the appearance of the honourable gentleman, he did not suppose his honourable friend had been in a chemist's shop in his life, and most honourable members, perhaps, had much the same experience. The people of New Zealand did not want to be running for drugs at every hour of the day and night, and when the honourable gentleman said he wanted this provision added to the Bill he assumed he must have done so more as a joke than anything else, so absurd was it. He hoped the honourable gentleman would withdraw his amendment. The Hon. Mr. W. C. WALKER did not see why the honourable gentleman who last spoke should try to ridicule the amendment of the Hon. Mr. Feldwick. He believed the proposal was a very sound one indeed, and that it might be carried a little further. The Hon. Mr. Feldwick had referred to his (Hon. Mr. W. C. Walker) having mentioned-and it was not the first time he had mentioned it, for it was an Hon. Mr. Shrimsk certain cities in South America, which were not supposed to be as civilised as our own cities, although in some ways they were, there was advertised in the newspaper the daily rota of the doctor, chemist, and midwife for each quarter of the city, who had to be on permanent duty through the twenty-four hours. He called that a very civilised proposal. An Hon. MEMBER .- Probably they are subsidised for doing so. The Hon. Mr. W. C. WALKER said, No, they were not ; and all the other people taking their holiday could shut up through the hours when they were not usually on business. He did not like joking about these things. The Hon. Mr. Jenkinson spoke in a carping way about wanting doctors, but they never knew who would not want a doctor. Any one of us might want a doctor or a chemist within the next six hours, and therefore we ought always to be ready to make as much provision as we reasonably ought to do as wise men ; and he felt quite certain that the medical service in our cities would never be satisfactory unless some arrangement of this kind was made

by law. We were told a year or two ago by the medical fraternity that they now relied upon places like the hospital, which was always open day and night, and, failing the hospital, there were certain doctors who kept drugs on their own premises, but that, as a rule, they could not rely upon chemists. The chemists, on the other hand, told us that they did up to a certain time take steps to have somebody always on duty on their premises, but they found they were not called out, and that the business did not warrant their going to that expense. Well, he hoped this was a very great testimony to the healthiness of the Wellington climate, but we did not know when anybody might not be smitten down with illness, and in such a way that immediate relief was essential, otherwise possibly life might be lost. Therefore he did think we should not neglect an opportunity of amending the law in this direction, which possibly might be for the benefit of the community. All he could say was that, from his experience, he had never seen any arrangement so satisfactory as that which the Hon. Mr. Feldwick had now given notice of, and he was quite sure that it would be very much to the benefit, not only of the community, but also of the chemists, that this arrangement of duties should be emphasized by law. Of course, as to whether this amendment should come into this Bill or into a Pharmacy Amending Bill was another matter. He really did not think it mattered very much, because this Bill certainly dealt with chemists, and it provided machinery by which the chemists' hours of work should be regulated. Therefore he saw no difficulty whatever in inserting this clause in this Bill if the Council thought it was in the right direction. The Hon. Mr. JONES thought, with the Hon. Mr. Kelly, it would be better if the clause proposed by the Hon. Mr. Feldwick had been in the Pharmacy Act, but it was not convenient to put it in the Pharmacy Act on the present

<page>269</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=309></url>

ferred to chemists in such a way as to necessitate an amendment of this sort, surely we might be pardoned for adding the amendment to the Bill. The Hon. Mr. Jenkinson, with whose opinions he generally agreed, had expressed opinions on this occasion with which, he was sorry to say, he could not agree. He did not see that it was necessary to go to the expense of keeping these shops open and lights burning, and therefore he could not understand why chemists should be subsidised. They, like all other tradesmen, must take the bad with the good. In order that medicine might be got when it was required, all that was necessary was to have somebody on the premises at night who could dispense if anybody applied for medicine. He knew for a fact, because he had had to go through the experience himself, that there were occasions when medicine was wanted very badly, and it could not be got without very great difficulty. He had that lesson taught him in Auckland, and, although he had not, fortunately, been placed in a similar dilemma since, yet he could quite understand that a case might occur in which, as the Hon. Mr. Walker said, life might be lost. Now, if we were going to pass a Bill which would give chemists a close holiday during certain hours, we ought to pass a measure which would prevent people from getting ill during these hours. That was the only remedy as an alternative to what was now proposed. Honourable gentlemen laughed, and he admitted that, with all our magnificent powers, and with a Premier supposed to be omnipotent, we could not pass a Bill which would have that effect. And therefore the next best thing to do was to keep chemists' shops open, so as to have medicine available at all hours for those who wanted it. The Hon. Mr. BOLT said, in his opinion, if the object of this clause was to have chemists' shops open at all hours of the night and day on certain days, it did not go far enough. The clause provided that one of these shops should be open during all hours of the day and night on such days as were specified by notice in the Gazette. Now, if it was necessary to have them open on days specified in the Gazette, surely it was necessary to have them open on other days as well, because possibly people might take ill on the days of the week that were not specified. The Hon. Mr. FELDWICK .- Every day will be specified in the Gazette. The Hon. Mr. BOLT said that was not according to the clause, which only provided that chemists' shops should be kept open all hours of the day and night on the days mentioned in the Gazette.

It should be specified in the clause that these chemists' shops should be kept open every day of the week if that was what was intended. Now, there was another difficulty. The Hon. the Minister of Education said, regarding the rota, the proposal was a very sound one. It might be sound as applied to a city, and more especially a large city, but at the present time we were legislating not only for the cities but for the boroughs and small townships in the VOL. CXIX. - 19. there was only one chemist, and if that chemist was compelled to keep his shop open every day and night he would never be able to get to bed. It was quite evident that they must discriminate in some way, and he thought the honourable gentleman should have drawn a clause so that its provisions would have been suitable for the large cities only. The Hon. Mr. BONAR said he would support the proposal of the honourable member. He thought it was a practical proposal, and one which was likely to be good for all districts. It provided for Sundays, and he thought, as he said, that its effect would be beneficial. He thought the difficulty mentioned by the Hon. Mr. Bolt would be very easily got over in country districts, because there the chemists were always available ; but in towns they were not always available. For these reasons he would support the proposal of the honourable gentleman. The Hon. Mr. TWOMEY said that, as to the question of this provision being inserted in the Pharmacy Act, it seemed to him that the subject was entirely foreign to that Act, and that it should be dealt with in the Act in which the hours of closing were regulated. He did not see why the Pharmacy Board should be dragged into this matter. On looking at the Shops and Shop-assistants Act of 1894-which was the principal Act-he found that it provided for a conference of local bodies to be held for the purpose of fixing the holidays and other things, and he thought that such a conference could very well establish a rota-they could consult with the chemists, and the chemists could hand in a rota drawn up by themselves, and the local authorities could gazette it. He found also that, in the event of the local authorities failing to hold the conference, the Governor had power to do things by Order in Council. There was no reason, also, why the Governor by Order in Council should not gazette a rota of the chemists in a town. He saw also that an Inspector of Factories had been drawn into the Bill ; and that officer might exercise his functions in that direction. He thought the whole subject was foreign to the Pharmacy Board and foreign to the Pharmacy Act, and that it should be kept under the administrators of the Shops and Shop-assistants Act, and those were the conference of local bodies, the Governor in Council, and the Inspector of Factories. So far as he could see by a cursory glance at the Act, those were the functionaries who were to arrange these matters and do everything under the Act ; otherwise he thought the proposal was a very good one. Very often an accident happened, and it was desirable to have a chemist at hand. If you shut up all chemists' shops he thought the chemists would go away and enjoy themselves about the country, and you would have nobody to give you the medicines or other things necessary in case of accident or sickness. For these reasons he would support the motion to go into Committee, and he hoped the Council would take into consideration whether the

<page>270</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=310></url>

Hon. Mr. Feldwick's resolution should not devolve on some other body than the Pharmacy Board. The Council divided. AYES, 7. Smith, A. L. Bolt Kelly, T. Smith, W. C. Kelly, W. Gourley Jenkinson NOES, 19. Scotland Jones Arkwright Shrimski Louisson Baillie Barnicoat Swanson McLean Pinkerton Twomey Bonar Reeves Walker, W. C. Bowen Williams. Feldwick Rigg Harris Majority against, 12. Amendment agreed to, and Bill recommitted. IN COMMITTEE. The Hon. Mr. FELDWICK moved, That the following new clause be added : - "The Pharmacy Board of New Zealand, constituted under ' The Pharmacy Act, 1898,' may make and prescribe regulations providing a ' rota of attendance' for chemists carrying on business in the cities or boroughs of New Zealand, in which, notwithstanding anything to the contrary in this Act contained, it shall be lawful for those chemists whose names have been placed on the rota to keep their shops open at all hours of the day and night for the days specified in the notices published in

the Gazette, and advertised from time to time in a news- paper circulating in the district: Provided that any such notice shall previously have been approved of by the Governor in Council." The Hon. Mr. TWOMEY moved as an amend- ment, That " the Pharmacy Board of New Zea- land, constituted under ' The Pharmacy Act, 1898,' may " be struck out, with a view of in- serting the following : "Clause nine of the prin- cipal Act is hereby amended by the addition of the following words, that is to say : 'It shall also be the duty of the conference to.'" The Hon. Mr. FELDWICK moved, That pro- gress be reported. Progress reported. RABBIT NUISANCE BILL. The Hon. Mr. FELDWICK moved, That this Bill be recommitted. He said he had much pleasure in taking charge of the measure, be- cause farmers in the rabbit infested districts of New Zealand had for a long time suffered under a cruel grievance. The law laid down the proposition that when a farmer might be brought before a Court, on the bare statement of the Inspector he was bound to be fined. The Inspector was Crown Prosecutor, Judge, jury, and everything combined in himself. The monstrosities in respect to equitable treatment under this Act had been something terrible. What was sought to be done by this Bill was to remove from the Inspector, or officer prosecut- ing, the power he now possessed of convicting and fining a settler against whom he might Hon. Mr. Twomey The Bill, as honourable members would see, was a very short one, but it was to the point. He moved the second reading the other day, and the Leader of the Council moved that it should be referred to the Joint Stock Com- mittee. The Bill had been considered by that Committee, and sent back to the Council with nothing more than a verbal amendment. He had much pleasure in recommending the Bill to the Council as one that should receive its approval and be passed into law. The Hon. Mr. W. C. WALKER said he was sorry he could not allow this Bill to go into Committee without saying a word or two, be- cause it was a very serious subject. It was a matter they had dealt with in times past. They had spent thousands of pounds and they had done their best by legislation to put this pest down ; and that this Bill should be fathered on this occasion by an honourable gentleman who came from Invercargill would be a matter of astonishment to him were it not that South- land was the home of the rabbit, where it was nursed by legislation, fostered by Provincial Government banquets, and supported by pro- Therefore it was quite tection for years. natural, perhaps, that the honourable gentle- man, as a good Southlander, wished to preserve the rabbits. Well, now, the rest of the colony did not. They had paid dear enough for the rabbit up till now, and it was no laughing matter. He could assure honourable gentle- men that to be cruel was kind in certain They had spared certain districts in cases. the colony before now in matters of scab. He asked his honourable friend opposite, Cap- tain Baillie, to say whether it was not the cruellest thing that was ever done to the Pro- vince of Marlborough to allow them to nurse the scab there as they had done, not only at their own expense, but at the expense of the colony. And so it was in relation to the rabbit pest : they must be cruel to be kind ; and so he said the greatest kindness they could show to the settlers was to insist that they should kill their rabbits and make an end of them. They might speak of that as an apparent hardship, they might growl, they might grizzle ; but still the Council would have done its duty, and they would be better in the long-run. The scab was nursed exactly on the same principle in the old days, not only in the Province of Marlborough, but in the Province of Canterbury, where there was a certain gentleman named George Henry Moore, of Glenmark, and it was not until they put the fear of Heaven into him by special legislation that they got his country clear. The Hon. Mr. REEVES .- It has occurred all over the colony. The Hon. Mr. W. C. WALKER said, Yes, it had been the same thing all over the country. It was no use saving the rabbits were being got rid of ; they were not being got rid of. On the other hand, they were being farmed, and while they were being farmed there was a certain amount of profit in them. Still, at the same time, they were not getting rid of the rabbit, and helping those who were engaged in pro-

<page>271</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=311></url>

on the table of the House of Representatives, showing the export of rabbits and rabbitskins from the year 1894 up till last year. It showed that the rabbits in the colony had not been very much reduced during that time. In 1894, 14,000,000 and odd rabbitskins were sent away, and 25,000 frozen rabbits. In 1895, 15,000,000 and odd rabbitskins, and 53,600 frozen rabbits. In 1896, 10,000,000 rabbitskins, and 350,000 frozen rabbits. In 1897, 8,000,000 rabbitskins, and frozen rabbits leaping up to 2,222,000. In 1898, 6,600,000 rabbitskins, and 4,251,000 In 1899, 7,891,000 rabbit- frozen rabbits. skins, and 4,880,000 frozen rabbits. In 1900, 5,690,000 rabbitskins, and 6,500,000 frozen rabbits. So it would be seen from the figures themselves this was a very serious subject indeed. Of course, some honourable gentlemen might think it was just as well to breed rabbits as to breed anything else, but he did not think so. He thought that sheep and cattle and stock were the best things we could breed in this country ; but we could not breed lamb and rabbits at the same time, and as long as we went in for exporting frozen rabbits and rabbit. skins we were fighting against the staple in- dustry of the colony, and therefore he was very sorry he must vote against the honourable gentleman's Bill, and he was sorry the Stock Committee did not report against it. When he asked the Council to send it there he hoped they would have got words of wisdom from the Committee, and that they would have said that they did not recommend that the Bill be pro- ceeded with. It was his duty, therefore, to ask the Council to pause, and to hesitate before passing this Bill. The Hon. Mr. BOWEN agreed with a great deal of what his honourable friend had said about the evil of permitting a larger growth of rabbits in the country, but he differed from him as to the manner of checking the evil. It was all very well to say that it was a cruel kindness not to be severe in matters of this kind, but that was no justification for being unjust in their methods. He thought it was an outrage on English justice that a man might be con- victed, apart from all other evidence, on the evidence alone of a Government officer. He knew something about the evils of this rabbit business, and he knew what had been done ; and, active as many Inspectors had been, he held there had not been sufficient watchfulness and vigour everywhere in keeping down in a legitimate way the rabbit nuisance. An Hon. MEMBER .- Favouritism. The Hon. Mr. BOWEN said the Act had not been administered successfully in many cases. He did not want to mention particular cases, but he thought honourable gentlemen knew that in some places the Act had not been adminis- tered with sufficient severity, whereas in others there was too much contempt for the principles on which the administration of justice should be based. It was a monstrous thing that an Inspector should not be obliged to bring evi- dence to support his case. If there was a case in which the Inspector knew that his statements to bring other Inspectors or competent witnesses to see the ground and to give evidence ; and it should be his business to bring a weight of evi- dence that would convince the Bench. Because they wanted to exterminate rabbits, were they to allow the principles of British justice to be trampled under foot in order to secure convic- tions ? They might just as well say that be- cause there were anarchists and murderers at large they should consent to the suspension of habeas corpus and trial by jury. He thought the Bill before the Council was right in prin- ciple, although he himself would be the very first to advocate any strict system that would oblige a man to keep his property free from the rabbit plague. A great many people who were doing their best had been ruined by their neighbours, who were not compelled to keep their country clean. To do the work efficiently, and to do justice to all, in some places more Inspectors might be necessary. But the ques- tion before them was not that of strictness, or even of severity, in keeping down the rabbits ; it was not a question of whether they should choose between rabbits and sheep : but it was a question whether they should allow the possibility of men being haled before a Court of justice and convicted on the evidence of one Government servant, against the weight of evi- dence on the other side. That was the point, and a point which was not merely connected with this Act, but which affected our whole system of law-making and law-administration. He would certainly vote for the second reading of the Bill for this reason alone : that it pro- posed to put an end to what he considered to be a most dangerous and mischievous provision in the present Act-a



provision which aroused a strong sense of injustice in the breasts of many people, and which militated against the proper administration of a law which was necessary for the suppression of a terrible plague. The Hon. Mr. JONES said the honourable gentleman's arguments, he would admit, were seductive ; but it was a very strange thing that before the Act which was said to be too drastic was brought into operation rabbits overran the country. They were everywhere. The honour- able gentleman said it was un-English and un- just that such things should be done as that, on the word of an Inspector, the owner of a piece of country should be convicted and fined. But what other means could be adopted for attaining the object which they had in view ? An Hon. MEMBER .- Let him bring evidence. The Hon. Mr. JONES asked, How could any evidence be got if they would not take the evi- dence of the Inspector? Had it not been for some experience he had had in this matter he dared say he would have thought this Bill was a reasonable one ; but he knew too much to think so. He knew what had taken place in some parts of North Canterbury. Although at first the pastoralists opposed the legislation brought in by the late Sir John McKenzie, yet that gentleman lived to be thanked by the very men who opposed that legislation. Sir John Mc- Kenzie had told him that when he went up from

<page>272</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=312></url>

pastoralists thanked him, and told him his rabbit law had been the salvation of the country. They were now getting so free from rabbits that property that had not been worth a penny, and had been a burden on the proprietors, was now producing wool. An Hon. MEMBER .- Where ? The Hon. Mr. JONES said he was talking of North Canterbury. He could mention names, but he thought perhaps he had better not do so. But the Council might take his word for it as absolutely true, and as coming from the late Sir John McKenzie's own lips. An Hon. MEMBER. - Not in North Canter- bury. The Hon. Mr. JONES said he was in error ; he might explain that he was talking of pro- perties in Marlborough. He did not think there were any such cases in North Canterbury. However, that did not alter the fact that the rabbits were put down. Then, take the district from which he came. He knew that certain runholders had complained that they had been treated harshly ; but he said they must be pro- tected against themselves. And it was quite right, as the honourable gentleman who spoke before him had said, that some parties kept down the rabbits and others did not, and these must be made to toe the mark. And the only method by which it was found they could be compelled to do so was by the law which was brought for- ward and carried through Parliament by Sir John McKenzie. He knew very well that when the Magistrates had jurisdiction before that the work was not done satisfactorily, and the rab- bits increased all over the country, until every- body was alarmed. He had lived in rabbit- infested localities for many years, and he had taken an interest as a journalist in the efforts to abolish the pest, and he could assure honour- able gentlemen that, whatever they might think about the matter, nothing satisfactory was done until this Act of Sir John McKenzie's was brought into operation, and since then there had been very little complaint, and estates had been kept much clearer of rabbits than they were before. The Hon. Mr. A. LEE SMITH could quite agree with what the honourable gentleman opposite had said as to the very un-English ap- pearance that proceedings like this had ; but at the same time he did not think that the honourable gentleman gave full recognition to the fact that these were exceptional cases. It was almost the same as the application of the Crimes Act in a state of anarchy, because it must be apparent to him and everybody else that in the case of a large block of land in a district from which people get more money by nursing the rabbits and increasing them, if it was possible to foster their increase, now that there was a large export Home, it was difficult to get any evidence from the people in that dis- trict. An Hon. MEMBER .- An Inspector can get evidence besides his own. The Hon. Mr. A. LEE SMITH said the In- spector had no object in making out a bad case Bon. Mr. Jones case forward falsely. He quite admitted this proceeding was very un-English, but it was just one of those cases where it was perfectly impossible to get any evidence when people were making a profit out

of rabbits. The Minister had read to the Council a table to show what an enormous export there was of frozen rabbits, and that proved that it paid people to just kill the rabbits down to that point which enabled them to come again and get some more. They would not keep them down below that point, because it was not worth while to go to these districts unless there was a certain supply. He himself was fined some years ago when Sir John Mckenzie's Act first came into operation, and felt aggrieved ; but, like the honourable gentleman the Hon. Mr. Jones referred to, he had lived to repent that feeling, and he thought it was very proper he was fined, because he had taken pains ever since to keep the rabbits down, and his neighbours had done the same. He did not think they would ever have done this if it had not been for this Act. He had often talked the matter over with the late Sir John Mckenzie, who had assured him that the repeal of this Act would mean placing the country in the position it was in before the Act came into operation. Therefore he should vote against the Council going into Committee on this Bill. The Hon. Captain BAILLIE said the Hon. the Minister had referred to what had occurred in Marlborough with reference to the Scab Act. There was no doubt that the residents in that part of the colony thought it was rather a drastic measure, but they had lived to be thankful that the Scab Act was such a drastic measure. Now they were able to send their fifty to sixty thousand sheep a year down to the freezing-works in Christchurch, which they could not do if the Scab Act had not been in existence. It meant money in the pockets of the runholders. With reference to the rabbit question he could say that fifteen years ago he went to Kaikoura, and the rabbits were as numerous as were mosquitoes in some parts of the country. They were running about the town and across the road, and were scampering all about Flaxbourne, Scarborough, and Awatere, and in the Township of Blenheim he had seen rabbits running up the street. But, although the Rabbit Nuisance Act had been a drastic Act, yet the runholders had lost nearly 20 per cent. of their wool, and sheep were nearly starved owing to the rabbits; and he was glad to say that at the show last year an agent in connection with some commercial establishment came to Blenheim to try and induce the farmers to bring in rabbits for freezing purposes, but the project fell through because there were no rabbits. Rabbits now were seldom seen in a day's ride. The Hon. M. : REEVES said there was something to be said on both sides of this question. Of course, the rabbit nuisance had been a great cry for many years past, but he said that the rabbits at the present time were about the best

<page>273</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=313></url>

the Minister of Education had given a long list of the trade in skins and rabbits that had been exported, and he had told the Council that eleven millions had been exported in one year. Now, what did eleven millions of rabbits mean to the colony? It meant somewhere about \$100,000. An Hon. MEMBER .- That is not very much. The Hon. Mr. REEVES said it was not very much, but look at the employment it gave. The export of rabbits and rabbitskins from the south part of New Zealand was far more to be considered than the export of wool or sheep. They would employ twenty men for one employed by the squatter looking after the sheep. The export of rabbits amounted to about £120,000 a year. He would like the Minister to have shown, in contradistinction to the export of rabbits, what amount of wool they would have got. But he would support the Bill for this reason : He did not think it was a right thing that the word of one man should be taken without having sufficient evidence in addition to get a conviction. He supposed that Rabbit Inspectors were as decent men as you could find anywhere ; but at the same time, for their own sakes and for the sake of the public generally, their charges should be corroborated by other evidence. It was not right that an Inspector should be allowed to go into the box and swear certain things, and that the farmer or tenant should practically not be allowed to open his mouth. In the Wairarapa he had seen a case-it was the case of Mr. Andrews, who had been brought before the Court from time to time for not carrying out the provisions of the Act. He contended that he had complied with the Act, and yet he had been fined. He (Mr. Reeves) would therefore support the Bill. He thought it was a very good Bill, and that

it was only right, and an English way of looking at a question - namely, that both parties should have fair treatment. The Hon. Mr. LOUISSON said he thought, from the statistics given by the Minister of Education of the enormous number of rabbits and skins exported annually, that it was a question for the Council to consider whether it would be safe to relax in any way the provisions of the present Act providing for the destruction of rabbits. If there was an average of ten or twelve million rabbits and skins exported every year, one could imagine the number of rabbits that existed in the colony, and the enormous amount of feed that it took to support them. The Act could not be so very drastic, or else he would have thought the destruction of rabbits would have been greater, and they would have been almost annihilated. In looking at the Act he did not see that there was very much room for a great deal of injustice to be perpetrated. It gave the Inspector power to enter on land, and, if he saw rabbits, to order them to be destroyed. That was quite right. But surely the Inspector would have no object in going on land and, seeing no rabbits, ordering the landowner to destroy rabbits. Where could the injustice come in ? The Hon. Mr. LOUISSON said the honourable member said they did so ; but he would like to have evidence of that. The honourable member evidently had not studied the Act, because the evidence of the Inspector was taken the same as any other evidence was taken. There was nothing in the Act to prevent the party summoned bringing rebutting evidence. If an Inspector accused a settler of having rabbits on his property, he doubted whether the Magistrate would fine the settler without giving him an opportunity of answering the charge. There was nothing in the Act to prevent the settler defending himself, or bringing evidence to the effect that there were no rabbits on his land ; or, if he was prosecuted for not having carried out the order of the Court to destroy the rabbits, all he had to do was to show that he had made reasonable efforts to destroy the rabbits. The law was plain enough on the subject : so long as the settler took reasonable action, and made reasonable efforts to destroy the rabbits on his land, he could not be fined. And it seemed to him (Mr. Louisson) that, considering the enormous number of rabbits and skins exported annually, the Act could not have been administered in such a drastic manner as had been suggested, and he thought it would be rather dangerous to interfere with it. It certainly did seem rather strict, but probably it was a question that wanted dealing strictly with ; and without very much better arguments being advanced than those he had heard, he would be inclined to allow the law to remain as it was at present. The Hon. Mr. T. KELLY said, when this Bill was before the Joint Stock Committee the Minister of Lands appeared before the Committee, and he must say that a large majority of the Committee were in favour of the Bill, but after the explanation given by the Minister with regard to the Bill it satisfied his mind that to repeal the 9th and 10th clauses of the Act of 1882 would be a very dangerous experiment. The Minister of Lands stated to the Committee that no harsh proceedings were taken under that Act, and that at least two Inspectors had to go over the ground before proceedings were taken, and even then they had to report to him before an information was laid. That being the case, he could not see any reason for repealing the provisions that now existed, because it must be evident to any person that the rabbit nuisance existed in the South Island and in some parts of the North Island ; and, unless better cause was shown for taking the power out of the hands of the Inspectors, and leaving it to the Magistrate to decide, as practically this Bill would do, he thought it would be an experiment too dangerous to try. The Hon. Mr. TWOMEY said he was coming up in the steamer a year or two ago with a gentleman from Southland. He did not know him, but this gentleman told him how the Act was administered in his district. He, not being a favourite of the Inspector, had been prosecuted, because there was a favourite of the Inspector on the other side of the fence, whose

<page>274</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=314></url>

knew such things were possible, and yet that man could not raise that defence, and could not bring witnesses to prove such was the case. Was that fair? He did not see that such extraordinary changes

had been made in this Bill. He had looked up the clauses to which this referred, and he did not see that there was any such great change made; and he thought that, if this was attended to, the rabbits would be put down just as well as they were under the present Bill. " If within a reasonable time after the service of such notice any occupier or owner on whom the same is served has, in the opinion of the Magistrate adjudicating, failed or neglected to take reasonable or diligent steps to promote the destruction of rabbits on the land mentioned in such notice, he shall be liable to a penalty not exceeding five pounds if the area of the land is less than five hundred acres, ten pounds if such area exceeds five hundred acres but is less than two thousand acres, and twenty pounds if the area exceeds two thousand acres." Now, the principal Act says, on the work being done at once. An Hon. MEMBER .- What are you quoting from ? The Hon. Mr. TWOMEY said, From the Rabbit Nuisance Act of 1882. He did not generally go wrongly when he quoted. An Hon. MEMBER said there were three Acts. The Hon. Mr. TWOMEY knew that, but he had not time to go through the three of them. Now, there would be a fine of £5 inflicted if the area of the land was less than 500 acres ; £10 if such area exceeded 500 acres and was less than 2,000 acres ; and £20 if the area exceeded 2,000 acres. He was quoting the section of the Act. Now, was that enough to compel anybody to do that which was required of him under this Act ? But, if he neglected to do so after the expiration of one month from the date of a conviction, a fine of £100 was provided for. Surely that was enough, and surely they would give any British subject the power to defend himself and to show that he had not been guilty of the offence for which he was charged. The Hon. Mr. A. LEE SMITH .- How could he get evidence ? The Hon. Mr. TWOMEY said one of the axioms of British law was that no man was deemed guilty until he was proved guilty ; but this law left it open to the Inspector to say whether a man was guilty or not. They knew human nature very well, and they knew that public officers were not always so pure that they were above favouritism. They had, no doubt, very good men in the public service of the colony, but he thought it would be only just, and fair, and right that their actions should be occasionally reviewed by a Court of justice. That was all that was required ; that was all that was asked for - that no injustice should be done, and that no man should be punished without open and fair inquiry in our Courts of justice; and surely that was not too much to Hon. Mr. Twomey provided for in this Bill were sufficiently heavy to compel any man to clean his land of rabbits. If he could not prove that he had done so, then he would be fined; but surely they did not wish the Inspector to be the sole judge of everything. An Hon. MEMBER .- NO. The Hon. Mr. TWOMEY said that was what was complained of : that the Inspector had the power-that his single word was better than any evidence which the other party could bring to bear upon the case. They did not trust a policeman in this way, and he had yet to learn that the policeman was not as respectable a man as the Rabbit Inspector, and he did not see why his word should not be accepted just as much as the word of the other official ; and yet if a policeman could not bring forward evidence to prove his case it was thrown out of Court, even although life might depend upon it. An Hon. MEMBER said there were special circumstances in this case. The Hon. Mr. TWOMEY said the circumstances they had to consider were these : fair-play and justice to every one ; and they could not depend on any one man's word to treat other people properly. Now, the tendency of any public officer was - be he policeman, Inspector, or whatever he might be-to prove his case. Whenever he put his hand to the plough he must prove his case, and it was quite possible that he was not above exaggerating occasionally. Under these circumstances it would be only fair, and right, and proper that the Court should review his actions, and that other evidence, which might be as reliable as, and which might be more reliable than, his own, in which there would be self-interest mixed up, should be brought before the Court to prove that he was not altogether right. The Hon. Mr. JENKINSON thought the Rabbit Inspectors simply did their best to keep the rabbits down. He did not think there was a single member of the Council who could point to one instance where a Rabbit Inspector had acted unjustly in reference to any person who had rabbits on his land. The Inspector went round, and if he found there were rabbits on a man's land he gave ample

notice to the owner to take steps to clear his land ; and it was only after this notice was ignored that he took him before the Magistrate. There was another point : the Act was not so very drastic as had been made out, because the Inspector did not fix the amount of the fine. It was true all he had got to do was to say that there were rabbits on a man's land, but it was for the Magistrate to impose the fine, and that fine was large or small according to the severity of the offence. An Hon. MEMBER .- NO. The Hon. Mr. JENKINSON said there was no actual fine defined. It ranged from 20s. to £20. An Hon. MEMBER .- Yes. The Hon. Mr. JENKINSON asked, Where ? There could not be, because in some cases a small fine was imposed in the first instance,

<page>275</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=315></url>

amount was increased in subsequent cases as time went on, and it generally, as it grew larger, had the desired effect. But he had no hesitation in saying that if this Act was passed it would mean that it would not be possible to prove that rabbits were on a man's land, and the rabbits would overrun the land as they had before Sir John McKenzie took the matter in hand. He should have no hesitation in voting against the Bill. The Hon. Mr. L. WALKER thought, so far as the penal part of this Bill went, the saving clauses were in both clauses 2 and 3, which provided that the infliction of fines was dependent on the opinion of the Magistrate adjudicating. Now, surely we had a right to expect that a Magistrate would give a just decision, and, if necessary, he would call evidence for the man about to be fined. Therefore he did not think the Magistrate need take the Inspector's evidence as gospel, even supposing, as he did, that the Inspectors were good men. He should like to see this Act a little more particular, because in his case he had river-beds near him that were full of gorse, and, of course, rabbits lay there all through the winter. They had beautiful shelter and plenty of feed, and they never came out and troubled him at all. The duty of cleaning these river-beds belonged to the County Council or Road Board, as the case might be ; but the local bodies would not do it, and the settlers were not particular about insisting upon this duty being carried out, because they knew they would be tremendously rated for it. For his own part, he was not sorry to have a few rabbits about. He thought they paid better than sheep, and they had not to be shorn, which cost money in the case of sheep. Otherwise he thought the Act would be a good one. The Hon. Mr. GOURLEY said he was as anxious to see that rabbits were kept down in this colony as any member of the Council. There was no one who did not admit the fact that rabbits were a very great nuisance, and that they were overrunning the country. At the same time he would be no party to encourage the keeping of any law on the statute-book such as the Rabbit Nuisance Act. As to the Rabbit Nuisance Act, he ventured to say that there was no such Act in force in any other country in the world-not even in Russia. Under that Act a man could be accused on the simple evidence of an Inspector, and he was bound to be convicted. There was practically no defence which he could offer. In respect to the most common or trivial offence, or the most serious offence that could be committed, if there was no one but a policeman, or one witness, to give evidence for the prosecution, and there was the evidence of the defendant against such evidence, then the case would be dismissed ; but to allow an Inspector to be all-powerful was absurd. Tho Inspector at present had simply to state that a settler did not take proper steps to keep down rabbits on his run, and on that statement of the Inspector the settler was convicted and fined. if there was any law on any statute-book in the world such as that. We in New Zealand boasted of being the most democratic country in the world ; we boasted of having passed the most liberal laws in the world, and rightly so ; and we boasted that our laws were being copied by other countries ; yet, in the face of that, this Act remained on our statute-book. He could not find language sufficiently strong to express his disgust that such an Act as that should remain on our statute-book. He would vote for the amendment of the Hon. Mr. Feldwick. The Hon. Mr. FELDWICK, in reply, said, in the first place he wished to say that this Bill did not originate from Southland at all. It was introduced by an honourable gentleman in another place who represented a

district in the North Island. Of course, it did not matter where an injustice existed-whether it existed in Russia, Prussia, Austria, England, Germany, Australia, or in New Zealand -- if that injustice did exist. As regarded statistics, they were not going to be beaten down by statistics, how. ever accurate they might be. Figures could be used or abused for all purposes. Those sub- mitted only proved that the rabbits had been a very valuable export, and from his point of view, and from the point of view of the district he came from-which was represented by four members in another place-from that point of view poisoning had now become absolutely un- necessary. The "vermin," so-called, could now be kept down perfectly well by trapping. To keep the rabbits down by that means-in con- nection with the consequent export-only indicated that a very large number of people earned a very good living out of it. As to their being rabbit-farmers, they were not rabbit- farmers at all. It was the farmers of the coun- try and the runholders of the country who gave these men and boys leave to roam over their land and take the rabbits, and these men and boys made a very valuable article of export out of the rabbits. The Minister of Education made an allegation to the effect that rabbits were being "farmed." They were not being farmed ; but people would sooner see them turned into a valuable export than be turned to waste. However, let members of the Council come to the Bill, and they would then come to the first elements of justice. They could not get over the wrong contained in the Act of 1882. The Hon. Mr. Jenkinson said something about there being no fine. Why, there were fines provided for in the statute. There were fines of £5 and up to £20, renewable every month so long as the Inspector said the nuisance was permitted to exist under the Act. The Hon. Mr. JENKINSON said he stated that the question of the amount of fine was a matter for the Magistrate to decide. The In- spector brought the evidence, but the Magis- trate had the right to fix the amount of the fine. The Hon. Mr. FELDWICK said the Magis- trate was simply an automaton in respect to this Act, and it was a very disgraceful state of the law that a Magistrate should have to take

<page>276</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=316></url>

fine a settler accordingly. There was no chance to call any rebutting evidence in any shape or form. There was more in this subject than the honourable gentleman might be aware of. Of course, honourable members who came from the Province of Canterbury had not had as much experience as the farmers of Southland had with respect to this matter. Many of these farmers had neighbours who were absentees, and whose land was fenced in with gorse hedges half a chain wide, and with a bank underneath in which the rabbits lived. The rabbits stayed in these places during the day, and they came out at early morn and in the dusk of the evening, and that was the time the Rabbit In- spectors saw them. He contended that a Justice of the Peace in his proper sphere was as good a judge as a Stipendiary Magistrate; that a Sti- pendiary Magistrate in his proper sphere was as good a judge as a Judge of the District Court; and that a Judge of the District Court was as good a Judge as a Judge of the Supreme Court in his proper place ; and you could take that on much further. He did not think it right that they should put any Magistrate in the position of being bound to convict upon the bare un- supported statement of a policeman or an In- spector. But, beyond all that, it was an act of gross injustice to the victims, and the victims felt the Act, and those whom the victims elected to Parliament would feel it, if it were their fault that this Bill did not become law. He wished now to refer to the Bill. What could be fairer than a provision like section 2, namely :- " If within a reasonable time after the ser- vice of such notice any occupier or owner on whom the same is served has, in the opinion of the Magistrate adjudicating, failed or neglected to take reasonable or diligent steps to promote the destruction of rabbits on the land men- tioned in such notice, he shall be liable to a penalty not exceeding five pounds if the area of the land is less than five hundred acres, ten pounds if such area exceeds five hundred acres but is less than two thousand acres, and twenty pounds if the area exceeds two thou- sand acres." What was required was proof. Why should any one be charged with a crime and be allowed no defence whatever ? The Hon. Mr. JONES .- How are you

going to prove it ? The Hon. Mr. FELDWICK said that, judging from the interruptions of various kinds that had gone on during his remarks, some honour- able gentlemen seemed to prefer this Draconian law-this "Jedburgh justice "-which would hang a man first and try him afterwards. That seemed to be about the size of it. And, as re- gards the penalties, in the main they were the same as were now in the Act. But the only thing that was asked for was to give a man a fair trial, and not allow him to be convicted on the bare statement of any Inspector, let him be big or little. Of course, he would greatly prefer if some honourable gentleman had got up and moved the adjournment of this debate, Hon. Mr. Feldwick with in a full Council. It was only a thin Council now (at nearly eleven o'clock at night), and as he was "replying," of course debate ended, and the Bill would have to take its fate. But, at any rate, the matter was of such a nature that justice could not be delayed for long. If this Bill was not passed this year it would be passed next year, for the provisions of the existing law were such that they could not long remain on the statute-book. All he could say was that, seeing he had had to reply, he would ask the Council to be good enough to let him go into Committee, and he would report progress on the first clause. The Council divided. AYES, 10. Baillie Gourley Reeves Bonar Harris Swanson Kelly, W. Bowen Twomey. Feldwick NOES, 8. Smith, A. L. Barnicoat Kelly, T. Louisson Walker, W. C. Jenkinson Jones Rigg PAIR. Against. For. Walker, L. Arkwright. Majority for, 2. Bill committed, and progress reported. The Council adjourned at ten minutes to eleven o'clock p.m. # HOUSE OF REPRESENTATIVES. Wednesday, 9th October, 1901. First Reading-Second Readings-Wilfred Badger- John Flynn-Shipping and Seamen Bill-Maori Relies Bill-School Attendance Bill-Egmont National Park Bill - Charitable Institutions Rating Bill-Revenue of the Colony-Cook and other Islands Government Bill-Opium Prohibi- tion Bill. Mr. DEPUTY-SPEAKER took the chair at half- past two o'clock. PRAYERS. FIRST READING. Cornwall Park Duties Exemption Bill. SECOND READINGS. Evidence Further Amendment Bill, Mining Bill, Coal-mines Bill, Shipping and Seamen Bill. WILFRED BADGER. Mr. SYMES (Egmont) brought up the report of the Public Petitions A to L Committee on the petition of Wilfred Badger, who prayed that the Government should purchase his right in the publication known as "Badger's Statutes," to the effect that the Committee had no recommendation to make. He moved, "That it do lie on the table."

<page>277</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=317></url>

Before the adoption of the report, he would like to urge the Government to give very favourable consideration to the prayer of this petition. The evidence taken before the Committee was to the effect that in the year 1885 the petitioner compiled and issued the statutes of New Zea- land in a handy and complete form. At that time he had a verbal promise from a then Minister of the Crown that in the event of his undertaking the work and supplying this public want the Government would not inter- fere with the work he had in hand. The petitioner did the work, and expended a large sum of money on it, and the work then issued was of very great assistance to the various professions and public men of New Zealand. Then, in 1893, the petitioner published a third edition of the statute law of the colony, which was still recognised as the standard authority of the public general statute law of the colony. The petitioner had expended a very large sum of money-over £4,500-in plant and ma- chinery and in publishing the various editions of his work, and to enable him to do this he had to incur heavy liabilities. When the peti- tioner had arranged for a revised issue of the same work, and had arranged for a company to take the matter over, he got information that the Government proposed to themselves pro- vide for the publication of the statute law of New Zealand. This, of course, rendered the formation of the company absolutely useless. Had the Government abstained from taking the action they had done, Mr. Badger would 32106019788261 have formed his company, issued a revised reprint of the statutes, and cleared himself of his financial obligations. He thought it would be generally admitted that there was great legal knowledge displayed in compiling these volumes, and that the work issued had been of great public

utility. The position, then, was this: the Government had probably done the right thing in going in for a codification of the statute law; but the fact was that the petitioner in this case, after supplying a public want, would have a liability of about \$1,500 thrown on him, which he had incurred, relying on a promise that if he supplied what was required by the public he would not be interfered with. He (Mr. G. J. Smith) would urge the Government that they should, if possible, meet the petitioner in some way. He had a number of copies of the statutes on hand, and plant and machinery which was of considerable value, and he hoped the Government would take a favourable view of the matter, and purchase such of the plant, et cetera, as might be useful in connection with the codification or compilation of the statutes. There were legal gentlemen in the House who, he believed, were conversant with the statute law compiled by the petitioner, and could speak as to its value. He hoped that in equity the Government would see the reasonableness of granting some relief to the petitioner in this case. The work was well known throughout the colony, and had probably been used by most lawyers and by many other public persons. further in the way of recommending the petition to the favourable consideration of the Government. Mr. G. W. RUSSELL (Riccarton) said he remembered very well when this gentleman first produced his compilation of the statutes of New Zealand. Our statutes, of course, extended over a very lengthy period, and it was only comparatively very few even of the legal profession who possessed the whole of the volumes of the statutes of the colony. When Mr. Badger first produced his volumes they brought the law down to 1891 or 1892. He (Mr. G. W. Russell) could speak from personal experience, having made very large use of the volumes. The work which Mr. Badger did was in the interests of the legal profession, and of Justices of the Peace and others who resided away from the large centres of population. He quite approved of the action of the Government in codifying the law and taking steps to reduce the bulk of the legislation of the colony, but agreed with the member for Christchurch City (Mr. Smith) that it would be exceedingly hard, and almost unjust, that a private individual who had done a large part of this work should find himself thrust suddenly-to use a colloquial expression-"on the broad of his back," by the Government stepping in and taking away his market, and leaving him with a large amount of the value of his work in a state in which it could not be turned into money. The excellence and thoroughness of the work had been appreciated, because, although it had no legal standing in the Courts as against the statutes, yet it had proved of great service to many persons who required the assistance of the compiled volumes of the statutes of the colony down to the time when the work was issued. He would not go so far even as the member for Christchurch City (Mr. J. G. Smith), as to say there was an equitable claim against the Government. He would rather be disposed to say that there was a moral claim, and one which the Government might very well take into consideration generously and sympathetically. Mr. BARCLAY (Dunedin City) said it would not be right that this matter should be allowed to pass over without some member connected with the legal profession saying something as to the work done by Mr. Badger in his two volumes comprising the statute law of the colony. He desired to say that he thought the legal profession were of opinion that it was indeed a very valuable work. During the years that he had been acquainted with it, and had heard it referred to, he had never yet found serious complaint made with that work. Such was its accuracy and general correctness that he had never yet heard any serious fault found with it. In addition to the work of putting into two volumes the statute law as it existed in the colony, Mr. Badger also compiled an exceedingly valuable index : indeed, the index was one of the most valuable parts of the work. It was altogether a national work, and he entirely agreed with what had been said : that

<page>278</page>  
 <url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=318></url>

in a most favourable manner Mr. Badger's petition, and do what they possibly could in the direction which he desired. Mr. McGOWAN (Minister of Justice) did not think honourable members would expect him to say anything at all about the merits of the work in question. But in case the House should misunderstand



the position, he would like to say that the Government were in no way committed, either directly or indirectly, to Mr. Badger. He understood that the compilation of the statutes by this gentleman had entailed a considerable amount of labour, and he might say it was a useful work ; but he had probably undertaken the task because he derived some pleasure in carrying it on, and a certain amount of profit would, no doubt, be made out of the sale of the work. However, the Government were in no way bound to Mr. Badger in regard to this matter. . Motion agreed to. # JOHN FLYNN. Mr. SYMES (Egmont) brought up a report from the Public Petitions A to L Committee, on the petition of John Flynn, of Hawera, and moved, That it be referred to the Government for favourable consideration. The report was read, to the effect that the Committee was of opinion that the petitioner should be adequately compensated for past services rendered by him to this colony as a Volunteer during troublous times, and for a severe gunshot wound in the hip, received at Te Ngutu-o-te-Manu, whilst serving with the colonial forces under Colonel McDonnell. Mr. McGUIRE (Hawera) said that the petitioner had rendered great services in the past. They were apt to forget services rendered to the country in the early days of the colony, but the men who went into the field to fight its battles were considered saviours of the country, and their services were highly appreciated. The petitioner in this case belonged to the Taranaki Rifle Volunteers, a body of men who rendered splendid service in these troublesome times when the Maoris had entrenched themselves very strongly at Te Ngutu-o-te-Manu. The petitioner formed part of the force under Colonel McDonnell which went out into the bush and attacked the Maoris in their strong entrenchments, and he was wounded on that occasion in the van of the battle. The wound he received was a very severe one, and the petitioner held a splendid testimonial from the late Colonel Stapp, the officer commanding the Taranaki Volunteer District. He hoped the House would unanimously support the recommendation of the Committee. Motion agreed to. SHIPPING AND SEAMEN BILL. Mr. HALL - JONES (Minister of Marine) moved, That a Select Committee, consisting of ten members, be appointed, five to be a quorum, to whom shall be referred the Shipping and Seamen Bill: the Committee to consist of Mr. E. G. Allen, Mr. Fowlds, Mr. A. L. D. Mr. Barclay Mackenzie, Mr. Millar, Mr. R. Thompson, Mr. Willis, and the mover. .Mr. G. J. SMITH (Christchurch City) suggested that the name of the honourable member for Bruce (Mr. J. Allen) should be added to the Committee. The honourable gentleman had had large business experience, and he might say, without reflecting on the other members of the Committee, that the addition of the honourable gentleman would be to distinctly strengthen it. Mr. HALL-JONES said he had named a Committee of the gentlemen whom he considered were best fitted to deal with the subject, but at the same time he would be pleased to accept any other name. The proper way to proceed, however, was to move the suspension of the Standing Orders, and if any honourable member was desirous of serving upon the Committee, and would let him know, he would give the matter his consideration. Mr. G. J. SMITH said that on the Committee there were gentlemen who were experts in some branches of industry; but, so far as shipping and seamen were concerned, their experience was limited. Motion agreed to. MAORI RELICS BILL. IN COMMITTEE. Clause 1 .- Short Title. Mr. CARROLL (Native Minister) moved to strike out the word " Relics" and insert in lieu thereof the word " Antiquities." Clause 2. - " In this Act, if not inconsistent with the context, ' Maori relics' includes any Maori relics or curiosities, or other articles or things of historical or scientific value or interest and relating to New Zealand." Mr. MASSEY (Franklin) moved to strike out the word "curiosities," with a view of inserting the words "articles manufactured with ancient Maori tools and according to Maori methods." Amendment agreed to. Mr. CARROLL (Native Minister) moved to add to the clause the following words : "But does not include any private collection not intended for sale, or botanical or mineral collections or specimens." Amendment agreed to. Clause 3 .- "From and after the passing of this Act, it shall not be lawful to remove from the colony any Maori relics without first offering the same for sale to the Governor in Council for the benefit of the colony." Mr. CARROLL (Native Minister) moved to insert, between the words "to" and " the," the words "some person

authorised in that behalf by." Amendment agreed to, and clause as amended agreed to. On the motion of Mr. CARROLL (Native Minister), clause 4 was struck out. Clause 5 .- " It shall be the duty of all officers of Customs to seize and detain any such articles or things attempted to be removed from the colony contrary to this Act, and to deal there-

<page>279</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=319></url>

and Customs." Mr. CARROLL (Native Minister) moved to insert the words " Police and " before the word " Customs." Amendment agreed to. Mr. HERRIES (Bay of Plenty) moved to omit the words "articles or things " and insert " antiquities," and to omit all the words of the clause after the word " Act." Amendment agreed to, and clause as amended agreed to. Clause 6 .- " In case any dispute arises as to whether any article or thing comes within the scope of this Act, such dispute shall be determined by the Governor in Council." Mr. CARROLL (Native Minister) moved to strike out the words "Governor in Council," and insert the words " Colonial Secretary." Amendment agreed to. Mr. CARROLL (Native Minister) moved the addition of the following new clause :- " The Governor may acquire on behalf of the colony such Maori antiquities as he deems expedient, and may provide for the safe custody of the same." New clause added. Mr. BARCLAY (Dunedin City) proposed the following new clause :- " Any person may at any time present to an authorised Government officer any Maori antiquity, and obtain permission to remove the same from the colony or dispose thereof by sale or otherwise at any time thereafter, which permission shall be signified by a stamp or mark made thereon by such officer." New clause agreed to. Bill reported and read a third time. SCHOOL ATTENDANCE BILL. Mr. HALL-JONES (Minister for Public Works) .- Sir, this is a Bill somewhat similar to the Bill which passed the Committee stage in the House, and which was introduced by the member for Palmerston. In the main provisions of this Bill there are some slight alterations from the policy of the Bill of the honourable member, as altered in Committee ; but in addition to this, there are other alterations, I may say, among which there is no provision for cases of truancy to be heard at the schoolhouse where the offender should be in attendance. That is a matter upon which members of the House expressed their approval in the former Bill, and is not contained in the present Bill. And then, in regard to the number of attendances, there is some difference. This Bill has passed through the Legislative Council with some other provisions which are an improvement. For instance, a parent may be often put to great inconvenience and expense owing to being frequently summoned through a child playing truant. Now, it is provided in this Bill not only for the parent being punished by fine if his child does not attend school, but it also provides that the Board of Education may institute a school for truant children ; and if a parent has an unruly child or children, who are in the habit of playing truant from ordinary child or children to be sent to this truant-school, where extra care will be taken that they do attend, and are brought under discipline which it is advisable should be imposed upon them. Then, again, another provision which was not in the Bill of the honourable member for Palmerston is in connection with deaf-mutes. I believe there is a provision in the English law that deaf - mutes shall receive a certain amount of education, but it has never been compulsory in New Zealand. This Bill provides that deaf-mutes shall be sent to a school ; probably it would mean the school established by the State. If the parent is in a position to pay for the tuition and maintenance of his child, then he will pay up to 10s. per week, and if it is found that certain parents are not in a position to pay that sum, then the Stipendiary Magistrate can fix a sum less than that; and no sum at all need be paid if the parent is not in a position to meet his obligations in this respect. There are some provisions which are in the Bill of the honourable member for Palmerston that I should wish to see embodied in this Bill when it is in Committee. As the former Bill was such a short time ago discussed both in the House and in Committee, I content myself now with moving the second reading of the Bill. Mr. PIRANI (Palmerston) .- I regret that it is necessary to duplicate the work of the House in the way which has been done in regard to this measure, and I think the

shortest way to have dealt with this subject would have been to have read the Bill a second time pro forma, and referred it to a Committee to amend it in accordance with the expressed desire of the House. One important omission in the measure is that it does not deal with Maoris and half-castes who attend the ordinary public schools. It has been found very awkward to enforce their attendance, as, unless specifically included in the operation of the law, they do not come under it, and it is advisable they should be included. Then, the provision in this Bill in regard to attendance is most ridiculous. The provision is that the child shall attend seven times out of ten consecutive times that the school is open. Now, the school can only be open ten times in one week, and I suppose about one-tenth of the school weeks contain either a half-holiday or a whole holiday, with the result that on these weeks it would be impossible to enforce any attendance at the schools at all. Besides, the child would be able to leave school on the Thursday morning and not turn up again until the following Tuesday afternoon ; and yet that is called a Bill to enforce compulsory attendance. Mr. SEDDON .- Why not incorporate your Bill with this measure and send it back to Committee ? Mr. PIRANI .- I think there are many provisions in this Bill that are better than mine, and vice versa : but if sent to a Select Committee of members who understand educational matters in the House an enormous amount of work would be saved, because the differences are only

<page>280</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=320></url>

Minister. I do not want to go into the alterations in detail, but there are others in addition to those I have alluded to that are of some importance, and I am sure we would save the House a great deal of work and be able to get the Bill through if the suggestion I make were adopted. Mr. HALL-JONES .- I will consider the suggestion of the honourable gentleman, and also whether I will proceed with this Bill, or, together with the Bill of the honourable member for Palmerston, send it on to a Select Committee. Bill read a second time. Mr. HALL-JONES .- I now move, That this Bill, and the Bill of the honourable member for Palmerston, be referred to the Committee which is dealing with the Local Government Bill. Mr. MEREDITH (Ashley) .- I would like to ask the honourable gentleman if, in referring this Bill to a Committee, it is left to the Committee to say which Bill to adopt-the Bill of the member for Palmerston or the Bill of the Minister of Education, which has come down from the Legislative Council. If the honourable gentleman had moved that the Bill be referred to a Committee with a view of adopting any of the provisions of the Bill of the honourable member for Palmerston to amend and improve this Bill, I could understand it. Mr. SEDDON (Premier) .- That is exactly what is aimed at, so that we may blend one Bill with the other. There are points in the Bill of the honourable member for Palmerston which are better than some of the provisions in the Bill now before the House, and the Committee will take this Bill as a basis, and put in the amendments in the Bill of the honourable member for Palmerston, and we will send it back with our amendments for the Council to adopt. Motion agreed to. EGMONT NATIONAL PARK BILL. Mr. SEDDON (Premier) .- Sir, this Bill, as members will see, is to remedy some of the defects that have been found to exist in the Act of last session. It is purely a technical measure. There is no alteration of principle, and the powers sought are reasonable powers to give the Board. I, therefore, move the second reading. Mr. SYMES (Egmont) .- Sir, what the Premier has just said is an actual fact. Under the Act of last session difficulties have been found in the way of getting stone from the reserve. This stone, I may say, is very necessary in the district, and is required not only in the immediate vicinity of the park but for a long way up and down the coast. It is well known that we cannot easily get metal for our roads in the district. This is the only place, at any rate, where it can be worked advantageously. It is very necessary that this Bill should pass, to give power to the Board to allow of the metal being worked in a systematic way. It is also necessary for the protection of the scenery that the Board should have power Mr. Pirani time they have not had power to remove anything, unless people wanted to boil the billy; and then they had to get

permiss- sion to light a fire. Dead timber has been a very great menace in the past on account of bush-fires in the vicinity, and this Bill will in a great measure remove that danger. If a fire got into the park at the present it would simply have removed all the bush for which it has been preserved. I should also like to point out, while protecting the scenery in this par- ticular locality, that it is an absolute necessity to preserve the scenery on the Mokau River. With your permission, Sir, I would like to read the following extract from a report of the Taranaki Scenery Preservation Society on this subject :- "The preservation of the lovely virgin forest that clothes the banks of this interesting and historic river is of the greatest importance to the whole of this province. It has only to be made known and opened up to the tourist traffic for its beauties to be appreciated. Steps have been taken by this society to bring it under the notice of the Government, and the lessees of the land have also been approached on the same subject. Many of us feel that unless a wide belt, averaging, say, half a mile in width, on either side of the river, is per- manently reserved, the attempt to preserve the beautiful vegetation would be futile. The nature of our New Zealand bush is such that it will not survive when left in narrow belts or small clumps, unless protected by some natural barrier, as a river or steep ridge, or, on the other hand, unless it is fenced off and protected by an outer ring of imported trees from cutting winds, and the destruction of the undergrowth by cattle. The latter is one of the most de- structive agents we have to contend against in the preservation of the New Zealand forests. At present there is nothing definite to report on this proposed reservation." I am well aware, Sir, that even in this the Government have some difficulty, on account of it being Native land, but I hope the Minister will be able to give us his assurance that, in addition to the scenery of the Egmont National Park, he will take the necessary steps to pre- serve the scenery also on the Mokau River. I have very much pleasure in supporting the second reading of the Bill. Mr. MEREDITH (Ashley) .- Will the honour- able member in charge of the Bill explain the constitution of the Board that has control of Mount Egmont. I look upon this Bill as one in the right direction, and I hope that not only will means be provided for preserving the scenic features of Mount Egmont, but that other re- serves will be made throughout the length and breadth of the colony. Such reserves are most valuable assets. Their value in preserving the scenic features, in addition to water-supply conservation, must recommend them as in- dispensable to every thoughtful member of the House. The honourable member who has just spoken laid his finger upon one point, and that is the danger of fires occurring in the bush.

<page>281</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=321></url>

vides that licenses may be issued by the Board " to cut and remove dead timber only." There can be no possible harm in that, but the danger that might arise would be from those who may go into the bush to cut and remove dead timber lighting fires. He had known fires lighted for the purpose of boiling a billy by persons who had gone to some of the slopes of the mountains in the South Island. During the months of January and February, when the grass and undergrowth are dry and almost like touch-paper, they take fire instantly, and the fire takes control of the bush on the whole side of the mountain. I have known thousands of acres of bush destroyed in that way ; and I believe it is within the experience of honourable members who know more about this subject than I do myself that more bush has been destroyed in this colony from fires- unintentional or accidental, or as the result of malicious intention-than has been cut down by the sawmills. It is a pity that legislation of this nature was not introduced years ago. However, it is not too late to make an effort to preserve our mountain scenery and natural features, containing bush and plant life, in the interests of the people of the colony. Mr. WILFORD (Wellington Suburbs) .- I will answer the honourable member for Ashley by drawing his attention to clause 2 of the Act of 1900. He asks the Right Hon. the Premier what is the constitution of the Egmont National Park Board. Clause 2 sets out that- " The lands described in the Schedule hereto are hereby constituted and set apart as a reserve, to be called the 'Egmont National Park,' and shall be managed and administered under this Act

by a Board, to be called the 'Egmont National Park Board' (hereinafter referred to as 'the Board'), consisting of ten persons, of whom- " (1.) One shall be the person who for the time being holds the office of Commissioner of Crown Lands for the Taranaki Land District, and he shall be the Chairman of the Board ; " (2.) Two shall be appointed by the Governor ; and "(3.) One shall be appointed by each of the seven following local authorities, that is to say,- "The Hawera Borough Council ; "The New Plymouth Borough Council ; "The Taranaki County Council ; "The Hawera County Council ; "The Stratford County Council ; "The Stratford Borough Council ; and "The Opunake Town Board." That is the answer to the question asked by the honourable member for Ashley. Bill read a second time. # CHARITABLE INSTITUTIONS RATING BILL. Mr. SEDDON (Premier) .- This Bill, as members will see, gives to the local bodies discretionary power to remit rates upon homes which have been established for benevolent and humane purposes. A deputation consisting of ladies controlling one of these homes waited upon me in Wellington, and they informed me that the local bodies would be only too glad to remit the rates on the home in their charge if they could properly do so. The law would not allow them to do so at the present time. I think, myself, where you have these homes established for purposes of orphanages, power should be given to the local bodies in this direction. As members will see the Bill is not mandatory ; it is optional for the local body to allow the remission, and I think it is a power in the right direction and one that is not likely to be abused, because there is a limitation under clause 2, which reads as follows :- "The power given by section fifty-nine of the 'Rating Act, 1894,' to local authorities to remit rates in certain cases may be exercised in the case of any charitable institution (not being an institution within the meaning of 'The Hospitals and Charitable Institutions Act, 1885 ') founded for the free maintenance or relief of orphans, or of the aged, infirm, sick, or needy, and which is in receipt of assistance by way of subsidy from the public funds." The only remissions made now are if any person applies-that is, if an individual applies -for a remission of his rates on the score of poverty, then the local body, of course, can grant that remission ; but they cannot grant it to an institution that is carried on purely for humane and charitable purposes. I think, myself, when you give that power to be exercised towards an individual, you may give the same power to a local body, where it is a question of an aggregation of the children of poor people in these homes. I informed the deputation that waited upon me that I would bring the matter before the House, and give Parliament an opportunity of dealing with it, and that I think is a proper thing to do. I move the second reading of the Bill. Mr. WILFORD (Wellington Suburbs) .- Will this be mandatory ? Mr. SEDDON .- No ; optional. Mr. WILFORD .- Does it not mean that it is mandatory here ? Mr. SEDDON .- No ; it is only an extension of section 59 of the Rating Act. Mr. WILFORD .- I quite agree with the provisions of this Bill, But I would like to suggest that, while the rates should be remitted altogether on property defined in the Bill, the local body should not be asked to lose the benefit of these particular rates, but they should be paid the amount levied by the Government. This payment should be made by the Government, as the local bodies cannot afford to lose these rates. Mr. SEDDON .- We cannot remit it. Mr. WILFORD .- You cannot at present ; but you could by passing a Bill. Then, there is a further remission which I think might be incorporated in this Bill-that is, a remission should be made of the rates which are paid by friendly societies upon their buildings. The

<page>282</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=322></url>

Zealand numbers, roughly, 30,000 people. The good they do is admitted, and the tremendous sum they pay every year saves the Government a very large amount in the distribution of charitable aid. To my mind, something ought to be done in the way of exempting their property from rating, and that could easily be done in the Bill by an amendment. So far as charitable aid is concerned, in Wellington alone these friendly societies have paid away this year the sum of £3,000-that is to say, they have saved the Government the expenditure of £3,000 in one year in the way of charitable aid ; and it seems to me the

least the Government could do would be to amend the Bill so that friendly societies' buildings should be exempted from local rating. Mr. G. W. RUSSELL (Riccarton) .- There is one rather important point in connection with this Bill. I think it would be better for the Premier to either make it mandatory or leave the matter as it is. It is rather hard on a local body that it should have to take the responsibility of dealing with a large question of this kind. I may point out to the honourable gentleman that the question in some cases is larger than it may appear to be at first sight. I will take an institution which is in my constituency-the Magdala Home-an institution from which I believe very excellent results are obtained, and one which does work of very great value. I approve and commend the resident clergy of the Catholic Church, who have it in charge, for the excellence of their work. Now, that institution not only has buildings which are of value to a very large amount, but the institution does work of a social reclamatory character ; and, if I am not mistaken, there is a considerable amount of land farmed in connection with it. They also carry on, as the honourable member for Avon reminds me, a large laundry business in connection with the institution. The point I am wishing to bring out at the present time is that if you are going to apply this Bill to the whole of that property, you are going to throw upon the Road Board the responsibility of either granting this request or of refusing it. Mr. SEDDON .- This Bill will not cover that. Mr. G. W. RUSSELL .- It is distinctly a charitable institution under this Bill. I think there is no question that the Magdala Home would come within this Bill. I wish to point out that the people in that locality- the Halswell Road District, for example-would be asked to lose that amount of rates, and they would also lose the subsidy on the rates. Mr. SEDDON .- We should make that clear- that it should be, as I have already said, subsidised under charitable aid. Mr. G. W. RUSSELL .- If I am not mistaken, Mount Magdala does receive a subsidy, and therefore comes under this Bill. Mr. SEDDON .- Not under the Act. Mr. G. W. RUSSELL .- This does not say that. It says " in receipt of assistance by way of subsidy from the public funds." Mr. SEDDON .- It was intended to be sub- Mr. Wilford stitutions Act. Mr. G. W. RUSSELL .- Surely the honourable gentleman has noticed that the clause expressly exempts those in that way subsidised. It says, "not being an institution within the meaning of 'The Hospitals and Charitable Institutions Act, 1885.'" I do not know whether I read the Bill correctly, but that is as I understand it. I understand this Bill is intended to deal with cases which do not come under the Hospitals and Charitable Institutions Act, and which do receive subsidies from the Government on the ground that they are institutions for the relief of the poor and needy. Mr. SEDDON .- The home referred to was the Orphan Home in Wellington, and they are getting assistance under the Charitable Aid Act. Mr. G. W. RUSSELL .- I do not know whether I am correct, but I think this Bill gives power to exempt from rates all institutions that are charitable ones, and which receive assistance from time to time from the public funds. In this case, the point I wish to make is this : I think the people of the Halswell Road Board District will not only lose the rates, but also the subsidy on the rates. That is what I want to point out. Therefore I shall support the proposal, if it can be given effect to, of my honourable friend the member for Wellington Suburbs (Mr. Wilford). I think that in a case of this kind the lands should be relieved from rates, and that the proper plan would be for the Government to make up to each district affected the amount of rates it would lose by these exemptions, and that, instead of leaving the responsibility on the residents, it should be made mandatory in every case, removing altogether these buildings from taxation. Mr. MEREDITH (Ashley) .- I would like to point out, in continuation of the remarks of the honourable member for Riccarton, that under the Land for Settlements Amendment Act which we passed some four years ago it is competent for any organization in the colony which establishes orphanages and reformatories to exercise the right to acquire up to 100 acres without competition in any block of land that might be acquired under the Land for Settlements Act. Now, if that power were increased in a district it would mean that not only the buildings on such block of land would be exempt from local taxation, but the whole of that block of, say, 100 acres. In view of the provisions of this Bill, it is quite possible that, under the operation of the Act I have referred to, persons or organiza-

tions might decide to exercise this right, and consequently such blocks of land would be ex- empt from local taxation. That would be a very serious loss to local bodies, and would tend to dislocate the finance of the local bodies in such districts. I point this out to the right honourable gentleman, who is no doubt aware of the provisions of the Land for Settlements Amendment Act to which I have referred. Mr. J. ALLEN (Bruce) .- I do not understand in this Bill the exception made to institutions within the meaning of "The Hospitals and Charitable Institutions Act, 1885." I looked up

<page>283</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=323></url>

there, and I find it includes " any hospital in- stituted for the reception, relief, treatment, and cure of disease. and includes any public esta- blishment instituted for the reception or relief of orphans, aged, infirm, incurable, or destitute persons, or established for any one or more of such objects, or the administration by any body or association of persons of charitable aid." Well, I do not understand why this definition was not put in this Bill exactly ; but perhaps the Minister will be able to explain that when he replies. Does it mean that these are already exempt from rates, and therefore it is necessary to put them in the exemption here ? Mr. FLATMAN (Geraldine) .- Sir, I 7.30. think that, after the expression of opinion by members on this Bill, it should be made mandatory on the local bodies to remit all rates proposed to be remitted in this Bill, at the will of the local bodies on the institutions mentioned, and all local bodies affected should be subsidised by the Government for any loss sustained. I think that would be a better method than what is proposed in the Bill, and save the local bodies concerned from loss of subsidy through remission of rates. Mr. SEDDON (Premier) .- In answer to some suggestion that has been made, I wish to say I do not think the measure should be applied to the institutions founded on the one hundred acres of land that can be taken under the Land for Settlements Act, nor to cases in which there may be large areas of land which are used, and which lands maybe producing and profitable. I consider the Act should be confined solely to the kind of home I mentioned when introduc- ing the Bill. If we say that the measure shall apply to homes of not more than an acre in extent, I think that is all that is wanted. Of course, it is purely a matter for the local bodies. If it is made to apply in a certain way it may affect the finances of local bodies ; but that is another matter, and I will look into the Bill with the view of endeavouring to meet the objections that have been raised. Bill read a second time. REVENUE OF THE COLONY. Mr. SEDDON (Premier) .- Sir, I have an in- teresting return to lay on the table of the House. It is a return of the revenue of the colony for the six months ended the 30th Sep- tember, 1901, together with a comparison of the figures for the corresponding six months of last year. I am pleased to say that, from the returns now to hand, it gives us about £111,000 more than we received in the corresponding period of last year, and I reckon that before long it will be up to about £160,000. I have now no doubt that my estimates this year will be more than realised. I move, That the return be laid on the table, and be printed. Motion agreed to. COOK AND OTHER ISLANDS GOVERN- MENT BILL. Mr. SEDDON (Premier) .- Sir, in rising to move the second reading of this Bill I am is of an important character, and that in the Bill before us I am asking the House to a great extent to pass a law making operative laws with which many members are not conversant. Of course, it will rest upon me to convince members that there is a necessity for the pass- ing of the measure, and that, at all events, the laws now existing and having operation over the Islands are in the best interests of the people at present inhabiting the Islands. It would not be out of place for me to ask mem- bers to go back for a few years. I think it was in 1888 that the Islands were placed under British protection. I find on the 4th April, 1891, Lord Onslow being then the Queen's representative in this colony, the following Proclamation :- "To the Arikis, Chiefs, and People of [The name of the island was here inserted]. "HER MAJESTY QUEEN VICTORIA, Queen of Great Britain and Ireland, and Empress of India, having directed Captain Bourke, of H.M.S. 'Hyacinth,' on the 27th of October, 1888, to hoist the British flag on the Cook Islands, and to declare to the inhabitants of those

islands that Her Majesty had been pleased to grant to them the protection of the British flag : "Now, in respect to the Island of [Name here inserted], one of the said Cook Islands, I, William Hillier, Earl of Onslow, Governor of New Zealand, do declare to the Arikis and people of [Name here inserted] that I have received Her Majesty's commands to inform them that the aforesaid Proclamation of Captain Bourke does not render necessary the incorporation of the Island of [Name here inserted] into Her Majesty's dominions, or the transfer of the jurisdiction over the inhabitants generally from their native rulers to the British Crown. For the present, at least, British authority in [Name here inserted] will retain the form of a protectorate. " Her Majesty has therefore duly authorised the appointment of Frederick Joseph Moss to be British Resident within the group. "The British Resident has received from me full and definite instructions as to the action which he will take. Her Majesty's Government will not recognise any new laws unless countersigned by the British Resident, who is instructed at all times to give his assistance and advice to the Arikis and people. " Signed at Government House, at Auckland, New Zealand, this 4th day of April, 1891. "ONSLOW." I find, further, that the British Resident, Mr. F. J. Moss, arrived in Rarotonga on the 20th April, 1891, and on the 22nd he formally read and published the above Proclamation. From 1891, therefore, until 1901, on the 11th day of June, these Islands were simply under British protection : but we had by arrangement a British Resident in the Islands. He was paid by the Colony of New Zealand, but appointed by the Imperial authorities, and generally, I may say, the government

<page>284</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=324></url>

was established some years after the Islands were under our protection ; and in respect to all matters dealt with by the Governor, to whom the British Resident referred all matters, and in respect to these matters the Governor consulted his Advisers. So practically, you may say, during this time the Islands have been, so far as administration is concerned, controlled by the Representative of the Crown in New Zealand, acting on the advice of Ministers and through the British Resident in the Islands. Coming to the Federal Parliament, there is no doubt that a number of laws have been passed, and I am asking the New Zealand Parliament for the present to make those laws operative over the Islands. I may as well define the constitutional position, as I am advised, before I proceed further - namely, that all laws existent in ceded territory remain in force until superseded. This is as I am advised. It would appear to me that would be a common-sense view to take, because if it were not so you would have chaos. There would be no Government, at all events, for a given time ; and, under the circumstances, I am inclined to think that the advice tendered is sound in principle, although I believe there is no precedent or ruling. At the same time the customs and laws hitherto existing in territory that is ceded-there being no stipulation that there was to be an end to all those laws-we may take it that the laws I am asking Parliament to enact by this Bill have been in force up to the time of the passing of this Act. This I have a right to make clear, and this will take from the objections that might be raised owing to this Bill being retrospective. I am advised we should make sure. As I have said, there is no precedent to guide us, and it is better to make sure and re-enact these laws by the Act we are proposing to pass ; because it is now October, and practically this has formed a part of New Zealand since the 11th June. Unless we do so it might lead to some difficulty. To avoid this difficulty I ask the House to concur in the course proposed. The next question I shall be asked is : "Could you indicate to us some of the laws ?" I have had one copy only forwarded to me in a pamphlet entitled "The Constitution and Laws of the Federation of the Cook Islands in force on the 31st December, 1896." Mr. R. THOMPSON .- Is that a copy of the laws made by Mr. Moss? Mr. SEDDON .- Yes. Mr. PIRANI .- They have repealed the -- Mr. SEDDON .- I will come to that presently, and endeavour to throw some light on the subject. To show that some of the laws are very reasonable, here is a declaration as to the Maori land tenure of 1894 ; it is very interesting :- "The land is owned by the tribe, but its use is



with the family who occupy that land. The family consists of all the children who have a common ancestor, together with the adopted children and all the descendants who have not entered other tribes. The control of that land rests with the head of the family. But it is Mr. Seddon children have a right to that support, as well as the others of the family who may be in distress from sickness, weakness, or old age. We are told that among foreigners the man or woman in whose name the land is placed can lease or sell that land and keep the money. Also, that he can pledge the land in security for borrowed money, and that if he fail to pay back that money or to pay the interest upon it, or if he owe money for goods or other things, the creditor can take that land, and leave the family in poverty and dependent upon others for their support. We wish all men to know that this is not the Maori custom or law, but that the land is for the family, for their support, and cannot be taken from them. " Selling Land. " This has always been prohibited in the Cook Islands. No Maori can sell to another Maori, or to a foreigner. Therefore on that point we need not say more. " Leasing Land. " Land has been leased in two ways: (1) For fixed periods, and with rent to be paid in money ; (2) for indefinite periods on the Maori tenure, and with rent to be paid in services or in kind. " Those leases for lands which have been openly occupied and are occupied now are agreements which the law must uphold. But they are to be interpreted according to Maori law, and not according to foreign laws or customs. Thus the Maori law will not help or know any one who takes a lease merely to make money by selling that lease to some other person. The land is for the shelter and support of the family and must be used for that purpose, or the family will become burdens on strangers and other people. Also, the lease to such land cannot be taken away by a creditor ; nor must it be sold to another unless the person who holds that lease, and who wishes to sell, makes at the same time proper provision for the sustenance of those who have been dependent upon him and upon that land. To care for them is the first thing to be considered in any changes that the law may make. " Also, the right of access to water on that land, and the right to a road through it, can never be taken from the people without a special law of the Council of the Island in which the land is situated, and without that law being approved by the Council of Aikis and the British Resident. " But, as to such roads, the lessee has a right at any time to call on the Government to mark off a road, so that if he wishes to fence and improve that land he may do so without fear that his work will be thrown away. " Then, there is provision made for fencing the land, and so forth. But I want to show to the House that some of these laws that are in existence are laws that suit the Islands, and it would be unwise for us to at once put our laws in force there, and it would lead to difficulties which it is our duty to avoid. Now, I heard some members mentioning some of the funny laws. Well, we have laws here against consult-

<page>285</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=325></url>

trading with a European without permission, about going from one village to another on the Sabbath, preventing tattooing, against crying over a dead woman that is not a relative, and we have one which, I think, is very significant, and one which we might well copy with advantage in this country, and if the money realised was applied for local purposes local bodies would be in a lucrative position : " Any person convicted of slandering his neighbour may be fined not exceeding ten dollars. " If that were applied to some of the members of this House, what a revenue there would be. There is another law to provide for the rating of land in the occupation of foreigners ; and I notice that the Maoris have adopted the same principle that they should rate other people, but have taken very great care to exclude themselves. Well, we did that for them in our colony, so I suppose they have taken a lesson from us. I may say that these laws only apply to the Cook Island Group. There have been some amendments, some have been repealed, and it was no use my getting them published in printed form until I could have them complete and up to date, showing the law as it now stands. If I had had them printed as they are, I might have been giving to the world laws that are non-existent. I may say that these laws have been passed by the Federal

Parliament, and, having been sanctioned by the Governor of New Zealand, we may, I think, with safety re-enact them, until the opportunity arises for our passing laws dealing with the several questions for the Islands ourselves. The member for Waitemata will be pleased to hear that they have a law giving a flag for the Islands, known as the "Federal Flag." They have an Act dealing with births, deaths, and marriages, and also a divorce law. This divorce law is, in my opinion, much superior to what we have in this colony. There the parties seeking relief have to go before Parliament, and the names of these parties appears in the schedule to the Bill ; and I presume in these cases inquiry is made, and that they will not place persons divorced in the schedule of an Act of Parliament unless they are satisfied that there is necessity for the separation. Now, I will leave this part of the Bill and come to the business part of it, which members will require to have some information upon. Turning to section 3, the gradual introduction of our Acts of Parliament by Order in Council, exception may probably be taken to that ; but, really, I see no other way, and on making inquiries I find that practically that is what has been done in respect to other islands, and through, of course, the Commissioner of the Western Pacific. It will be necessary for us to settle upon our Courts of justice and the administration of our laws in the Islands. That is provided for in section 4. But before I deal with that, I think I might go into the administration or business part of the question as affecting the Islands. I have here some advice that has been tendered by the British Resident. He says, with respect to Customs,- " That Rarotonga shall be proclaimed the VOL. CXIX .- 20. duty on all goods intended to be landed at any one of the following islands : Mangaia, Mitiaro, Atiu, Mauke, Aitutaki, Penryhn, Manihiki, Rakahanga, or Pukapuka, and that a heavy penalty be provided for any breach of this order. That all goods intended for Niue, Palmerston, or Suvarrow shall pay duty either at Rarotonga or at Niue before landing." Then, in respect to the introduction of taxation, or a tariff, he says,- " If it is intended to introduce the New Zealand tariff into the Cook and northern Islands, the free list will be so large and there will be so much trouble over small parcels- which it will be contended have already paid duty in New Zealand-that we should be authorised to impose an octroi of, say, 5 per cent. on all goods that would otherwise be duty-free. Also, in aid of revenue, we should be allowed to use the Cook Islands stamps for some time to come, as a simple permission of this description means at least \$300 a year to us. The revenue received under the Traders License Act-namely, \$250 per annum-is a form of taxation common to the Pacific." The Resident Agent advises strongly 8.0. that this should remain in force, not only for the purposes of taxation, but also that only persons of integrity and good character, and those who will deal fairly with the natives, and will not take grog to the islands, shall be allowed to trade. He looks upon this licensing of traders as being very necessary. Then, on the question of our laws, he says,- "I submit for your consideration that the circumstances under which these Islands exist differ so greatly from those of New Zealand that it would be disastrous to introduce the laws of that place unless actually required for the welfare of the community or any section thereof." I wish members to bear that in mind when I ask them to support this measure. In respect to local self-government he advises,- " A modification of the old provincial system of New Zealand might probably suit the Pacific Islands ; but any such system, if it is intended to be palatable to the Arikis, should have no element of election. The Councils should be nominated, for the reason that the real leaders of the people will not submit to election, and therefore a law of this nature forces them to nominate inferior men, who are elected whether the people like it or not, and are mere mouth-pieces of the real rulers, the Arikis." An Hon. MEMBER .- How can you keep that out ? Mr. SEDDON .- This is what the Resident Agent suggests : - "Under these conditions it seems preferable to use the ancient hereditary power at hand, and appoint the Arikis and Kavanas to the Council, with a European officer as President, when possible." That is the form of government he suggests. It will be noticed that I have not seen my way to adopt that suggestion ; but we have provided in this Bill for a local Council. Then, there comes a difficulty we have to contend with.

<https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=326>

under the Federation. Each island has at present its own customs and its own laws, and if you were suddenly to disturb them, or even to take the federal laws of the Cook Group and apply them to Penrhyn, Manihiki, or Pukapuka there would be trouble at once. It was thought best, therefore, to make a selection, and then by Order in Council adapt the law as nearly as we can to the existing conditions of the country. Now, there would be no objection to this :- "In each island there shall be a Council, who shall have power to make local laws in order to meet the varying conditions of tropical life, enforce the planting of trees and protection thereof, regulate the making of copra, the leasing or sale of waste lands, and the repression of wandering pigs and horses that at present destroy the food of the people." Now, this only requires very simple machinery, because if we attempted to place upon them our existing cumbersome laws it would only lead to friction, and it is to avoid that that I wish to see simplicity itself. It means, of course, to the Government of the day a power ; but I feel that, no matter what Government may be in power, the natives will be dealt with in a humane manner, and in a manner best calculated to preserve the conditions of their race. That may be taken for granted, and I do not think that I am asking in this measure too much for members to concede. It will be necessary for us to protect those in occupation of land under lease from the natives at the present time. Improvements have been made, and we shall naturally have to give a protection which probably does not exist under the present native customs and land-laws. If we wish to increase the productiveness of the Islands, to further the settlement of a European population on the land, we shall have to give security of tenure, and we shall have to encourage planting by the natives themselves. My own experience is that the orange-trees on the Islands are in many cases inferior. The oranges, the lemons, the coffee plants, all require improving. There was a disease among the coffee plants some little time ago, and they lost nearly all their plants. The same applies to cocoa. Then these islands are famous for growing vanilla ; but the vanilla, again, is inferior to the article they grow at Fiji, and the Fiji vanilla brings 4d. or 5d. per pound more than the vanilla does that is grown in the Cook and other Islands. Now, I think, all this could be improved if we had a nursery where these tropical plants could be raised and distributed to the natives in the different islands. The Germans at Samoa have done a great deal in this direction, which has been of immense benefit. Now, what we require to do later on is to set up a tribunal which shall have power to settle the ownership of the various lands, and enable the natives to grow their own fruits, and thus become independent. At the present time honourable members will know the Ariki can demand even a share of the fish caught, and of the fruit grown. He practices Mr. Seddon there at his will, and that everything practically belongs to him. That is all very well in its way, and is according to their tribal system ; but, as time goes on, my own opinion is, by deciding which land belongs to each tribe and by enabling the lands to be cut up and distributed amongst themselves, you will have them planting their bananas, cocoa, coffee, vanilla, oranges, and lemons. I believe, in time, we shall have from these islands a large production, and we shall have a condition of things very much better than exists at the present time. I may tell honourable members I believe we shall find that a great source of wealth to these islands, and also to the colony, will be found in one industry: I allude to the pearl-fishing. At the time these islands were under the jurisdiction of the High Commissioner of the Pacific, and working under regulations, which regulations were more observed in the breach than in the carrying out. The result has been that the industry has fallen off very considerably. I am advised by experts that by having a close season there, and seeing that the fishing is carried on under proper regulations, a very large sum of money annually would be furnished by this industry. I would also say here that we shall have in this respect, by taking the control of this industry, practically the control of the trade to these particular islands. At the present time nearly the whole of the trade of Penrhyn goes to Tahiti, and we are losing, I believe, the pearl-beds. They are now practically outside British control. Most of the trade, of course, is done by schooners coming from Tahiti and the

Islands, and they take goods from San Francisco. Auckland has some of the trade, but it is only a very small portion. I believe the preserved meats from Auckland are in great favour in all the islands; but, at all events, the general trade at the present time with Penrhyn and Palmerston is not with New Zealand, nor is it with Australia. It is with the French traders of Tahiti and the Americans. Mr. HERRIES .- It goes from Tahiti to Sydney. Mr. SEDDON .- Do you mean the export or the import trade ? Mr. HERRIES .- The export. Mr. SEDDON .- I am alluding to the imports-the goods, the food-stuffs required, the flour, meat, biscuits, and calicos and clothing. Most of those goods are from America or from Tahiti. It is what I call a French-American trade. The trade with the Islands, I say, would be greatly improved by New Zealand taking control, and seeing that we have these islands administered and managed in the best interest of the islanders, and, as I believe, in the best interest of the colony, and for the good of the Empire itself. Now, I must not overlook what will probably be a matter that will be the subject of criticism. I allude to the financial aspect of the question. Honourable members will see by a return which, I think,

<page>287</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=327></url>

a surplus of over \$900, and last year, I think, the returns show a surplus of \$300. Well, I have no hesitation in saying that these islands will be self-supporting. We have been, as you know, spending £500 a year up to the present time in paying the salary of the British Resident. Well, that has been our sole and not over great burden, and the limit of our payment. Now, my opinion is that if we give, first of all, the advantages of improved conditions, then you will find that they will be able to pay the increased amount necessary for their proper administration. You may ask, " What will that be ? " Well, first of all, as far as Rarotonga is concerned, I do not think any increased expenditure is required there. They maintain their own hospital, pay their own Customs official and Postmaster, and for the roading and other work. All that is done out of local revenue. I say I do not think myself, as far as Rarotonga is concerned, that any additional expenditure is needed. Then, coming to Aitutaki Island, there is only Captain Large, who is the Postmaster, Customs Officer, and practically the Resident Agent. He will be continued there. At Mangaia they have simply their Native Land Court Judge, who gets probably a ten-pound-note a year, and the Resident Agent occasionally visits the Island. I do not think there is any necessity for a Resident Agent there, but I do think in respect to some of the other islands-the more important, particularly Penrhyn-that there ought to be a Resident Agent appointed. It is far away from Rarotonga, and traders will visit there, and they will trade and bring in their imports, take away exports, and practically set at defiance, as has been the case, the regulations of the High Commissioner. I think, therefore, we will have to appoint a Resident Agent there, and that will cost us \$150; in fact, we have offered the appointment to Captain Nagle, who represents the Union Shipping Company at the present time at Rarotonga. I do not think, myself, in respect to the larger islands, or Palmerston Island, that we should do anything at all. I may say, at all events, that from a missionary who has returned from, I believe, Palmerston Island, he found a deplorable condition of things there. A schooner had been there and had taken a large shipment of brandy-little better than methylated spirits-and the islanders were left in a very bad state. That is one of the reasons why Colonel Gudgeon advocates the licensing of traders; then no one would be allowed to trade with these islands unless under supervision, so that they could be relied upon to do what is proper and prevented from doing what goes on in many of the islands. The same thing occurred when His Excellency was at Penrhyn. A very large amount of grog was discovered there then, and ordered to be destroyed. Unfortunately, now they are taking to absinthe, and that is having an altogether disastrous effect upon the natives. I may say that, in the interests of the natives and in our now upon us, it is necessary to pass a Bill to bring, as we can from time to time, the Islands under our control ; but in doing so I should advise that the greatest care is necessary, and that you must not suddenly call upon the natives of these islands to conform, as we here in this colony must conform, to the existing laws. As I say,

discretion in this respect is necessary, and, whilst asking Parliament to pass this Bill giving power to bring certain laws into force by Order in Council, I may say that it is really the only way it can be done with advantage. You cannot come to the House and ask that a particular law should be re-pealed or amended as a law for a particular island ; but you must, as has been the case with those who have had control of these islands in the tropics, you must by Order in Council, and with great care, apply such laws as will meet the existing conditions and circumstances. I do not think that, financially, the colony will have to bear a very heavy burden ; but there is this question, of course, that must be taken into consideration : that you may look at the matter of advantages, and you may say, "Very well, these islands shall now form part of New Zealand, the same as the Chathams and Stewart Island, or any part of the colony, and there shall be a free inter- change of dutiable products, and products of our own, free to these islands." If you do that, of course, you take a large item off the present Island revenue. At the same time, I advocate that course. I say, in respect to New Zealand products, that they should go to the Islands free. As regards dutiable goods, our tariff, of course, will be fair to other colonies and other nations. If it is fair for New Zealand, it is fair for the Islands, and therefore I say we should maintain our tariff as against the outside world, leaving the Islands free for inter - New Zealand trade and industries. Therefore, if you take away the revenue from the Islands which they obtain at the present time under a 10-per-cent. tariff, and give them nothing in return, they will be to that extent the losers, and probably could not go on without some financial assistance. Well, I say that the collateral advantage to our colony would more than compensate us, even though we had to pay some of the officers appointed to manage the Islands out of the Consolidated Fund. Of course, we would get the collateral advantage of having free-trade between the colony and the Islands. I do not think it is at all unreasonable to take that view of the case. At the present time, as honourable members know, there is a discretion given to the Resident Agent-so that there shall be no call on the revenue of the colony- to charge the old tariff in the meantime: I refer to the tariff that was in force before the Islands were taken over. I mention this because it will be seen by the section of the Bill dealing with the laws now in force that it would apply to the Customs and to any law we have ; and I have given power under section 3 for the gradual introduction of our laws. Section 3 says :-

<page>288</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=328></url>

from time to time direct that any of the laws in force in New Zealand shall be observed in the said Islands, either in whole or with such modifications as in his opinion are expedient for the good government and welfare of the inhabitants." Section 9 states :- "(1.) Subject to this Act, the Federal Council shall have power to levy and collect duties of Customs on behalf of His Majesty within their respective jurisdictions : "Provided that all goods exported from New Zealand to the said Islands shall be admitted free of Customs duty, and all goods imported from the said Islands to New Zealand shall be admitted free of Customs duty. "(2.) In the case of goods exported from New Zealand to the said Islands on which Customs duty has been paid on their importation into New Zealand, there shall be allowed a draw- back of an amount equal to the difference between the duty so paid and the duty payable at the said Islands in respect of similar goods imported from any other country or place than New Zealand." I am therefore carrying out what I believe to be a wide and proper course. Mr. G. W. RUSSELL .- How will that affect the revenue of the Islands ? Mr. SEDDON .- Well, unless you find a substitute for it, it practically takes away about That two-thirds of their Customs revenue. is the result of it ; and, if you do that, then you must pay your Customs duty-Customhouse officer and Postal officer-out of the ordinary consolidated revenue of the colony. Of course, they have the corresponding advantage, just as the people of New Zealand have the advantage. The products of the colony which are consumed in the Islands will give an advantage to this colony. In respect to other goods, if the duty is paid here it forms part of our revenue. You must either do that or you must take accounts, and if you take accounts of the dutiable goods that go to the Islands, it is

really only taking money out of one pocket to put it into the other. At present there is a duty in the Islands, as I have said, of 10 per cent., while on goods from other colonies there would be under our New Zealand tariff 25 per cent. payable on most of the goods imported into the Islands. At all events, I think it would meet with the approval of members if we said, "Very well, these islands are now practically part of New Zealand. We will treat them as such, and have our free-trade between the Islands and the colony." I think the course I am proposing cannot cause any friction. If we have a differential tariff as against the other colonies or countries, it is bound to create friction, but if we say that the New Zealand tariff obtains over the islands which form part of New Zealand, they have no reason to complain; and I think that is the most statesmanlike course and the safest course to adopt. Section 11 gives power to appoint ports of entry and clearance. It would be impossible to have such ports at all the Islands. Mr. Seddon there shall not be more than two ports. I think that if Penrhyn were declared the port in the north, and Rarotonga the other port of entry and clearance, that is all that is wanted, and it would make all the traders come to a place where there would be proper supervision. Unless there is something of this sort I know from what is going on that the Islands will be decimated of their population. There is no use hiding the fact that this is now being done by the illicit trade that is going on at present. The class of articles taken to the Islands in exchange for copra and fruits is very injurious to the islanders, and it would reflect no credit on us, now that the Islands form part of the colony, if we allowed it to continue. In that respect I think there is room to do good. Another question that has been brought into prominence—a question we are now able to control—is the kanaka labour question of the present day; and some of the other islands supply a very large amount of labour, and, with two other islands on which guano is found, are regularly visited by the labour vessels, and the natives are taken away for long periods. At present there is no proper regulation of this traffic. Take one of the islands in question—one that I am aware of, and have in my mind's-eye—and when you take 50 per cent. of the male population away for a couple of years one may imagine the state of affairs that arises on the islands. Many of the men never return, and there is a condition of things brought about that is most undesirable; and I say that if there is to be any traffic of this kind done at all it should be carried on under regulations. Only a certain number should be allowed to go, and when those who have been away for a time return to the islands they should be allowed to remain there and others be allowed to take their place—that is, if it is to be so at all. I am not sure it is a wise thing to do; but if the present condition of things is to continue, then something is necessary, because these men earn a few pounds; they are to a certain extent Europeanised, and these few pounds they earn come in very handy for their families. But if we were to develop the islands themselves, by the growing of copra, coffee, cocoa, and vanilla, and oranges and bananas, you can keep them at home, and they can grow more and be more prosperous and happy than under existing circumstances. Mr. R. THOMPSON .- How are you going to do that? Mr. SEDDON .- I have said the way it can be done. You would have to take from the power of the Ariki, who claims everything; as I propose, you must locate the different tribes first, and after that locate them on blocks; and to enable them to produce for themselves you must give them the young plants. Mr. R. THOMPSON .- That means that you must disarrange the whole communal system. Mr. SEDDON .- I speak with some experience; you must do that, but you must not do it in a revolutionary way. You can gradually keep them from considering themselves depen-

<page>289</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=329></url>

with you and ask them to help you in the interests of their people. That is my experience. Mr. G. W. RUSSELL .- Will the honourable gentleman explain clause 6, please? Mr. SEDDON .- Clause 6 says,—"The Governor, by Order in Council, may from time to time establish a tribunal or appoint an officer or officers, with such powers and functions as he thinks fit, in order to ascertain and determine the title to land within the said Islands, distinguishing titles acquired by native customs and usage from titles other-

wise lawfully acquired ; and may provide for the issue of instruments of title, and generally make such provision in the premises as he thinks fit." In other words, we promised this before we took over the Islands-that we would establish a Native Land Court for determining who were the owners of the land of the various tribes. An Hon. MEMBER .- Will it be open for sale to Europeans ? Mr. SEDDON .- There will be no sale at all- only leasing. Certain portions, after provision is made for the tribes, will be open for leasing to Europeans under provisions which will be fair to both natives and Europeans. At the present time, as I have told you, there is no title, practically, except the title of the Ariki, who claims everything by birth ; everything the others have is through the Ariki. In the Cook Islands the Arikis worked very heartily with us, and were open to be guided by the King's representative. I will conclude by saying that I advise the House, notwithstanding the powers given in the Bill, to pass it into law. The fullest information will be given of our laws we may advise shall be made applicable to the Islands, and also the laws that are passed by the local Council. The House will also have the annual report of the revenue and expenditure. The fullest information shall be given to the House. I only ask honourable members, after thinking the matter out carefully, and with the best advice, to pass the Bill. And I hope members will not think, in asking these larger powers, they are asked for them unduly, but only because of the extraordinary circumstances under which we are placed. Next session I hope to be able to report that things have been brought into form, and that there is generally an improvement all round. I am sure these Islands are capable of great development. I feel it will be an advantage to our colony to have the control, and that we shall have a direct benefit. They can supply us with what we need in tropical fruits, and we can supply what is required by them. Taking a large view of the question, I hope we shall retain the confidence of the islanders, and prove to them that it is to their interest and good that the change has been made. I move the second reading of the Bill. Mr. HERRIES (Bay of Plenty). - The Premier, in a speech of an hour has not given us a great deal of the information which he should have supplied. This is a complaint I have been voicing all the session in regard to | Federal Parliament we are going to give powers us the information we are entitled to. Mr. SEDDON .- Do you never see the papers on the table ? Mr. HERRIES .- I have seen them all, and I think there is only one connected with the matter, A .- 3. I moved for a return, which was promised by the Premier, of all the laws in force in these islands ; they should have been laid on the table before we proceeded with this Bill. The return could have been made in a very short time. It would be very easy to have the various laws copied-they are scattered over various Appendices to the Journals of the House ; but it would take honourable members some time to hunt them all up. Then, we ought to be furnished with the instructions sent to Colonel Gudgeon ; and we have not yet had laid before us the revenue and expenditure for the year. Mr. SEDDON .- Yes. Mr. HERRIES .- Only the estimated ; we have had no information with regard to the defalcations that have taken place, and this should have been supplied to us ; we ought also- to have had the instructions supplied to Mr. Percy Smith in regard to the Island of Niue ; nor did the Premier tell us anything about the Island of Niue, although he dealt with all the other islands. Mr. Percy Smith was sent on a special mission to that island, about which members know nothing. All this information should have been supplied to us before we were asked to consider this Bill. It gives larger powers than any other Bill we have ever had before us. It is the outcome, of course, of the annexation policy we rushed into last session. We are now beginning to find out what it is to take up the white man's burden. We are asked to "go blind" on a thing we know nothing about. I cannot see how we can, under the Constitution of this colony, do- the things set out in this Bill. The Constitution of the colony provides for the establishment of a General Assembly or Parliament. "There shall be within the Colony of New Zealand a General Assembly, to consist of the Governor, a Legislative Council, and House of Representatives." By this Bill we are setting up in a portion of the colony a separate Parliament altogether, which is independent altogether of this Parliament. The Federal Parliament, to be called now "the Federal Council," is a separate body to this Parliament. True,

no law can come into force, according to the Bill, except with the consent of the Resident Commissioner in the name of and on behalf of His Majesty. But this puts him in exactly the same position as the Governor of the colony is with regard to this Parliament. Therefore, I say the analogy that the Premier sought to draw by innuendo between the provinces as they formerly existed in this colony and the Federal Council is quite insufficient -the Provincial Councils were not independent, but were under the control of the General Assembly, and the General Assembly enacted laws for the whole colony. This

<page>290</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=330></url>

to is entirely independent of this General Assembly. I place the laws of this land were in full force. I say that seems to be entirely unconstitutional. Mr. SEDDON. - Why do you not read subsection (2) of section 8? Mr. HERRIES. - Certainly, I will. "In the case of any Federal or local Ordinance which, if the same were an Act of the General Assembly, would by law require to be reserved for the signification of His Majesty's assent, such local Ordinance shall not be assented to by the Resident Commissioner, but shall be transmitted by him to the Governor, who shall deal therewith as by law required." That really makes the position worse than before. The Governor is now put in the position of His Majesty, and we are forming what is equal to an imperium in imperio. We have powers granted by the Constitution Act for local self-government; but have we power to delegate those powers to any other portion of the colony or to create a colony under us? I do not believe there is this power under the Constitution Act; and if there is, I would like the Premier to show me where. There is a clause under the Constitution Act whereby laws may be made for the benefit of the Native race, but these laws must be made by Order in Council by His Majesty-they must be from an Imperial source, and it would be perfectly constitutional if the laws were made from that source. Clause 71 says, - "And whereas it may be expedient that the laws, customs, and usages of the aboriginal or Native inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity"-you will notice the very words used in this clause 2-"should for the present be maintained for the government of themselves in all their relations to and dealing with each other, and that particular districts should be set apart within which such laws, customs, and usages should be so observed." Then it goes on to say, - "It shall be lawful for Her Majesty, in and by any letters patent to be issued under the great seal of the United Kingdom, from time to time to make provision for the purposes aforesaid, any repugnancy of any such Native laws, customs, or usages to the law of England, or to any law, statute, or usage in force in New Zealand or in any part thereof in anywise notwithstanding." So that the power of this Bill is plainly exercisable by His Majesty, and no one else, and that is a very important constitutional point in this question. Now, Sir, with regard to these laws that we are about to authorise and constitute-for we are, in fact, constituting these laws, for we are re-enacting them: The Premier raised the constitutional question, referring to the question of ceded land, but that only refers to a sovereign State, and cannot be said to refer to an independent State, as we are in New Zealand. Of course, if the British Empire annexes the Transvaal, then the question of a ceded State comes in; but we are only a portion of the British Empire, and we are not a sovereign State. Directly annexation took Mr. Herries in the Cook Islands, and now we are going to re-enact those laws that were in force before the annexation. I was sorry to find the Premier touch the humorous side of these laws, for in a case like this that might well be left out. We all know that savage tribes have laws that we regard as humorous, and we laugh at them; but in what he did the Premier drew a red-herring over the scent. He took members away from the most important phase of the laws. For instance, the question will arise as to the position of the European resident in these islands. He is subject to these laws, and yet at the same time he is a subject of New Zealand. Take the important subject of divorce. In the Cook Islands a man or wife can get a divorce-and this applies to Europeans as well as natives-if they have lived apart for three years, according to "The Marriage and Divorce Act, 1899." Does the Premier mean to say that that is



going to be enforced in the Cook Islands for Europeans? That is one of the difficulties that crop up. Mr. SEDDON .- That is one of the modifications in section 3. Mr. HERRIES .- Now we are getting to know something; the Premier ought to have told us that before, but I doubt if clause 3 gives him power. If this Bill is passed as it is, a European in this colony can go over to Rarotonga, live apart from his wife for three years, and then get a divorce. There is a further proviso that the cost is to be £1, and in no case shall the costs exceed £1 6s. 6d. So that we will probably get an exodus of people who are wanting to get divorced "on the cheap." Now, with regard to the Courts of Justice. We are establishing a High Court there ; but that is not the same as our Supreme Court. I am astonished if the Premier says it is going to be the same as the Supreme Court. It is an anomaly still more to be deprecated. The High Court, of which the Resident himself is Chief Justice, is to be set up as a rival of our own Supreme Court. True, the Premier has put in the Bill a clause giving an appeal from this Court to the Appeal Court in New Zealand, and very properly so ; but if any one looks at the constitution of this Court he will see that it has no analogy to our Supreme Court, yet it has a very large jurisdiction. When I asked a question of the Minister of Justice the other day in the House, with regard to the Justices of the Peace appointed there, he informed me that the Justices of the Peace Act of New Zealand was in force in the Cook Group. The Premier might have told us that this evening. He might have told us that some laws in New Zealand had been put in force there; because they must have been put in force, otherwise those gentlemen could not have been made Justices ; although we have heard that in Adelaide or some other place in Australia some gentleman had been invested as a Justice of the Peace of New Zealand by the Premier as a mark of honour ; but, of course, I never believed that. However, these two gentlemen having been made Justices of the Peace of New Zealand, the Justices of

<page>291</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=331></url>

the Peace Act must have been in force in the Cook Group. There you will have at once a conflict between the Justices of the Peace Act and this so-called High Court. Now, take the Federal Parliament of the Cook Islands, and see how the Europeans are treated there. Would honourable gentlemen believe that this Federal Parliament, which enacts laws for the Cook Group, but which apparently is to have no jurisdiction beyond the Cook Group-though the wording of the Bill is very mystifying- has the following astonishing provisions : No European can vote for a member of that Federal Parliament, and no European can be elected a member of that Federal Parliament. Now, Sir. I have a very clear recollection when Mr. Grattan Grey's case was in evidence, that the Premier said that the very thing the Out-landers were fighting for was to be given the franchise. Now, we find that in our own Crown colony we are proposing by this Bill to set up a Federal Council to enact the laws, and in which no European can have a seat, nor is any European entitled to a vote. An Hon. MEMBER .- That is another thing. Mr. HERRIES .- No. If the honourable member will read the Appendices of 1900, page 15 of A .- 3, he will find " An Act to amend the Constitution Act of 1891," and if he reads clause 9 he will find that,- "Members of Parliament shall be elected by the native-born adults of the Maori population. No foreigner shall be eligible to vote at such election.' Then, clause 10 reads,- " Foreigners shall not be eligible for election as members of the Cook Islands Parliament, excepting only the member for Arorangi, who has already been elected." There was one fortunate man who had already been elected, and so they let him remain. Are we really going to allow this burlesque Parliament in which no foreigners are to be allowed to have a say, although this Parliament can levy taxes on foreigners, and make laws to which the foreigners are liable? I do not think we should any longer cry out about the injustice the Out-landers have suffered under, when we allow this very matter to go on under our own nose. Then, there is another Act we are re-enacting by this Bill, namely, " An Act to provide for the punishment of Offenders," which was passed in 1899. One clause of this reads very suspiciously like a clause to which great exception was taken when it came from the

mouth of the Governor of Fiji. The clause, which is the 7th, reads as follows :- " Any person who shall spread idle or malicious reports with intent to disturb the minds of the native inhabitants and the peace of the Cook Islands may, on conviction, be sentenced to a term of imprisonment with hard labour for any period not exceeding three months." Mr. SEDDON .- That, so far as I remember, is either inoperative or it has been repealed. Mr. HERRIES .- Then, it has not been reported to this House, and from the latest papers laid before us there is no mention of any repeal. That is what we complain of. Members should not be obliged to drag information from the Government in this way. The Ordinance of Governor O'Brien is very similar. It reads as follows :- " Any person who shall cause or attempt to cause any Fijian to be disaffected towards the Government, or who shall induce or attempt to induce any Fijian to take any action having for its object the subversion or alteration of the present form of Government, shall be guilty of an offence under this Ordinance, and shall be liable on summary conviction to imprisonment, with or without hard labour, for any term not exceeding six months." Of course the punishment is a little more severe. Then, I should like also to point out this curious thing : that in this wonderful new colony of ours, clause 8 of this Act which I am quoting-of course the Premier says it has been repealed, and I suppose he knows a good many things which we do not-it says,- " Whereas the Federal Government of the Cook Islands is by reason of its poverty unable to maintain an expensive prison establishment, any European or foreign offender convicted under sections six and seven of this Act, or under any section of 'The Criminal Code Act, 1893,' may, subject to the approval of His Excellency the Governor of New Zealand, be ordered to leave these Islands, and, failing to comply with such order, may be deported to any place from whence he had emigrated to these Islands." Therefore, if a man came from England to these Islands and stirred up the Natives, and was sentenced to six months' imprisonment, as you could not put him in gaol, you would have to deport him back to England, as being the place from which he emigrated to these Islands. Where, then, would the punishment come in? But they can sentence you to go and work on an island, as clause 4 makes the Island of Manuae a penal settlement. This is the island to which Mr. Gosset has been sent, and I believe on this island people only have to go and pick copra, and they can enjoy themselves as much as any one does who has got his liberty. I understand, from people who have been there, that it is by no means a barren island. I think the Premier should have given us more information about these various Acts, and I trust members will thoroughly study these Acts so that they may see exactly what they are doing. Now, with regard to the financial aspect, and expenditure, and the revenue : The Premier made a great parade about his going to take off the duties hitherto charged on New Zealand goods, yet he did not inform the House that instructions had already been sent by the " Countess of Ranfurly " to bring in force the same tariff as in New Zealand. In reply to a question of mine, the Commissioner of Customs informed me that instructions had already been sent by that boat that any duties already collected in contravention of the law would be refunded to those merchants who had imported goods from New Zealand. Up to the time of the arrival of the " Countess of Ranfurly " there they were charged on goods contrary to law. The Commissioner of Customs admitted it.

<page>292</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=332></url>

where. Mr. HERRIES .- I think the mistake in the first place was in annexing these islands, because there are more complications to come, and this House will presently be asked to get the Government out of a great mess. What is the estimated revenue for this year for the Cook Group ? It is £3,486, and the expenditure is estimated at \$2,724. That would leave the very substantial surplus of £762. Then, what do we find ? We find, according to newspaper reports, that there is a deficiency of about £1,100 in defalcations. Well, that disposes of the whole of the surplus. Then, I see that for some reason or other-generosity, I hope -- the Resident Commissioner has refunded \$500 of those defalcations, so that the loss is not so great as might have been expected, but practically the whole of the surplus is gone. But

supposing you take away the duties charged on New Zealand goods. In 1899-those are the last figures I can get-they amounted to £9,000, and, as the Premier says, they were about two-thirds of the whole of the imports- Mr. SEDDON .- The Customs duty to 31st June was \$1,500. Mr. HERRIES .- That is the estimated amount. If it is the real amount, it is curious that it should be exactly the same amount as was estimated to be produced on the 30th of June, 1901, and I think the Premier is simply reading the estimate. Mr. SEDDON .- I have a statement somewhere showing that the revenue came up to the estimate. Mr. HERRIES .- Take the Customs revenue at £1,500, if you take two-thirds of that away- and the Premier has admitted that two-thirds of the trade is New Zealand, and that New Zealand trade is to go in free-then you must be met with a deficiency of about \$1,000. The Premier says he will charge the officials, the Customs Officer, and the Postmaster to the Consolidated Fund. I do not say that ought not to be done, for as it is part of the colony I do not see why we should not do it; but that is a different story from what we were told when we were annexing 'these islands and singing "God Save the Queen." We were told they would be very little expense, and would give a large profit to the colony. Mr. SEDDON - That is my opinion now. Mr. HERRIES .- Now, we are told that it will most likely be a loss to our colony ; and in addition to that we have in the estimates £5,100 for an oil-steamer; and I understood when we voted the sum that it was to be repaid from time to time by the Cook Islands Government. Now we have annexed the Islands, the Cook Islands Government does not exist, and, consequently, this will be a charge on the Consolidated Fund of this colony. We also paid the salary of the Resident Agent, \$500, and also \$5-2 to expenses last year, which makes a total of about \$6,000, besides incurring the expense of sending there Mr. Percy Smith, who must be going at the expense of this colony. vices to the colony free of salary. Mr. HERRIES .- Well, he is well worth being paid. I wish the Premier would give his services free to the colony. I may say that if they put Mr. Percy Smith in charge of these islands his services would well repay any salary that might be paid him. Then, we have indicated that Mr. Nagel, on the Island of Penrhyn, is to get a salary of £150 a year. We shall soon have in connection with these islands an expenditure of £7,000 or \$8,000 a year, and we have here the foundation of a new department, because we shall soon have an item down for a Foreign Secretary, with a full department occupying rooms in the big building, and amounting to £15,000 or £20,000 a year, for these few islands of which the Premier has such an exalted notion. I may say that I have conversed with people from Auckland and other places, and they have not borne out the eulogistic terms in which the Premier spoke of them. And with regard to preventing them from falling into other hands, they were the whole of them British possessions, except the Island of Niue. With this one exception they were all British possessions at the time the annexation took place, so that no foreign Power could have taken them even if we had not laid a hand on them. With regard to the trade from Tahiti, of which the Premier makes so much, those who know about it tell me that the Tahiti trade is in English hands, that many merchants of Tahiti are English merchants, though they have to sail under the French flag. I have heard of one firm at Auckland that had a schooner at Tahiti that used to trade at Rarotonga, and they had to fly the French flag, because it was more convenient for their trade. All the trade that goes from Rarotonga to Tahiti comes back via Sydney, and is in English hands. London is the market of the world, and all this stuff must go to London, and it goes via Sydney. The bulk of the back trade goes round by Sydney to Tahiti from London. There is a small trade with the Americans, which the Americans try to foster ; but the general bulk of the trade goes by Sydney to London, and vice versa. So much, then, for the trade question. With regard to the Bill itself, it seems to me that these clauses, 2 and 3, practically put these Islands in the position of a Crown colony. There is no disguising the fact that this House has no control over them ; the only person who has any control is the Governor in Council. He can say what laws are to be passed, through the Resident Agent, over which officer we have no control whatever. Mr. SEDDON .- Yes, he is appointed by the New Zealand Government. Mr. HERRIES .- Yes; but Parliament has no control over him. We ought to have the instructions that are sent

to him laid before us ; we ought to have no confidential reports such as the Premier spoke of ; we ought to have full knowledge of what the instructions are. The Premier stated that they were confidential. say we have no right to have confidential letters

<page>293</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=333></url>

sent to our servants. The Governor now receives berlain, and he in his turn sends confidential letters to the Resident Agent. This shows that the Cook Islands are in the position of a colony of New Zealand, which is not constitutional. I say the Premier ought to have told us what Acts he intends to bring into force in this group. He has not given us the slightest information except that he intends to alter the law of divorce because attention was called to it. If attention had not been called to it nothing would have been done. We have no control, and we do not know what the Premier or the Governor in Council is going to do. An Hon. MEMBER .- Under the Bill he does everything. Mr. HERRIES .- Yes; the Government can do everything. I say that we are putting these Islands in the position of a Crown colony, and we shall presently have the white men living in these Islands coming to us for assistance just as the white men have come for assistance from Fiji; but their position will be worse than those in Fiji. In Fiji there is a white Govern- ment, and a certain number of white men who are in the Executive Council ; but in these Rarotongan Islands, though they certainly have a white Governor, the Federal Council will be composed of dark-skinned people, and the white people will have no say in making the laws under which they live. I say, their position will be ten times worse than the position of the white people in Fiji, and that, instead of being an example, we shall become the by-word among the nations as a people not able to manage their own affairs. Sir, I regret that my time is up, as there are several other points I desired to call attention to. Mr. T. MACKENZIE (Waihemo) .- Sir, it seems to me that by going in for this tropi- cal country we are entering into a work that will mean an immense amount of responsibility to this country. We are beginning a foreign policy-for what ? What is the area of these Islands? What is the population ? What are the productions of the Islands? The honourable gentleman who has just sat down said he had no information with regard to Niue. Well, I believe the population there is five thousand, and the area thirty thousand acres. There are twenty Europeans on the island. The total area of the whole of the Islands is about a hundred thousand acres, and the population twelve thousand five hundred. Mr. SEDDON .- The honourable gentleman is in error. Mr. T. MACKENZIE .- Well, that is my information, and the most recent. I am told that the population of the Cook Islands is about seven thousand five hundred. and the population of Niue five thousand. The Island of Niue is about four hundred miles from the Cook Islands, and the Cook Islands are separated from one another by about one hun- dred and fifty miles. The area, therefore, is about half-a-dozen times as much as that of Resolution Island, to which we deport our kiwis and kakapos. The honourable gentle- got his island, but will he enjoy it ? The com- plications that are likely to arise to this country will be so great that the compensation in trade will nothing like recompense us for our anxieties and outlay. That is the view I take of the matter. The honourable gentleman says there are no two islands having the same laws, and he says it is not wise to enact laws such as prevail in this country, although that may gradually come about. Of course he says he will re-enact the laws at present existing, and when the member for the Bay of Plenty was speaking he interjected a remark about the laws passed in the Cook Islands in 1899- a law prohibiting interference with the people. The honourable gentleman says that law is re- pealed. Mr. SEDDON .- It is not among the laws sent to me as being in force. I think it has been repealed, or is inoperative. Mr. T. MACKENZIE .- Well, the honourable gentleman ought to know something of the laws that are in force. In the Appendices of last year we have this in section 7 :- " Any person who shall spread idle or mali- cious reports with intent to disturb the minds of the native inhabitants and the peace of the Cook Islands may on conviction be sentenced to a term of imprisonment with hard labour for any period not exceeding three months." I do not think that has been

repealed ; in fact, I am sure it has not ; and it is practically the law sanctioned by this country. We sent a Resident there, and we pay his salary ; and this law cannot be brought into force until approved of by the Governor of this colony. Yet, although this Government sanctioned and approved that law, what did both Houses of Legislature do ? Both Houses passed resolutions regarding Fiji- a Crown colony-and forwarded them to the Secretary of State for Colonies. The resolution is :- "(1.) That, in the opinion of this House it is desirable that representations be made to the Imperial Government praying it to relieve Fiji from the position of a Crown colony, seeing that to continue the present form of government in the Fiji Islands is inconsistent with freedom, justice, and equity, and is an abrogation of civil and political rights, depriving as it does the European population, who are mostly New- Zealanders and Australians, of all voice in the making of laws, and debarring them from having the control of moneys raised from taxation." Now, here is the Government of this country practically spreading sedition in Fiji against the established authority there. Mr. SEDDON. - Oh, you had better not say that. Mr. T. MACKENZIE .- Well, it is so. Mr. SEDDON. - Sir, I rise to a point of order ; it is a great reflection. The honorable member says the Government are spreading sedition in Fiji. A more serious charge could not be made against any Government or individual, and I ask that such a remark be withdrawn. Mr. DEPUTY-SPEAKER .- The charge of spreading sedition in Fiji must be withdrawn.

<page>294</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=334></url>

this : that, in reference to the resolution which this Parliament passed in connection with Fiji, it was spreading disaffection in those islands against the constituted authority. Mr. SEDDON .- That is not what the honourable member said. Mr. T. MACKENZIE .- Then, what is sedition, if that is not ? Mr. SEDDON .- You used the words "the Government " just now. Mr. T. MACKENZIE .- Well, I will say " Parliament " if it will please you. Mr. DEPUTY-SPEAKER .- It is not in order to reflect on the resolution of this House by making use of words which are offensive to any honourable member. Mr. T. MACKENZIE .- Then, if the term is offensive to the honourable gentleman I will say this : that in both Houses of the Legislature resolutions were passed affecting the Government of Fiji, a Crown colony under Sir George O'Brien, and that at a time when the Government of this colony had sanctioned Colonel Gudgeon passing and enforcing laws of the same nature as existed in Fiji. The Fijian law was :- " Any person who shall cause or attempt to cause any Fijian to be disaffected towards the Government, or who shall induce or attempt to induce any Fijian to take any action having for its object the subversion or alteration of the present form of government, shall be guilty of an offence under this Ordinance, and shall be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months." I say that was not becoming to the Parliament of this country, nor to the Government of this country, considering what they themselves had sanctioned in connection with the Cook Group. We are also told that there is great wealth likely to be derived from Penrhyn Island. That may be so. I know this: It is of great importance to countries to secure the trade of lands located in the tropics. I am conscious of that. But we may pay too much for that for our business, and, as far as Penrhyn is concerned, I do not think there is that potentiality of wealth in it that the honourable gentleman seems to indicate. Altogether, I think what we are doing now is that we are unnecessarily mixing up ourselves in a number of islands located at a very great distance from us, and that may bring us serious complications in the future. Complications may arise as against the Australian Federation. Of course, it is right we should as far as possible get markets, because we will be practically barred from trade with Australia. An Hon. MEMBER .- NO. Mr. T. MACKENZIE .- The honourable gentleman may say "No," but we know that the tariff wired to us will put on 22 per cent., on the average, on the produce that goes from this colony to Australia, produce hitherto admitted free into New South Wales. An Hon. MEMBER .- It is not passed yet. Mr. T. MACKENZIE .- Well, we know that, We know the influences at work, and it is not likely that free-trade New South Wales

will be able to combat the desires of the other States ; so that if we lose, as we are almost certain to lose, the enormous proportion of our trade, it is right that we should look round for other openings. Last year we sent to Australia goods to the value of £1,670,000, and they sent a considerable quantity to us. An Hon. MEMBER .- How much of it was New Zealand produce ? Mr. T. MACKENZIE .- The bulk of that £1,670,000-almost the whole-was composed of our products ; but the bulk of the material we got from Australia consisted of transhipments. We received from Australia goods worth about £1,300,000; but about half of the goods were transshipments from the Old Country or from other countries. Personally, I hope these islands may be a source of wealth to us, but I rather fear that our responsibilities in that connection will be greater than our reward. Mr. G. W. RUSSELL (Riccarton) .- Sir, I was one of those-a very small number indeed -who last year spoke and voted against the annexation of these islands. On that occasion I ventured to use these words :- "I venture to say, if legislation for these islands is to come upon the floor of this House session after session, the people of this colony will curse the day when this annexation was determined upon and the opportunity provided for the Polynesian question to lie athwart the path of legislation in this colony, as has been the case with the Irish question in the House of Commons." Those words were almost prophetic, for now, when we are nearing the end of the session, and when important measures are on the Order Paper dealing with the social and political interests of the people of this colony, the time of Parliament is taken up for the whole of this evening probably-and there will probably be other discussions-over a matter which will absorb the time that ought to be devoted to the interests of the people of this colony. We are already realising, in fact, the disadvantages of embarking, as we did last year, on a spirited foreign policy. I rather gather, from what the Premier said this evening, that we may anticipate an annual serving - up before Parliament of the Polynesian question. No doubt many of the proposals of the Bill now before the House are seeds which will develop in future years into other legislation; and, having taken over the Islands, it will be absolutely necessary, as years go on and fresh necessities arise, that legislation should take place in this Parliament dealing with the altered conditions as they arise. This is the position in which the colony and the Parliament of New Zealand now finds itself. I think it is a matter for regret. It would have been wiser for the colony to abstain from investing in these islands, which are about seventeen hundred miles away, and which can under no circumstances be a source of wealth or of prosperity to the people

<page>295</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=335></url>

of New Zealand. We have taken up the white man's burden very early indeed in our history as a colony. It may be a good and desirable thing that we should start administering the government of some ten or twelve thousand persons of a dark-skinned race seventeen hundred miles away; but this Bill is only a beginning of what must happen in connection with our government. We are giving a legal status to one Resident ; but there are proposals in the Bill which indicate a large increase in the number of Government servants that will be in the Cook Islands and the other islands in the annexation. For example, in subsection (4) of clause 5 of the Bill I find :- "The Governor may also from time to time appoint such officers and assign to them such powers and duties, either in the said Islands or in any one or more of them, as he thinks fit." There you have outlined a very large extension of the Government policy in connection with these Islands ; and it is a result of our civilisation that as extension goes on new necessities arise, and, consequently, the number of Government officials must be increased. We shall have to deal with the policing of these islands ; with the education of the people ; we shall have to provide them with postal facilities. Mr. SEDDON. - We provide them with postal facilities now. Mr. G. W. RUSSELL .- There is a considerable difference between postal facilities at one port and the position when you extend your government throughout the islands, providing for a regular system of postal services, as must be the case when civilisation develops. These are part of the responsibilities we incurred when we undertook

this spirited foreign policy at the instigation of the Premier. I believe the time will come when we shall realise that we have undertaken a very heavy and serious obligation, which will give us, as a country, no commensurate return. The member for the Bay of Plenty has very clearly and forcibly put the constitutional position. I have in my hand the handbook of the Constitution of our colony, and in the clause he quoted-No. 71-it is provided that in New Zealand Native laws and customs may be maintained in special districts. That is exactly the proposal of this Bill so far as these Islands are concerned. But it is also enacted in the second part of the clause that those laws and customs were to be given effect to under Letters Patent to be issued under the Great Seal. I cannot see how this Parliament, constitutionally, can set up a separate Government under separate laws in one part of the colony, because these Islands are now as much a part of New Zealand as Stewart Island ; they are an integral part of the colony, and I do not see how we can set up a separate Government in those parts. It must be done as provided by the Constitution Act, which I have quoted. It is provided in clause 8 that the Resident Commissioner is to exercise the powers in that part of the colony, in the way of allowing or disallowing laws made by the local Parliament, which His Excellency possesses in New Zealand. I think the Government will have to find some means of getting out of the constitutional difficulty pointed out. It appears to me, under the Constitution of the colony, any laws that are to provide specially for the Native population in any part of the colony must receive the separate and special assent of the King before they can come into force. I would point out this further anomalous position : It is proposed to allow an appeal to the Supreme Court of New Zealand and the Court of Appeal, regarding laws which our Court has no knowledge of. Under subsection (2) of section 4 it is provided that there is to be a right of appeal from the Rarotongan Court to our Courts ; and the next clause provides-which gives an indication of further extension in connection with administration- that under certain circumstances the Governor may by Order in Council send a Supreme Court Judge to Rarotonga to decide an appeal. This, to my mind, indicates a very large extension of the administrative work so far as the Islands are concerned, and a large increase in expenditure. One of the most important points of the Bill is what we are going to do with the lands of these islands. In reply to an interjection from myself, the Premier stated it was not intended that the fee-simple should be parted with in the Islands. I am pleased to hear him state this, although I am not at all sure you will attract a European population to the Islands if the only tenure is to be leasehold. An Hon. MEMBER .- Grant them long leases. Mr. G. W. RUSSELL .- You might give them the lease in perpetuity, but that is virtually the freehold. I believe that in dealing with the lands the greatest difficulty will be found that this colony will have to face. The Premier, in his opening speech, said that one effect of setting up these Land Courts would be to weaken the power of the Arikis ; and I think that, directly the power of the Arikis in these islands is weakened or destroyed, you will be sowing seeds of a great amount of trouble and dissension amongst them. Mr. SEDDON .- Not if they go with you. Mr. G. W. RUSSELL .- Precisely ; but can you expect these men, whose mana is now so great that they are virtually the persons in whom are vested the trusts and ownership of the lands, will go with you in seeing their power and headship destroyed ? Mr. SEDDON .- It is their wish. Mr. G. W. RUSSELL .- Very well, if that is so it will go far to weaken my argument ; but it has been the belief of many men in New Zealand in connection with the Maori race that, if the power of the rangatiras had been retained, and they had been the medium between the Government and the people, as in the old days, a large amount of trouble that has taken place in this colony would have been avoided. At any rate, my opinion-and I say it with some trepidation-so far as our dealing with the lands of these islands is concerned, is that the greatest difficulty lies before us in connection with the administration. When we begin to adjust titles, and settle who are the

<page>296</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=336></url>

on a sea of troubles the end of which we cannot foresee. There may be there, as in this colony, rival

factions, rival interests, and while the law is in abeyance there may be no trouble ; but as soon as the law steps in and an attempt is made to settle the tribal rights there will be trouble. And whenever that trouble happens, the people of New Zealand will have to pay the cost of settling it. Now, Sir, let us deal for a moment with the financial aspect of this question. The Premier stated that one effect of our abolishing the Customs duties as between New Zealand and the Islands would be to take away, I think he said, two-thirds of the Customs revenue. Now, the question comes, How is that revenue going to be made up? From what source are you going to get the money for the purpose of administering the Government of these islands? From the people of New Zealand. I think the honourable gentleman stated that there was 10 per cent. duty now on all imports into the Cook Islands Group ; but, of course, that 10 per cent. includes all articles going from this colony, whether articles of our own manufacture or not. The effect, therefore, will be that all articles coming from New Zealand that are our own manufacture will go in free of duty, and the only Customs that will be received will be those Customs duties that are paid on importation of dutiable articles into New Zealand, and the duties collected on goods imported into the Islands from other colonies. But there is a provision that seems to imply, and I am very glad to see it, that it is intended to prohibit the importation into the Islands of intoxicating liquors. I think it will give great satisfaction to a large number of people in New Zealand if the Government, under sub- clause (2) of section 11, exercise the power to prohibit the importation into the Islands of in- toxicating liquors. It is admitted by all those who have studied this question that the tendency of sending liquor among the Polynesian races is to debase them and do them injury. If that is the case, and the importation of intoxicating liquor is prohibited, you will get no revenue from what is the largest part of the Customs re- venue of New Zealand. To that extent the Customs revenue will be restricted. So far as the general policy of the Bill is concerned, I approve of it. The colony has, as I think, foolishly decided to embark upon this foreign policy ; but, having done so, I think the policy of this Bill is fair and just. The Bill contains proposals that I think tend for the good govern- ment of the people of these islands. My only re- gret is that we should have a Bill of this kind before the House, and if year after year we are going to have the most important hours of the session taken up with discussion with regard to these islands, we will pay very dearly for having entered upon that foreign policy. Mr. J. ALLEN (Bruce) .- I regret that some- body from the Government benches has not had something to say in favour of this Bill besides the Premier. The speeches that we have had have been opposed to the Bill, and the last one was in opposition to the annexation altogether. Mr. G. W. Russell head " on the part of some members opposite that led us into this, and nothing else. My own opinion is that the British Government have "had " us in this matter, and have imposed upon us a liability that they did not care to take themselves, and that we have now a very large responsibility, which will grow larger year by year. These islands might have been of some value to us if the population had been anything like stable, or even increasing. But the population is decreasing. I do not know whether the Hon. the Premier expects by this annexation to stop this decrease and cause the population to go in the other direction. For years and years past the population has been dying out. During the past twelve or thirteen years the deaths have been 499, against 421 births-a decrease on the population of close on eighty. One does not know what is going to take place. Who is going to grow the bananas and pineapples, and so on, that are to come to New Zealand ? I do not see that there has been any very great benefit so far by this annexation, nor do I conceive there ever will be. The Premier talks about the Customs and the keeping of the liquor out. But how are these things going to be done ? To impose Cus- toms duties satisfactorily means, even in these small islands, a considerable number of officials to enforce them. It is all very well to impose duties by statute, but it is no use having those statutes unless you are able to carry them out, and I do not see how you are going to carry them out in these islands without considerable expense. In fact, one of the grievances of the natives living in the Islands in the past has been that they have not been able to enforce the laws that they have enacted. They could not keep the liquor out, and so the liquor has



been a great curse to them. They could not, even with their licenses, keep out the- unlicensed trader, and unlicensed trading has been going on ; and it would require a very considerable expense to satisfactorily carry out a policy of proper Customs duties control, and a policy which will keep away liquor from those islands. Now, with regard to the Constitution. I believe the member for the Bay of Plenty put the matter accurately so far as the Constitution is concerned. For my part, I do not understand how this Bill comes before us at all as a measure to be placed on the statute-book. It is quite true that provision is made in the Constitution to continue in certain native districts the laws of the natives as between themselves, so far as they are applicable to the general principles of humanity. But they are not maintained by statutes of ours. They are maintained by Letters Patent by the King under the Great Seal. That has not been done in this instance, and I think the whole thing is unconstitutional. In regard to the Bill itself, what I object to, apart from the constitutional question, is the provision in clause 3, which gives to the Governor in Council power at any time to adopt the whole or part of the laws, or modify the laws, or anything else. As a matter of fact, it is legislation not by this

<page>297</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=337></url>

cil. Are we going to take this responsibility upon our shoulders ? If we are, I maintain we ought to have some say as to which of these laws are to be maintained and which of them are to be abrogated. To place the whole power in the hands of the Governor by Order in Council, and then to say that this Parliament is to take the whole responsibility, is a very unsatisfactory state of things, especially when we see the kind of laws in force in the Cook Islands. Now, with regard particularly to one of the laws-which, unfortunately, we have not before us to-night - I have not been able to find what their law is with regard to land tenure. Possibly if we had time to hunt back in our blue-books we should be able to discover what the land-laws are in those Cook Islands. An Hon. MEMBER .- There can be only feudal tenure. An Hon. MEMBER .- Tribal rights. Mr. J. ALLEN .- Yes ; but, as to the land in the hands of Europeans, are they freehold or are they leased ? Mr. SEDDON .- The land-laws are laid down by the Ordinance of the 3rd August, 1894. Mr. J. ALLEN .- These things ought to be placed in our hands. We have to try and gather them from our own blue-books, and from what I can gather leasing takes place to Europeans. We find one of the objections that the British Resident has is to the land tenure. On page 6 of this A .- 3 he says,- "I fear this," -- the growth of arrowroot- " like every other question of production in Rarotonga, is governed by that of land tenure ; and I fear it will not be possible to promote any new or important industry until the producers are safe in the possession of their holdings." Now, by this law we are proposing to place on our statute-book we intend to keep in existence the present land tenure in the Cook Islands. The British Resident says it is unsatisfactory. In what sense is it unsatisfactory? We practically know nothing about it; and we ought to have each statute placed before us-more especially those dealing with land tenure-before being asked to place a law like this on our statute-book. Then, it appears that one of the conditions under which annexation took place was that the land-rights of the people of these islands should not be vitiated by annexation. On page 15, A .- 3, 1901, the Arikis demand :- "That the land rights of the people of these islands shall not be vitiated by annexation, and, if any question shall arise hereafter as to those rights, such question shall be submitted for the final decision of the High Court of the Cook Islands." Now, is that part of the law going to be repealed? Because we provide in our statutes that the High Court of the Cook Islands shall not be the final Court of Appeal. The Supreme Court of New Zealand and the Court of Appeal of New Zealand is to be final. An Hon. MEMBER .- Is there no appeal ? Mr. J. ALLEN .- I do not know that there is any right of appeal to the Privy Council. But are we going to do away with this ; and, Islands ? We have had no particulars about these things, and it is not right that we should be asked to pass legislation of this kind, as it were, in the dark. Then, with regard to this land tenure, I find that last year it was provided, as regards Aitutaki, in an Act called the " Statute of Aitutaki, 1899 " :--

"There shall be a Court within the Island of Aitutaki to decide all questions of boundary or ownership of land. And whereas there has in the past been much dissatisfaction with the decisions of the native Judges, who, it is alleged, have been influenced by their relationship to one or other of the parties to the suit : every dispute as to the boundaries or ownership of land shall be heard by the European Magistrate and two Assessors, one of whom shall be nominated by each of the parties to the suit." All these questions of land tenure are of extreme importance. Is it to be the policy of New Zealand to retain the land in the hands of the natives? What provision is to be made for them in the event of their parting with their lands? I do not know whether they are going to divide them or not, or whether they are all tribal lands, or what they are. It seems to me we ought to have had some more satisfactory statement of the position of the land before we were asked to legislate as we are being asked to-night. Now, the Premier referred to the question of kanaka labour, and that is another question in which we are apparently in the hands of the Cook-Islanders if this Bill passes. I do not think the Governor in Council should be allowed to deal with this kanaka labour at all. The House ought to have an opportunity of expressing a definite opinion upon such question before taking any action in the matter. As to dealing with kanaka labour, these Cook-Islanders make provision for that. It appears in our papers of this year; and I presume that is one of the statutes that is being continued in force, unless it can be argued that it is repugnant to the general principles of humanity. But who is to decide whether it is repugnant to the general principles of humanity ? Is that to be done by the Governor by Order in Council. Mr. SEDDON .- The Governor, if this Bill is passed, can, by Order in Council, decide that the Act shall not be operative. Mr. J. ALLEN .- The Governor can abrogate Acts under clause 3. It seems to me it would be impossible for him to do away with this statute of the Cook Islands to regulate the enlistment of Cook Islands labour, unless provision is made somewhere else. Members who have spoken have already referred to the fact of members of Parliament being elected by the natives - the Maori people themselves. I do not think that is a right thing for us to perpetuate, as we are doing this evening. It is to put a bar upon our own white men, which surely is not intended to be done by the New Zealand Parliament with our eyes open, and that is what we are doing to night by passing this statute. That, I hope, and some other clauses, will be amended when we get into Committee. Now, with regard to revenue. The Premier

<page>298</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=338></url>

when we may expect a considerable increase of revenue to come from this Group ; but when one comes to examine into the possibility of a very great increase of revenue, one cannot help being struck with this fact : that, so far as one can judge, there is very little and can be very little to produce any great revenue. The revenue is derived almost entirely from fruits and copra, and there has been no very large increase in the production for some years past, but the expenditure has been increasing. Take the estimates for last year. The revenue is £3,486, and included in that revenue is a balance brought forward of close on £1,000, the surplus of 30th June, 1900. Well, the expenditure for the year, as shown by the Appropriation Act, is \$2,724, so that, deducting the surplus from the previous year, we find the revenue is only £2,510, and the expenditure \$2,724, showing a shortage of over \$200. It is quite true that in that expenditure there is provided \$500 for a second payment on some land upon which there is a debt, and also \$300 part payment for the steamer. But this revenue will decrease. The Premier has told us that two-thirds of the Customs revenue is going. That means £1,000 at least will go ; so that, undoubtedly, at the end of next session, so soon as this tariff comes into force, the Islands revenue will show a deficit, and that deficit will have to be made up in some way, and there is no way of making it up except we ourselves put our hands into our pockets and provide for the deficiency. That will add additional expense, and we shall have to take it upon our shoulders. Then, we find in the report made by the British Resident, there are several things which are serious matters, and which ought to be considered when we are providing for

expenditure in this Group. He says, for instance, that a single hurricane might destroy the whole of the producing- power of the Group for one, if not two seasons. Well, that is a very serious matter for us to have to face. Then he further says, " We have, moreover, incurred liabilities that must be met. Of the £1,050 authorised to be spent on Government buildings, only \$350 has yet been disbursed, leaving a balance of \$700 which should be liquidated at the earliest possible date." He says, further, in respect to the administration of justice,- " Certain Judges of the Arikis Court have either failed to carry out their work satisfactorily, or have so little work to do that it would matter but little to the community if they were removed from their positions. At Arorangi a system of terrorism and robbery has been practised at the expense of a quiet and inoffensive European, and it would seem to me that neither the Judge nor police have attempted to punish the offenders ; but that they know them can hardly be doubted. The salary of this Judge has been reduced to \$10 for the present financial year, as a warning to him to attend to his work." An Hon. MEMBER .- Whose report is that ? Mr. J. ALLEN .- That is the report of Mr. I only change it is proposed to make is in con- Mr. J. Allen if, in applying the policy of extension of territory, the Right Hon. the Premier could have been-as no doubt he desired to be- beforehand with the Federal Government, and if we had collared the whole of the islands of the Pacific, and been able to annex them to New Zealand, perhaps we might have had something that would have been worth glorying in as a foreign policy ; but this-I may almost call it -- "two- penny-halfpenny " foreign policy, I think, had better have been left alone. I have no doubt. the Right Hon. the Premier only intended this as an instalment; but he was not quite as sharp as usual, and before he got further than the small instalment the Commonwealth Parliament was in existence and the stop was put upon him, and consequently this great policy of annexation in the Pacific, and the extension of the boundaries of New Zealand to include Fiji, et cetera, was stopped. I hope this small instalment of the policy is not going to lead us into any trouble. It is very likely to involve the serious responsibility of the protection of these islands. I take it that is a very great burden we may have yet to take upon our shoulders. It is quite enough, when we are but a very young nation, to defend ourselves ; and if we are called upon to defend others besides ourselves it seems to me that may be a very great burden. If we were going to get any very great good from the Islands it might be worth while to take the responsibility for their defence ; but I cannot see at the present time that we are going to get any good from them, and I cannot but think that it would have been better to have left them alone. Mr. MASSEY (Franklin) .- Sir, I have only a few words to say about this matter. I happened to be absent from Wellington last year when the subject now under discussion was dealt with. I had serious doubts at that time when I read the reports in the newspapers, and afterwards when I read the debate in Hausard, as to whether the benefits to be derived from the annexation of the Islands would compensate for the responsibilities we were taking upon ourselves. After the little experience we have had I am satisfied the benefits, if there happen to be any, will not so compensate us. It is only a little over a year ago since the subject was dealt with by this House-since the resolution proposing annexation of the Islands was introduced by the Premier and carried by a very large majority. Last June the annexation was given effect to by Proclamation-by what I may figuratively speak of as a flourish of trumpets. All along we were given to understand that the laws of this colony would apply to the Islands in the same way that they apply to Stewart Island, the Great Barrier, or any district of the colony. What is the position to-night ? The Premier introduces a Bill providing that the Native laws shall be re-enacted, including a law similar to one we have so often discussed -one that was very much objected to when brought into operation by the Governor and Legislative Council of Fiji. The

<page>299</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=339></url>

trade is a good thing generally, but what is the position here ? The Premier admitted in his introductory speech that the effect of free-trade between New Zealand and the Islands will be that two-thirds of the

Customs revenue of the Islands will disappear, and that the cost of government will be greater than ever it was before. But the worst of it is that the deficiency and the cost of government will have to be made good by the people of this colony. In connection with the land tenure the Premier last year said to the House :- "That the ownership of the lands in the Cook Group be admitted ; that a Court, on the same lines as the Native Land Court established in New Zealand, or a Commission, should define the ownership of the particular areas, and decide as to its subdivision and partition ; that, upon this being ascertained, the lands should be Crown-granted and alienated through the Crown, as agreed upon by the chiefs under the Treaty of Waitangi, and thus safeguard the interests of the Natives and prevent them from becoming landless or being taken advantage of. As regards the ownership of the lands : they are agreeable to annexation, and we do not want to disturb their ownership. All that we wish is that, in dealing with the lands hereafter, when this ownership has been defined, under changed conditions, it may be found that perhaps half-a-dozen people hold the whole island. That can be safeguarded and a Court could be constituted. They have recommended that. But that is only a matter of detail. As regards the disposal of the land, I think we must have the disposal of the land through the Crown alone ; otherwise you will have, under the altered conditions and developments, these lands taken from them by others. I think they must be safeguarded in that respect." That is to say, that it was intended to deal with the lands belonging to the natives of the Cook Islands in exactly the same way as the lands belonging to the Natives of this colony were dealt with. What is the position now ? The position has been abandoned by the Premier.

Mr. SEDDON .- No; certainly not. Mr. MASSEY .- Well, what does the Bill say ? The Bill goes back to the communal system of allowing natives to hold the land as they have held it for hundreds of years. I say the Bill is not satisfactory, but I do not see any other course to pursue, and I am sorry for it. As far as we are concerned, it is a case of " marry in haste and repent at leisure." We cannot go back on what has been done. All we can do is to make the best or the most of the position. Let us make no mistake about this: so soon as the natives of the Islands understand the position they will expect us to educate them in the same way that we educate the aboriginal natives of this country. We shall also be expected to keep the peace, and to administer the law generally. Further, when they understand the true position- that they are to all intents and purposes citizens of this country-they will claim the it, because they are citizens just in the same way as our own Maoris are. The Premier said that in a short time these islands will be self-supporting. Well, I am afraid there is no member of this Parliament who will live to see these islands self-supporting. They will never be self-supporting until the present generation in the Islands is replaced by a more industrious and energetic race of people than the present inhabitants. So far as annexation of the Islands is concerned, it may have brought a certain amount of honour and glory to the Premier, and to one other individual ; but I am certain it will cost many thousands of pounds annually to the people of this country. Mr. R. THOMPSON (Marsden) .- Sir, it is too late now to discuss the wisdom or otherwise of having taken over these islands. Last year the House decided to take them over, and I do not think it will be wise for us to hurriedly introduce our laws into those islands : I think it would be a foolish thing to attempt to do. So far as I can see, the only thing we can endeavour to do is, as far as we can, to try to develop the resources of the Islands, and at the same time to leave the people as free as possible to work out their own destiny under the control of our Resident. I think a great mistake will be made if we attempt to establish a number of officers in the various islands, or if we attempt to establish any expensive system of government. I think we should leave the people, as far as it is possible, to themselves, until we see how the annexation of the Islands works out. I understand these islands are suitable for the cultivation of coffee, cocoa, fruit, and sugar. If that is so, so far as I can see, the best course for the Government to adopt is to try and encourage Europeans with capital to go down there and start those industries-from what we know of the natives they will never do it- and this will raise the whole question of land tenure. I do not think it would be a wise thing to allow the natives to alienate their lands ;

but unless the lands are secured on long lease no person is likely to invest his money and run the risk of losing it on a short lease. Seeing how the sugar industry is developed in Fiji, if the soil is suitable there is no reason why we should not have sugar- and coffee- plantations, et cetera. But so far as fruit- growing is concerned, I do not see how that could lead to anything more than at present. Fruit-growing, gathering copra, et cetera, and catching fish would enable the people to live in an ordinary way, but beyond that it would never produce anything. If we could induce planters to go there, by encouraging the Arikis to offer suitable lands at long lease, and so start coffee- and sugar-planting, we might provide employment for the young men, and instead of going away they would be able to stay at home and work. We should, so far as possible, try and make the Islands self-supporting, because I feel satisfied that if after a few years the people of the colony find there is a constant drain to maintain any system of govern-

<page>300</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=340></url>

it. Another difficulty which will arise, I am afraid, is that as soon as any changes we may bring about interfere with the power of the Arikis we shall have some trouble. As long as the Arikis work with us everything will go smoothly ; but, supposing there is any trouble, the whole question as to the expense of keeping order and maintaining any system of government will fall on the colony. On the other hand, we must, as far as we can, maintain a system of free-trade between New Zealand and the Islands ; we cannot put duties on any goods we send there, and I am afraid we should be unable to prevent others from landing dutiable goods : they can land anywhere on the islands, unless we had police or revenue officers, or some system of coast-guards. They will do it in spite of us. We must make the best of the bargain, and see how it will work out. In my opinion it would have been a very wise thing if we had treated these islands as a Crown colony for a few years; we should have allowed them to go on under the British Resident, and any changes we wish to make in the system of government should be brought about very slowly and carefully, and we should not attempt any sudden change. I feel certain, if we commence to appoint resident officers in their various islands, we shall simply be committing the tax-payers of this colony to heavy expenditure, and we should get no revenue in return. It is absurd to suggest that the people of the Islands should be included in our electoral system ; it would be absurd to bring representatives from these Islands to this House for many years ; but unless the Government is very careful about establishing a system of government we shall be simply going to great expense and bring little back to the colony in return. Mr. J. W. THOMSON (Clutha). - I agree almost entirely with the speech to which we have just listened. The honourable member for Marsden has brought good, sound sense to bear on the question, as is usually the case with him. The question has been raised as to whether we have the right to pass such a Bill as this. There appears to be some doubt about it, but, should it be found at any future time that we have gone beyond our powers, no doubt an Act will be passed by the Home Legislature legalising our action. We labour under great disadvantages in considering a question of this kind. These islands are so far away that few of us have visited them, or are ever likely to do so. They are inhabited by people whose modes of life are entirely different from ours. It, therefore, appears to me that we should act with very great care, and that we should make as few changes as possible. Mr. Moss was Resident Agent on the islands for a good many years. He was, apparently, the guide, philosopher, and friend of the native population, and did good work amongst them. He set up a kind of Federal Government, and, as I understand the Bill, its object is simply to continue the form of government set up by Mr. Moss. Whilst I agree generally with the Bill, I do not Mr. R. Thompson establishing a Native Lands Court. As the country is not suited for European settlement, there does not seem to be any necessity for investigating Native titles. Such a Court would be almost certain to lead to friction, and would be very expensive. I object also to the 13th clause, which provides for the making of reserves for defence purposes. By-and-by these people might look to us to assist them in erecting defence-works, and these

defence-works would cost more than the Islands are worth. It has been stated that, as far as the Islands are concerned, we are taking up the white man's burden. That is true ; but with good management the Act might be advantageous both to ourselves and the native races of the Cook Islands. Mr. HOGG (Masterton) .- The step that we are about to take in annexing these islands, although undoubtedly of an important character, is not being taken without sufficient caution. The question of the advisability of annexing certain islands of the Pacific has been amply discussed not only last session but in years past. It was the ardent wish of a statesman whom we all venerate, the late Sir George Grey, that New Zealand should attach those islands to it, and gradually bring the native races into the same state of civilisation as we find the Maoris in this colony. In the interests of civilisation, I think we are taking at once a wise, judicious, and very commendable step. The movement is one that will add undoubtedly to the prestige of the colony, if we can show that we are able to ameliorate and improve the condition of the inhabitants of these islands, and protect them from the dangers with which they are surrounded, and which have been referred to by the Premier. It will redound to our credit if we bring about a better state of affairs in the Islands by giving to the inhabitants similar laws to those that prevail in this colony. I am very pleased that the Bill before the House has had so favourable a reception from the members to whom it has been submitted. It seems to have been well framed. There is nothing of a revolutionary character in it - nothing likely to disturb the existing state of affairs in the Islands. So far from being a source of anxiety or additional expense to New Zealand, I believe and trust these islands will be of very considerable advantage to us. The exchange of products alone ought to be a very decided gain, and as to any increase of expenditure that may be occasioned, I should hope that it will be largely recouped by the interchange. The matter has been very well debated, and there is no necessity for much time to be taken up with it, consequently I will only add that I hope the experiment-for it is an experiment- we are now trying will turn out to be as successful as its most sanguine supporters anticipate. Mr. COLLINS (Christchurch City). - When this matter came before the House last session it was declared to be one of the most important questions Parliament up to that time had had to consider, and I took the same view of the question. During the discussion a motion was

<page>301</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=341></url>

that members might more fully acquaint themselves with the condition of the islands. That I supported. When the matter came to the vote I voted with the majority for the resolution, and I can see no reason now to regret the position I took up. Personally, I do not see that we could have taken any other step. That has been questioned, however, by other speakers, and, whatever may be said now, we are committed to the action, and the country is committed to it, and cannot undo it. If it be suggested that this step was taken thoughtlessly, or, as has been suggested, that it was done when we were inflated by Imperialistic sentiments, I would just point out that it was no new idea. I think the Premier pointed out to us last year that similar proposals had been made by nearly every leading statesman in New Zealand from the time of Sir George Grey. He mentioned Sir George Grey, Sir William Fox, Fitzherbert, Vogel, and Bal- lance, all of whom had suggested a similar line of policy. If we have taken a wrong step, it has been on the proposal of the ablest states- men we have had in New Zealand. The constitutional question has been raised to-night, and I am bound to confess that I think that point has been too heavily laboured. I do not think there is much in that point. It is said now, these islands are an integral portion of New Zealand, and we are practically granting to a portion of New Zealand the right of 32106019788261 self-government - that an outlying portion of New Zealand will have its own Parliament. I think the Bill hardly bears out that contention. It will have its own Council, but what is that but carrying out the very principle the democracy has demanded-the principle of permitting local self-government in the fullest degree practicable or possible ; and, as far as these islands are concerned, this Bill is but allowing to

these outlying portions of this colony that degree of self-government that is absolutely essential under their conditions. There are only two positions possible-that the Islands taken over either must be governed as a Crown colony from outside, or given self-government. It appears to me that we could not take up either of these positions in its entirety. Having included the Islands within our own boundaries, we could not allow them to go on as they were, possessing their own government for all time, neither could we rule them as a Crown colony. This Bill suggests to my mind, at any rate, a very moderate and wise course. The member for Marsden pointed out that the measure itself was of a moderate character, and did not attempt to at once overthrow the laws existing in those islands, but rather those laws are to remain in force; and as they become fit to bear the strain - or burden, if you like-of the laws of this colony, these laws gradually will be imposed upon them. But that will naturally be a question of time, and a matter of evolution for some time to come. The laws existing in these islands will be the laws which will remain in force until by degrees superseded by the laws of this Legislature. One VOL. CXIX .-- 21. of the chief reasons for my speaking at all is this : I notice that the administration of the public service in these islands is managed in a most economical and simple manner. I can only compare the local administration of the public service, in its economic character and in its simplicity, with the simple character of the laws obtaining in the Islands at the present time. It seems to me that the simplicity of the laws is adapted to the requirements of the people, and they are only paralleled by the simple and economical character of the administration. Now, I should like to offer just one word of warning. My fear is that the economic administration might be destroyed. It would certainly be in a wrong direction if the local administration were very seriously interfered with, so long, of course, as the Islands affairs themselves were adequately administered and controlled. I do hope we shall not have, year after year, increases in the public expenditure on these Islands, or votes for increases to the salaries of those who have the control of the administration of these Islands. I do not look for any immediate great advantage from and increased trade with those Islands, but I do think there is this point which honourable members ought not to lose sight of : Naturally and necessarily there must be a predominating influence in those Islands, and we know what powers are extending their influence in the islands of the Pacific. We cannot close our eyes to the fact that other Powers are extending their influence in the Pacific, and surely it is better that New Zealand's power should be the predominating influence in those Islands than that they should be controlled by any other Power. It must be better, both for us and for the Islands, because, after all said and done there are no peoples to whom the natives of those islands are so closely allied as they are to the native race of New Zealand itself. And while it may be true that we have to a certain extent taken up the white man's burden, we have, I would rather think, taken up the white man's duty : and in that sense we have fulfilled the white man's prerogative in taking up the white man's duty. I feel quite sure that ultimately the action which New Zealand has taken, the responsibility which it has attached to itself in taking upon itself the control and government of these Islands, will be a distinct advantage to the natives of the Islands themselves, and ultimately to the whole of New Zealand. Mr. FISHER (Wellington City) .- Sir, I rise to say only a few words. The tenor of the speeches already delivered appears to indicate that the general sense of the House is against the Bill. I feel bound to say that I think the carrying-out of the proposal will entail a large expense, without any corresponding advantage to the colony ; but the step has been irretrievably taken, and it now remains only for the colony to make the best of it. I said I rose to say only a few words. They are to correct certain historical references made by two honourable members, one the member for Masterton, the other the member for Christchurch City (Mr.

<page>302</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=342></url>

men who from the very earliest times had taken an interest in this annexation question. The member for Masterton mentioned the name of Sir George Grey. Sir George Grey, when Governor, with his great

provision, called attention to the fact that these islands would some day become part of a great South Sea archipelago. But his view was not confined to these islands-the Cook Islands ; his range of vision extended from New Caledonia and the New Hebrides in the east to Tahiti in the west. Later in the discussion, the honourable member for Christchurch City (Mr. Collins) referred to Sir George Grey, Sir William Fox, Sir Julius Vogel, Mr. Ballance, and Sir William Fitzherbert as having taken part, at various periods of time, in the movement to annex the islands of the South Seas to New Zealand ; but he did not even once mention the name of the man who did more than all of them put together in connection with the colonisation of these islands as part of a great British colony. That man was Mr. Coleman Phillips. Of course, the member for Christchurch City (Mr. Collins) could not be expected to know that thirty years ago Mr. Coleman Phillips promulgated a Polynesian scheme, which marked the possession by him of great foresight and grasp. It was a scheme which ought to have been taken up by the colony ; but the scheme was doctored by Sir Julius Vogel, and so doctored that that was the end of Mr. Coleman Phillips's scheme -the end so far as he was concerned. But then Sir George Grey again appeared on the scene, for at the instance of Mr. John Williamson, who was then Superintendent of the Province of Auckland, Mr. Phillips and Sir George Grey were brought together to discuss the scheme, and every act of those important negotiations is detailed historically in our own Appendices. I read the whole of the correspondence, voluminous though it is, at the time with great pleasure, and with the mind of a student, and my recollection of that reading is as vivid to-day as upon the day upon which I read it. I think it a happy incident that I should be here during this discussion this evening to do credit-aye, to do honour-to the man who did so much in the endeavour to bring about the colonisation of the islands of the South Seas. In regard to this proposal-my judgment will be taken for what it is worth-I take leave to think it a mistake. Additional expense will be charged to this colony, whose revenues are not more than are required for the actual necessities of the colony itself ; and why at this particular time we should add to our already heavy burdens is a thing which to me has not yet been satisfactorily explained. However, I do this: I give the Premier the credit for desiring to colonise these islands, and to benefit the native inhabitants; but as to the consequences, as to the results as they affect the Colony of New Zealand, I feel as certain as that I stand here that, while the connection which has been already established by the resolution of last session between these islands and the Colony of New Zealand may be Mr. Fisher of these islands, it will not be beneficial to New Zealand and to its people. If we say we will do all this from a purely philanthropic spirit, that is quite another matter. We have not means to expend in the colonisation of islands beyond the boundaries of New Zealand. We have enough to do in New Zealand with the revenues at our command. That is my view of the matter. I was not in the House when the annexation resolution was passed last session. I need not be reminded of that, but I feel bound to say that annexation having been effected, as I think without sufficient care and thought on the part of the Parliament as a whole, an unnecessary burden has been imposed upon the people of New Zealand. Mr. SEDDON (Premier). - I must confess that I have sat here with mingled feelings throughout the debate on the second reading of the Bill. The last speaker disclaimed any responsibility, yet he prophesied. Mr. FISHER .- Will the honourable gentleman allow me. I should have said, when I spoke, that I was quite aware that to oppose anything proposed by the honourable gentleman was to incur his displeasure. Mr. SEDDON .- Sir, I have no feeling in the matter at all. If the honourable member, as he oft-times claims, has a right to give an expression of his opinion, and to freely criticize the action of myself or of the Government, the honourable gentleman should concede to me the same right and privilege. Whilst I differ, and intend to differ, from what he has said, there is no displeasure at all on my part in my saying so. I shall, I hope, meet what the honourable gentleman has said in a reasonable way, and I wish to show how he has contradicted himself. The honourable member, in the first place, disclaimed any responsibility, because he was not here. Very well, this is the first opportunity of speaking on the



question ; and what does he say ? He has told us of the gentleman who first propounded the idea that these islands should form part of the colony, and he has said that that scheme was one which would be to the benefit of our colony, and on that score he has given Mr. Coleman Phillips every credit for his foresight. The honourable gentleman said we must give him this credit, and he mentioned the name, not previously mentioned, of one who was entitled to credit for his farsightedness in propounding this policy. But after claiming this credit for Mr. Coleman Phillips he winds up by saying that, having done partly what Mr. Coleman Phillips propounded, we have placed a burden upon the people of the colony, and have done what we should not have done. An Hon. MEMBER .- We should then have had Fiji. Mr. SEDDON .- Well, but if it means a loss in part, it meant a greater loss as a whole .. You have now what costs you nothing, in respect to the Cook Group. That is quite true. There is the Island of Penrhyn. Danger Island, Pukapuka, and Palmerston Island-you have

<page>303</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=343></url>

not a single sixpence. An Hon. MEMBER .- They are not productive. Mr. SEDDON .- I say they are productive, every one of them. Most of these islands are productive, and parts are leased at the present time, and the leases of some of them fall in shortly, and they will give you a large revenue and cost you nothing. We do not at present propose to spend a sixpence in respect of them. There is no necessity to put Agents there ; they can all be governed by the Deputy Commissioner from Rarotonga. I am surprised that the honourable gentleman, who knows so much about this matter, has not refreshed his memory, since he was a student of the scheme propounded by Mr. Coleman Phillips. Surely, if mistakes have been made in the past, and there was still an opportunity of rectifying to some extent the errors of the past by taking what remained, the Government is not to be blamed, and ought not to be adversely criticized because other persons have bungled, and they, so far as lies in their power, set to work to rectify their errors. I cannot understand how the honourable gentleman can condemn us in one breath and in the next extol a gentleman for proposing the annexation of these islands. However, it is a safe thing to say that proposals may not succeed. The honourable gentleman has said that burdens are to be cast upon the people which they are not able to bear. answer that at once. It has been said here this evening that you have in these islands 100,000 acres of land. Whoever talks about that does not know what he is talking about. It is much more. At all events, there are twenty thousand more. souls brought within the area of New Zealand. An Hon. MEMBER .- Twenty thousand ? Mr. SEDDON .- Yes, on the islands that are now part of New Zealand ; and there is undeveloped country there-a country capable of producing much that we must have, and if we do not get it from our own country, then we will have to pay foreign countries for it. The money will leave our colony and will go to foreign countries for the various products we can produce ourselves. What is the meaning of our public works policy and our lands policy ? It is the throwing open of our land, and increasing its productiveness. By means of the public works expenditure you are going to develop parts of New Zealand in the back blocks and increase its productiveness; and I say that, for what £1 will do in the way of developing the soil here, you will get an equal return for 1s. spent on these Islands. That is my opinion, and I know I am right. I know very few men have gone into the question, but if you take Mr. Coleman Phillips, the gentleman mentioned, you will see that according to his opinion, if these Islands are well governed and well developed, what I say is correct. To-night that phase of the question has been kept in the background. These Islands are capable of great development, and they will produce for you in this colony that which you must necessarily have, and which otherwise you the policy of developing a country like this there is placed as an offset the fact that it is going to cost a few pounds for the purposes of administration. It will repay anything you spend tenfold. That is my honest conviction, arrived at after careful research, and I wish that phase of the question to be borne in mind. Already you have your oranges and bananas, and consider the price you are getting them at now, and

the price you paid when you were handi- capped previously ; and I say to-day there is a trade in this very City of Wellington, and that this class of fruit is being brought within the reach of the poorest person. An Hon. MEMBER .- We had it five years ago just the same. Mr. SEDDON .- Let me tell you what you did have. You had a few people in Auckland who received the fruit, but the Natives seldom re- ceived any profitable returns. That is what you had. The Natives never received any returns, and consequently they never sent any fruit. I say that these fruits are now within the reach of the poorer classes, and I say if you go on with your development you will find that these tropical fruits are produced within your own colony, and at half the cost that you have to pay for them elsewhere. What have you done within the last day ? You are not far-sighted. A tariff has just been passed in Australia. Members on that side, and members perhaps on this side, are all wincing because that tariff affects the produce of this colony. An Hon. MEMBER .- So it does. Mr. SEDDON .- What does your Pacific Islands give you now ? Your Islands makes you independent, so far as tropical fruits are con- cerned, of Australia. An Hon. MEMBER .- Not a bit of it. It will not have the slightest effect. Mr. SEDDON .- It is amusing to me to find the shallowness of some members. I say you can grow your fruits within the Colony of New Zealand now ; and one of the principal articles: imported from the other colonies is the very fruit you can grow now within your own bound- aries. An Hon. MEMBER .- What fruit ? Mr. SEDDON .- Oranges, bananas, pine- apples, lemons, and other fruits and fruit pulps. Take the fruit which comes from Australia into New Zealand now. Now it begins to dawn upon members opposite that we are in this respect a self-contained colony, and that we can say to Australia to-morrow, "If you put up your barrier and your tariff as a fence, we are a self-contained country, and Australia must keep its fruit or seek another market for the same." Mr. MASSEY .- Our imports are not affected by the Federal tariff. Mr. SEDDON .- It does not apparently dawn upon the honourable member what this will mean. Why, we can grow fruit in New Zea- land and not be affected by the Australian tariff. The honourable member seems to forget that this Parliament could put a tariff on pro- ducts from Australia. I see that it now begins

<page>304</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=344></url>

now in these islands absolutely, as far as tropical fruits are concerned, independent of Australia. Now, I am going to go further, and I am going to refer to sugar and sugar-growing. Some of these islands have splendid soil, and that soil is very favourable for the growing of sugar-cane. The growing of coffee, of course, goes without saying. You have a sugar-refinery at Auckland, and if you grow cane in the islands, at very little expense you can reduce that cane at the refinery at Auckland. That is another question which I have been looking at, and that will make us independent of Germany, of America, and of Australia, so far as sugar is concerned. Now, I say, you can grow your sugar, coffee, and cocoa in New Zealand. An Hon. MEMBER .- You can grow beet- sugar. Mr. SEDDON .- The honourable member wants to draw me off the track. He is think- ing of the Waikato and beet-sugar growing. I want to show now that you must look further ahead than to-day, and that you must take a Let members bring wider view than that. their memories back to the time when Gier- many laid so much stress upon the holding of Samoa -- a time when Great Britain could not well afford to do otherwise but acquiesce, and when we gave up our right to Samoa. Did not Germany feel that the holding of Samoa was of vast importance to her? I say, most decidedly she did. Did not America insist on maintain- ing Pagopago? And why? Because it was of vast importance to her. And did not our nation regard the holding of one of these islands as being of vast importance? Of how much greater importance is it to the Empire and to our colony that we should for all time stop any other nation from taking these islands? I say you must look at this question from a sordid stand- point -from the standpoint of how many pounds the islands are going to cost in the way of ad- ministration. I am satisfied that the wisest thing that could possibly be done has been done. Now, I may say, with respect to the provision as to reserves for military and naval purposes, the honourable member

for Clutha does not understand the meaning of that clause. I shall now with pleasure state what is meant by that clause. It is to enable this colony to give over a large portion of Suwarrow Island as a naval station, and that is done at the request of the Admiral in charge of the station. It is one of the finest harbours in the Pacific, and the only way that harbour could be obtained was by the passing of this clause in the Bill now before the House. That is the only reason why that clause is in the Bill. Now that I have made that statement, I am sure the honourable gentleman will withdraw his objection to that particular clause. Now I come to the constitutional phase of the question, and I have been abso- lutely astounded that members, one after an- other. should have spoken as they have. There was the member for the Bay of Plenty, the member for Bruce, the member for the (lutha, and other members. They said we had no power under our Constitution to give to the I to others who support the measure. We are Alr. Seddon Bill. Have we power to create a County Coun- cil in any part of New Zealand ? Could we pass an Act for the Chatham Islands, to say that the Counties Act shall apply to those islands? I say that those honourable members have never read the Constitution under which we are working. This is only giving local self- government. Mr. HERRIES .- No; it is independent self- government. Mr. SEDDON .- What do these words mean ? Subsection (2) of section 8 says : - " In the case of any local Ordinance which, if the same were an Act of the General As- sembly, would by law require to be reserved for the signification of His Majesty's assent, such local Ordinance shall not be assented to by the Resident Commissioner, but shall be trans- mitted by him to the Governor, who shall deal therewith as by law required." That means that no law such as that 11.30. can be passed if it means the passing of an Act which has the same effect as an Act of the General Assembly of New Zealand. An Hon. MEMBER .-- Oh, no. Mr. SEDDON .-- Oh, yes; honourable mem- bers have not read the Bill. There is the pro- vision, that they cannot pass any Act at all unless it is subject to its reservation to the Governor, and practically to the Parliament of New Zealand. That is the distinction. Any question affecting them locally, and which would not require an Act of this Assembly, they could pass. There was no clashing at all with the Constitution. The point had been carefully threshed out, and it had been safeguarded, so that they could only pass local regulations or laws just the same as any County Council in the colony could do. All the powers given to these Councils in the Islands are the same as our County Councils have at the present time. Mr. HERRIES .- Have you read the High Court Act ? Mr. SEDDON .- Yes, I have read it. The honourable member is now talking of the effect subsections (2) and (3) of section 15. And in that respect I should like to say that by this Act we are bringing into force laws that are now on the statute-book of the Islands. The honourable member's contention was that under the Constitution we had not the power to do so, but that we were giving them the power of legislation. I say the honourable I come now . to the re- member is wrong. marks of other honourable members. I will deal first with the speech of the member for Bruce. Sir, what I object to in regard to the remarks of that honourable member is this: the honourable member has had advantages that other members of this House have not had, but if his superior education is to lead to remarks of the kind he made. what are we to say ? He said we were troubled with "swelled head " and that it was the desiro of the Premier to collar all he could get. Well. I really think that in dealing with a large question, such objection- able terms should not be applied to myself or

<page>305</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=345></url>

the best interests of the colony. There was nothing selfish in the matter at all. Therefore I object to language of the kind being used, especially when it comes from one who should know better-from one who has a much wider and, shall I say, more cultivated vocabulary than is possessed by many other members of this House. It would certainly be better if terms of this kind, hurtful as they are, were not used on an occasion such as the present. Mr. HERRIES .- He is not here just now. Mr. SEDDON .- I care not whether he is here or not. When members make remarks of that nature I have a right to reply to them,

and I have replied moderately to the remarks made by the honourable member. He also said the Imperial Government "had" us. In other words, he wished to infer that the Government of New Zealand had been incited by the Imperial authorities—that the Imperial authorities wanted to be relieved of a responsibility, and that we were taken in by the Imperial authorities. I say at once that such a suggestion is unworthy. The Imperial authorities have taken up quite another position, and it was only on being pressed by the colony that they conceded that which we now possess. I therefore take this opportunity of saying there is no foundation whatever for the statement the honourable member has made. Objection has also been taken that this is legislating by Order in Council. It is nothing of the kind. The laws are already passed, and it is only saying whether the laws that have been passed shall apply to the Islands. I will give a precedent : the New Zealand laws, as a whole, do not apply at the present time to the Chatham Islands. Mr. HERRIES .- You cannot modify them. Mr. SEDDON .- Ah, there you are. It seems to me that when an assertion is made, and proof of it is given, honourable members do not take kindly to it. I repeat what I have already said : that, as the general laws now stand, there are certain parts of New Zealand to which they do not apply, and cannot apply, except by-what power ? Either by Order in Council or by a special Act of Parliament. Therefore it is nothing new. The same power exists under present laws. The member for Franklin says that as we now stand the Old-age Pensions Act would apply to the Natives of the Islands. Yes, it would apply to them if the Governor in Council said so, but if he does not say so it does not apply. I do not see that it should. They have not been in the colony for twenty-five years. Any person who came into the colony on the 11th of June last cannot claim the pension, and say they have been in New Zealand twenty-five Years. Such an argument shows to what extent honourable members will go in their remarks. The honourable member is now blushing. He sees that the Natives have formed part of the colony for only twelve months, and that therefore they will have to wait for twenty-five years before they are a burden cast on the colony. Mr. MASSEY .- You admit the burden will be cast on the colony, then ? Mr. SEDDON .- It may be, then. And by making such a statement the honourable member proves to me he is convinced the Old-age Pensions Act has come to stay. Now, with regard to what the honourable member for Franklin also said, I wish to say that in the hour's speech allowed to me to move the second reading of the Bill I used the time to the best advantage, but there was a lot of information that I could not possibly give within the limited time. There is, for instance, the position of Mr. Smith, the late Surveyor-General. That gentleman has placed his services at our disposal without reward. He takes a great interest in the Islands. He is prepared to go to Niue and to establish Government control of that island, and all he asks is his travelling-expenses. Well, I have given him an imprest of \$100. He is to go there, and he will be there for three months, and practically establish local government on Niue. Now, Niue will be one of the most profitable islands we have. There will be a large trade from Niue, and it will practically cost us nothing. An HON. MEMBER .- What does it produce ? Mr. SEDDON .- Copra, pineapples, cocoa, oranges, bananas, et cetera. It has about five thousand of a population. It is close to Tonga, and there is a large trade from Australia to Tonga, and from Tonga to Niue, and, I take it, much of that trade will come to New Zealand. I could not give that information in the time at my disposal when moving the second reading of the Bill. A great deal has been said in regard to the "white man's burden." I can only say, in this respect, there is no burden at all. Looking at the question from a colonial and a humanitarian standpoint, we cannot evade our responsibilities. What is the case at present ? A large number of these islanders come from our islands. The Act allows three hundred annually to be taken from these Islands ; it is specified where they are to go to. In the one breath we are told by the member for Bruce that the population of the Islands is falling off. Why? By the loss of three hundred taken annually under the labour conditions. I once had a controversy with Sir George Grey on this question, which may be worth reading some day later on, and when the question will be better understood. Here at once is one of our duties, and instead of the population decreasing, my opinion is you will have the islanders

developing the Islands. And in doing so they would be developing New Zealand. Take the financial position : the Island of Penrhyn it will cost you nothing ; Palmerston will cost you nothing; Aitutaki will cost you nothing ; Pukapuka will cost you nothing : these are all producing-islands. Take the revenue of the islands which cost nothing, and are not included in the balance- sheets of the Cook Group, and even with the loss of your Customs the Islands will as a whole be self-supporting. I may say also at once that we are not going in for highly paid officers; I do not think we want more than we have at present ; but I do say you can treble the pro- ductiveness of the Islands at little cost to the

<page>306</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=346></url>

colony, for the Customs duties which formerly went to the Islands will come to New Zealand. From every broad standpoint I am firmly con- vinced the right thing was done, as time will prove that we are justified in what we have done, and the taxpayers will not suffer. I am pleased the debate, although there has been some adverse criticism, has taken the direction it has. I regret I have not had time to give more information which is interesting and applicable. Bill read a second time. OPIUM PROHIBITION BILL. Mr. SEDDON (Premier). - This is a Bill which is brought forward with a view of pre- venting what is a spreading evil in the colony. There will be a loss of revenue of about £8,000 or £9,000 a year; but we prefer to lose that revenue rather than see this curse spread amongst the European youth of both sexes. I have received a largely signed petition from the Chinese themselves asking for this Bill to be passed. They, of course, know its evils, and they see what it is doing, and when they appeal to us to pass an Act preventing the importation of this drug I do not think we should turn a deaf ear to such a request. It will, no doubt, be urged that this Bill only means that this drug will be smuggled into the colony, but I believe that the precautionary provisions of the Bill are sufficient to act as a preventive to smuggling. There is no doubt that we can follow the drug as we do other goods that are smuggled, and, in my opinion, by careful administration, we can stop the spread of the evil. That this evil habit of opium-smoking is spreading can be proved at any time by reference to the police records, and, to my mind, a drunkard or a gambler as compared with an opium-smoker is to be pre- ferred. At all events, we do know that the evil is growing, and we know we have the means of checking it, and I propose this Bill feeling satisfied that, notwithstanding the difficulty there will be in suppressing the intro- duction of the drug, yet we have a right to make the attempt. Mr. MASSEY (Franklin) .- I would like the Premier to tell us what the duty is at the pre- sent time on opium. Mr. SEDDON .- I am not sure, but it is very heavy, and I know the revenue comes to about £8,000 or £9,000 a year. Mr. MASSEY (Franklin) .- Sir, it is very seldom that I have the pleasure of support- ing, almost unreservedly, a Bill introduced by the Hon. the Premier, but I must admit that it is the case on this occasion. I think that the opium habit is a very serious one, and one that ought to be kept in check by legisla- tion. It must have developed in this colony to a very considerable extent when we hear from the Premier that the duty collected on this drug amounts to something like €9,000 per annum. There is one clause though- clause 8 -which, in my opinion, goes a little too far. It is a clause which gives a constable the power of entry to premises of Chinese when he has Mr. Seddon cause to suspect that opium-smoking is per- mitted in any house or premises. The clause continues that "he may, under a search-war- rant, enter and search such house or premises, and seize and carry away any opium, and appliances for the smoking of opium, found therein." And, then, it goes on to say, " Pro- vided that a search-warrant shall not be re- quired in the case of any entry on premises occupied by Chinese." I think while we have Chinese in this colony, some of them naturalized British subjects, the same law should apply to them as applies to Europeans ; and if it is necessary to procure a search-warrant in the case of Europeans, I think it should be neces- sary also in the case of Chinese. There should be no difficulty in obtaining a search-warrant, as Justices of the Peace are sufficiently plentiful in the larger towns where this sort of thing goes on. However, these objections can be dealt with in Committee, and,

generally, I support the Bill. Mr. HORNSBY (Wairarapa) .- I rise to say I am heartily in accord with every one of the provisions of this Bill. I have received a number of communications from Chinese residents in this colony touching on this measure, and, as one who for some years lived on the diggings in the South Island, I know from personal experience of the dreadful effects of this opium-smoking habit. I have seen the effects of it both on Chinese and Europeans, and it affords me a considerable amount of satisfaction to be able to support unreservedly the whole of the provisions of the Bill. In regard to the objection raised by the member for Franklin, let me say that, under all the existing circumstances, it is absolutely necessary that the police should have almost unlimited powers in this matter for the purpose of carrying out a very necessary duty, and I hope there will be no attempt made, on the score of the same law for the Chinese as for the Europeans, to prevent the police having this unlimited power. Those of us who know anything at all about the way in which the Chinese live know the difference in the circumstances between the European dweller and the Chinese ; and I hope this Bill will go through, because I feel convinced that, once its provisions have the force of law, we shall have taken a very desirable step indeed in the direction of putting down one of the greatest curses ever imported into any country. Mr. HERRIES (Bay of Plenty) .- I have also pleasure in supporting the second reading of this Bill if it is necessary. It may be that there is great cause for it, but, personally, I have never heard of any great habit of opium-smoking in the cities, and I should have liked to have heard the Premier give us more information in regard to the necessity for this Bill. I suppose opium-smoking is always prevalent amongst Chinamen, and perhaps more so in Wellington than any other city, because of the larger number of Chinamen here. But I never heard it was affecting colonial youths, and I am very much distressed to hear it. The Premier made that statement, and I think he

<page>307</page>

<url><https://babel.hathitrust.org/cgi/pt?id=uc1.32106019788261&seq=347></url>

should have supported it by some quotations from figures or facts, because I must say it seems to me a rather unpleasant suggestion to make about the young men of this colony. I can hardly believe that they have taken to this unfortunate habit. Mr. HORNSBY .- Yes, and both sexes too. Mr. HERRIES .- Well, that is a very serious allegation to make, and I am sorry that the member for Wairarapa did not support it by facts when he was speaking. I understand the youths of this colony are more addicted to smoking cigarettes, and there is a Bill in another place to prevent that practice, and now we have this Bill to prevent opium-smoking. I do not understand why there should be a clause providing for permits to be granted, and if the Premier makes any reply I shall be glad to hear why this is necessary. I do not know whether opium is used as a medicine or not. An Hon. MEMBER-It is one of the commonest drugs. Mr. HERRIES .- Yes; but not the opium in the form used for smoking. Of course, I know it is an ingredient of many medical prescriptions, but that is not the drug used for smoking. An Hon. MEMBER .- Yes, the same opium. Mr. HERRIES .- Then, if that is the case, I think it is rather hard to say in clause 7 that it shall be absolutely unlawful to smoke opium. It may be ordered by a medical man; and I think a proviso should be put in to say " unless by the order of a medical man." With these suggestions, I think the Bill will meet all that is required ; but, as it has been put on record in Hansard that the young people of the colony are addicted to this habit, I think the Premier should give some facts in support of the statement, because I can hardly believe that the young people of the colony have fallen so low as to consort with Chinese and take to opium-smoking. Mr. FIELD (Otaki) .- I desire to say a few words in respect to this measure, and I am, in any case, impelled to do so by the remarks of the member for the Bay of Plenty. I should think that anybody who had lived in either of the chief cities of the colony for any length of time would probably have heard, not once but over and over again, that opium-smoking was resorted to not only by the Chinese of the colony, but in some cases-a few only, it is hoped-by the European population. There is no question about it that some members of the European population have become

addicted to the habit, and that it is growing, and is likely to grow, on the Europeans. The fact that such a large sum as £9,000 a year is collected in duty on opium shows the large amount that is consumed. To judge by what I have seen, I believe that if the duty was doubled it would not reduce the evil. I was in Melbourne in January last, and I took the opportunity one night, in company with a detective, to go round the opium-dens of the city, and I saw quite enough that night of the hideous and degrading effects of the habit to satisfy me once and for all that no legislation was more desirable in this colony, or any other colony, than legislation to suppress the habit of opium-smoking. It is quite true that the Bill as at present framed has some slight defects, but I cannot agree with the member for Franklin that section 8 is by any means too strong. It seems to me that a constable should have power in the case of a Chinese habitation to enter without a warrant, and in the case of a European habitation to enter with a warrant, if he has any reason to suppose that opium-smoking is there indulged in. One defect of the Bill is in clause 7, which declares the smoking of opium to be unlawful, but provides no penalty. Under clause 6 a penalty is imposed, but clause 7 also should provide for a penalty, though doubtless of a lesser amount than in the case of an offence under clause 6. Mr. SEDDON (Premier) .- I may say there is something in the request of the member for the Bay of Plenty ; and when I make a statement that a number of Europeans of the colony are addicted to this habit, and when I say it is growing, it is not necessary for me to give the names of particular localities, or particular parties, or anything of that kind. I am assured that that is so. I know myself that long ago, on the diggings, in some places the boys used to get to these Chinese quarters and get to smoking opium; and I also know that this does not wholly apply to boys, for I know that some of the other sex have also taken to it. Bill read a second time. The House adjourned at ten minutes past twelve o'clock p.m. #